

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
REGULAR MEETING: FEBRUARY 8, 2024**

Mission Statement

Pacific Grove Unified School District, in partnership with the community and with a focus on equity, will challenge every student by providing a quality instructional program in a positive, safe, and stimulating environment. The District will meet the diverse needs of all students by ensuring exceptional learning opportunities to acquire and apply the knowledge and skills that develop the insight and character necessary for a productive and rewarding life.

DATE: February 8, 2024

TIME: 5:30 PM Closed Session
6:30 PM Open Session

LOCATION: IN PERSON
Pacific Grove Unified School District Office
435 Hillcrest Avenue
Pacific Grove, CA 93950

Trustees:

*Brian Swanson, President
Dr. Elliott Hazen, Clerk
Carolyn Swanson
Jennifer McNary
Laura Ottmar*

Administration:

*Superintendent Dr. Linda Adamson
Assistant Superintendent Joshua Jorn*

Student Representative(s):

*Dario DiMaggio
Dayci Dishny*

VIRTUAL ZOOM MEETING

<https://pgusd.zoom.us/j/86569194634?pwd=STJwdzRPSDZqVUI3Mzd1a2swSDEwQT09>

Meeting ID: 865 6919 4634

Passcode: 636291

One tap mobile +16694449171,,86569194634#,,,,*636291# US

+16699006833,,86569194634#,,,,*636291# US (San Jose)

Find your local number: <https://pgusd.zoom.us/u/kboYomZZvV>

ADDITIONAL TELECONFERENCE LOCATION

This meeting is also being conducted by teleconference at the following location:

Hyatt Regency
5 Embarcadero Center
San Francisco, CA 94111

The Board of Education welcomes you to its meetings, which are regularly scheduled for the first and third Thursdays of the month. Regular Board Meetings shall be adjourned by 10:00 PM, unless extended to a specific time determined by a majority of the Board. This meeting may be extended no more than once and may be adjourned to a later date. Individuals who require accommodation, including but not limited to an American Sign Language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent at least two days before the meeting date.

Any writings or documents that are public records and are provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office located at 435 Hillcrest Avenue, Pacific Grove during normal business hours.

AGENDA AND ORDER OF BUSINESS

I. OPENING BUSINESS

A. Call to Order

B. Land Acknowledgement

Good evening. As we begin this meeting, it's important to pay respect to and acknowledge that we are on the traditional land of the **Ohlone, Costanoan & Esselen** people and additionally pay respect to elders both past and present.

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C. Roll Call

D. Adoption of Agenda

- Board Discussion:
- Public Comment:
- Board Discussion:
- Move: _____ Second: _____ Vote: _____

II. CLOSED SESSION

A. Identify Closed Session Topics

The Board of Education will meet in Closed Session to consider matters appropriate for Closed Session in accordance with Education and Government Code.

1. Negotiations – Collective Bargaining Session planning and preparation with the PGTA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Dr. Linda Adamson for the purpose of giving direction and updates.
2. Negotiations – Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Claudia Arellano and Dr. Linda Adamson for the purpose of giving direction and updates.
3. Public Employee Discipline/Dismissal/Release/Complaint [Government Code § 54957]
4. Superintendent Goals Review

B. Public comment on Closed Session Topics

C. Adjourn to Closed Session

III. RECONVENE IN OPEN SESSION

A. Report action taken in Closed Session:

1. Negotiations – Collective Bargaining Session planning and preparation with the PGTA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Dr. Linda Adamson for the purpose of giving direction and updates.
2. Negotiations – Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school

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employer and its designated representatives, Claudia Arellano and Dr. Linda Adamson for the purpose of giving direction and updates.

3. Public Employee Discipline/Dismissal/Release/Complaint [Government Code § 54957 subdivision(b)]
4. Superintendent Goals Review

B. Pledge of Allegiance

IV. COMMUNICATIONS

- A. Written Communication
- B. Board Member Comments
- C. Superintendent Report
- D. Safety Report

V. INDIVIDUALS DESIRING TO ADDRESS THE BOARD

Public comment on any item of interest to the public that is within the Board's jurisdiction will be heard. The Board will also take public comment on each specific action item prior to Board action on each item. Any individual wishing to comment on a specific item on the current agenda are kindly asked to wait until that item is being discussed. The Board will allow a reasonable amount of time for public comment on each agenda item not to exceed 3 minutes per speaker and no more than 20 minutes per agenda item, pursuant to Board Policy 9323. Speakers will be called sequentially until there is no speaker coming forward on the agenda item or the amount of time allocated for the agenda item has elapsed, whichever comes first. This meeting of the Board of Education is a business meeting of the Board, conducted in public. Please note that the Brown Act limits the Board's ability to respond to public comment. The Board may choose to direct items to the Administration for action or place an item on a future agenda.

- A. PGUSD Staff Comments (Non-Agenda Items)
- B. Community Members (Non-Agenda Items)

VI. CONSENT AGENDA

*Items listed under the Consent Agenda are considered to be routine and/or may have been discussed at a previous Board meeting. **There is no discussion of these items prior to the Board vote unless a member of the Board requests specific items be discussed and/or removed from the Consent Agenda.** Each item on the Consent Agenda approved by the Board of Trustees shall be deemed to have been considered in full and adopted as recommended.*

- A. Minutes of January 25, 2024 Board Meeting 9
Recommendation: (Dr. Linda Adamson, Superintendent) The District Administration recommends that the Board review and approve the minutes as presented.
- B. Cash Receipts #12 17
Recommendation: (Joshua Jorn, Assistant Superintendent) The District Administration recommends that the Board review and approve the Cash Receipts #12.
- C. Acceptance of Donations 20

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Recommendation: (Joshua Jorn, Assistant Superintendent) The District Administration recommends that the board review and accept the donations.

- D. Out of County Overnight Activities 21
Recommendation: (Joshua Jorn, Assistant Superintendent) The District Administration recommends that the Board review and approve the out of county or overnight requests.
- E. Personnel Report 35
Recommendation: (Claudia Arellano, Director II of Human Resources) The District Administration recommends that the Board review and approve the Personnel Report.
- F. Positive Behavior Supports, Corporation Amended Contract 38
Recommendation: (Yolanda Cork-Anthony, Director of Special Education/Student Services) The District Administration recommends the Board review and approve the amended contract with Positive Behavioral Supports Corporation.
- G. Surplus Furniture and Electronic Equipment Discard 44
Recommendation: (Lito Garcia, PGCHS/PGHS Principal) The District Administration recommends the Board review and approve the discards of surplus furniture and electronic equipment from Pacific Grove Community High School.
- H. Ratification of Contract Services for Monterey DJ John Upshaw 46
Recommendation: (Lito Garcia, PGCHS/PGHS Principal) The District Administration recommends that the Board review, ratify, and approve the contract for services with Monterey DJ John Upshaw for the Winter Ball that was held on February 3, 2024.
- I. Contract for Services with Top Youth Speakers 52
Recommendation: (Lito Garcia, PGCHS/PGHS Principal) The District Administration recommends the Board review and approve a contract for services with Top Youth Speakers for the 2023-2024 school year.
- J. Contract for Services for Choreographer Jill Trahan 58
Recommendation: (Lito Garcia, PGCHS/PGHS Principal) The District Administration recommends that the Board approve contract for services for Jill Trahan – Mean Girls Musical.
- K. Contract for Services Center for Developing Minds 64
Recommendation: (Buck Roggeman, Director of Curriculum and Special Projects) The District Administration recommends that the Board review and approve the contract for services to provide a parent education class with the Center for Child Development.
- L. Contract for Services with Monterey County Workforce Development Board 70
Recommendation: (Barbara Martinez, PGAE Principal) The District Administration recommends approval of the contract for services with the Monterey County Workforce Development Board for a Garden Project at the Pacific Grove Adult School.

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- M. MOU with Monterey Peninsula Soccer 76
 Recommendation: (Joshua Jorn, Assistant Superintendent) The District Administration recommends that the Board approve MOU with Monterey Peninsula Soccer.

- Board Discussion:
- Public Comment:
- Board Discussion:
- Move: _____ Second: _____ Vote: _____

VII. PUBLIC HEARING

Public Hearing: Pursuant to Government Code Section 4217.12 the District's Governing Board Will Hold a Public Hearing on the Energy Savings and Cost Savings Associated with the Proposed Energy Services Agreement for HVAC, Lighting and Other Energy Conservation Measures to be installed at various District sites. 80

Open Public Hearing: _____ Close Public Hearing: _____

- A. Approval of Resolution No. 1118: Resolution Making Findings on Energy Savings; Authorizing and Approving Agreement for Energy Savings Project; Authorizing Execution and Delivery of Other Documents and Other Actions Required in Connection Therewith; Determination and Authorization to File a Notice of Exemption from California Environmental Quality Act (CEAQ) Regarding the Construction and Installation of energy efficient capital improvement projects at various PGUSD sites. 81

- Board Discussion:
- Public Comment:
- Board Discussion:
- Move: _____ Second: _____ Vote: _____

VIII. ACTION/DISCUSSION

- A. ABM Building Solutions, LLC Construction Agreement 85
 Recommendation: (Josh Jorn, Assistant Superintendent) The District Administration recommends the Board review and approve the ABM Building Solutions, LLC Construction Agreement.

- Board Discussion:
- Public Comment:
- Board Discussion:
- Move: _____ Second: _____ Vote: _____

- B. Adoption of Resolution No. 1101 Proclaiming March 2024 as Women's History Month 167
 Recommendation: (Dr. Linda Adamson, Superintendent) The District Administration recommends that the Board adopt Resolution No. 1101 Proclaiming March 2024 as Women's History Month.

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- Board Discussion:
- Public Comment:
- Board Discussion:
- Move: _____ Second: _____ Vote: _____

- C. PGTA-PGUSD Memorandum of Understanding – Transfers & Assignments 170
 Recommendation: (Buck Roggeman, Director of Curriculum and Special Projects) The District Administration recommends the Board review and approve this memorandum of understanding (MOU) between the Pacific Grove Teachers Association (PGTA) and Pacific Grove Unified School District (PGUSD) to expedite the process for advertising job vacancies.

- Board Discussion:
- Public Comment:
- Board Discussion:
- Move: _____ Second: _____ Vote: _____

- D. Proposed Board Calendar/Future Meetings (August 2024 – December 2024) 172
 Recommendation: (Dr. Linda Adamson, Superintendent) The District Administration recommends that the Board review and possibly modify meeting dates on the attached calendar and determine, given information from the Administration, whether additional Board dates or modifications need to be established.

- Board Discussion:
- Public Comment:
- Board Discussion:
- Move: _____ Second: _____ Vote: _____

- E. Board Calendar/Future Meetings (Past Dates – June 2024) 175
 Recommendation: (Dr. Linda Adamson, Superintendent) The District Administration recommends that the Board review and possibly modify meeting dates on the attached calendar and determine, given information from the Administration, whether additional Board dates or modifications need to be established.

- Board Discussion:
- Public Comment:
- Board Discussion:
- Move: _____ Second: _____ Vote: _____

IX. INFORMATION/DISCUSSION

- A. Administration Cultural Proficiency and Bias Response Training 180
 Recommendation: (Buck Roggeman, Director of Curriculum and Special Projects) The District Administration Recommends the Board review and approve Administration Cultural Proficiency and Bias Response Training.

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- Board Comment:
- Public Comment:
- Direction: _____

B. Midyear LCAP 192
 Recommendation: (Buck Roggeman, Director of Curriculum and Special Projects) The District Administration Recommends the Board review the Midyear supplement to the 2023-2024 LCAP Update.

- Board Comment:
- Public Comment:
- Direction: _____

C. Board Policy Updates 250
 Recommendation: (Dr. Linda Adamson, Superintendent) The District Administration recommends the Board review the Board Policy, Administrative Regulation, and Board Bylaw updates recently reviewed by the Board Policy Committee on January 24, 2024.

- Board Comment:
- Public Comment:
- Direction: _____

D. Report on Governor's Budget Proposal 509
 Recommendation: (Josh Jorn, Assistant Superintendent) The District Administration recommends that the Board review the information provided regarding Governor Newsom's Budget Proposal for 2024-2025.

- Board Comment:
- Public Comment:
- Direction: _____

E. Review of Budget Development Calendar 514
 Recommendation: (Josh Jorn, Assistant Superintendent) The District Administration recommends that the Board review the Budget Development Calendar for fiscal year 2024-2025.

- Board Comment:
- Public Comment:
- Direction: _____

F. Pacific Grove Middle School's Teacher on Special Assignment (TOSA) Efforts Update 516
 Recommendation: (Sean Roach, PGMS Principal & Brice Gamble, PGMS Teacher on Special Assignment) The District Administration recommends that the Board receive information on the first semester initiatives/achievements of Mr. Gamble and learn more about the second semester goals for the 2023/2024 school year.

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- Board Comment:
- Public Comment:
- Direction: _____

G. Quarterly Facilities Project Updates 527

Recommendation: (Jon Anderson, Director of Facilities/Transportation) The District Administration recommends that the Board receive information on the updated quarterly report of facilities projects that are either ongoing, complete, or in the planning stages.

- Board Comment:
- Public Comment:
- Direction: _____

H. Future Agenda Items

Recommendation: (Dr. Linda Adamson, Superintendent) The District Administration recommends that the Board review the list of future agenda items and direct Administration to add items to the list and/or schedule items for a particular agenda.

- Board Comment:
- Public Comment:
- Direction: _____

X. ADJOURNMENT

Next regular Board Meeting will be held on March 7, 2024

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
SPECIAL MEETING MINUTES: JANUARY 25, 2024**
YouTube Link: <https://www.youtube.com/watch?v=6h0ths0oK6s>

I. OPENING BUSINESS

A. Call to Order – 5:31 PM

B. Land Acknowledgement

Good evening. As we begin this meeting, it's important to pay respect to and acknowledge that we are on the traditional land of the **Ohlone, Costanoan & Esselen** people and additionally pay respect to elders both past and present.

C. Roll Call

Trustee(s) Present: President Brian Swanson (BS)
Trustee Carolyn Swanson (CS)
Trustee Jennifer McNary (JM)
Trustee Laura Ottmar (LO)
Clerk Dr. Elliott Hazen (EH)

Trustee(s) Virtual at Alternate Location: N/A

Trustee(s) Absent: N/A

Administration Present: Superintendent Dr. Linda Adamson (LA)

Board Recorder: Lucero Villegas

Student Representative: N/A

D. Adoption of Agenda

- Board Discussion: N/A
- Public Comment: N/A
- Board Discussion:
 - LA – Highlighted Closed Session will begin at 6:30 PM as stated on Board Meeting Agenda, with Open Session from 6:30-7:30 PM
 - Provided an overview of edits with page numbers and sections
 - CS: Proposed Board Meeting to adjourn at 7:30 PM and to stop business to continue to NCBI Training
 - Comment acknowledged by Board
- Move: BS Second: EH Vote: Motion CARRIED by vote 5 – 0

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A. Identify Closed Session Topics

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1. Negotiations – Collective Bargaining Session planning and preparation with the PGTA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public

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school employer and its designated representatives, Buck Roggeman and Dr. Linda Adamson for the purpose of giving direction and updates.

2. Negotiations – Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Claudia Arellano and Dr. Linda Adamson for the purpose of giving direction and updates.
 3. Public Employee Discipline/Dismissal/Release/Leave/Complaint [Government Code § 54957]
 4. Superintendent Goals Review
- B. Public comment on Closed Session Topics
- C. Adjourn to Closed Session

III. RECONVENE IN OPEN SESSION

- A. Report action taken in Closed Session:
1. Negotiations – Collective Bargaining Session planning and preparation with the PGTA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Dr. Linda Adamson for the purpose of giving direction and updates.
 - BS: Information shared and given
 2. Negotiations – Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Claudia Arellano and Dr. Linda Adamson for the purpose of giving direction and updates.
 - BS: Information shared and given
 3. Public Employee Discipline/Dismissal/Release/Leave/Complaint [Government Code § 54957 subdivision(b)]
 - BS: Information given
 - Second Part: Board took vote to deny a request for 4 months unpaid leave absence for an employee
 4. Superintendent Goals Review

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- BS: Information given

B. Pledge of Allegiance

IV. COMMUNICATIONS

A. Written Communication

- BS:
 - Letter from PG City relating to future housing sites
 - 2 Letters relating to TK registration
 - Letter relating to a student's suspension
 - Numerous sales pitches and spam
 - Letter relating to AP courses
 - Letter relating to joint subcommittee between PGUSD and the City of PG
- CS:
 - Personalized Governor's Budget Workshop Letter
 - Thank you Letter for President Role
 - Letter about Council on American Islamic relations bullying report and rise in islamophobia
 - 2 Letters relating to ABM (requesting updated report details & higher level concerns)
 - Letter about SPED
 - Letter about senior mock interviews at the PGHS
- EH:
 - Letter from Carmel School Board
- LO:
 - Emails regarding concerns with TK registration
- JM:
 - Invitation from Community Human Services regarding a shelter open house
 - Email regarding PGHS open house

B. Board Member Comments

- EH: Highlighted participation at RHD for Whale Month
- LO: Joined second grade whale-watching field trip
- JM: Attended CHS meeting last week and finalized CEO evaluation

C. Superintendent Report

- LA:
 - Provided overview of 1:1 Meeting numbers with parents, staff, community members, etc.
 - Site visits for AVID class plus a play at the PGMS

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- Currently looking into the TK registration process to release updated communication as a response to concerns

D. Safety Report: N/A

V. INDIVIDUALS DESIRING TO ADDRESS THE BOARD

Public comment on any item of interest to the public that is within the Board's jurisdiction will be heard. The Board will also take public comment on each specific action item prior to Board action on each item. Any individual wishing to comment on a specific item on the current agenda are kindly asked to wait until that item is being discussed. The Board will allow a reasonable amount of time for public comment on each agenda item not to exceed 3 minutes per speaker and no more than 20 minutes per agenda item, pursuant to Board Policy 9323. Speakers will be called sequentially until there is no speaker coming forward on the agenda item or the amount of time allocated for the agenda item has elapsed, whichever comes first. This meeting of the Board of Education is a business meeting of the Board, conducted in public. Please note that the Brown Act limits the Board's ability to respond to public comment. The Board may choose to direct items to the Administration for action or place an item on a future agenda.

A. PGUSD Staff Comments (Non-Agenda Items)

N/A

B. Community Members (Non-Agenda Items)

- Becky Michael (Vice President at MPC and PGUSD Parent): Invited community to a series of community input sessions
Note: Flyer with details included in the January 26, 2024 Weekly Break
- Alexis Rober (Virtual Commenter): Music teacher at RHD and FGE resigned and Ms. Priest plus Dr. Warren mentioned as possibly teaching rest of year's classes – A barrier is finding the budget or allocation of funds to pay staff for an essential service

VI. CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine and/or may have been discussed at a previous Board meeting. There is no discussion of these items prior to the Board vote unless a member of the Board requests specific items be discussed and/or removed from the Consent Agenda. Each item on the Consent Agenda approved by the Board of Trustees shall be deemed to have been considered in full and adopted as recommended.

A. Minutes of January 11, 2024 Board Meeting

Recommendation: (Dr. Linda Adamson, Superintendent) The District Administration recommends that the Board review and approve the minutes as presented.

B. Warrant Schedule 663

Recommendation: (Joshua Jorn, Assistant Superintendent) The District Administration recommends that the Board review and accept the Warrant schedule 663.

C. Steve Vaden, Welder Consultant

Recommendation: (Lito Garcia, Principal Community High School) The District Administration recommends the Board review and approve Steve Vaden as a welder consultant.

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D. MEarth

Recommendation: (Lito Garcia, Principal Community High School) The District Administration recommends the Board review and approve PGCHS garden collaboration with MEarth.

- Board Discussion: N/A
- Public Comment: N/A
- Board Discussion: N/A
- Move: EH Second: JM Vote: Motion CARRIED by vote 5 – 0

VII. ACTION/DISCUSSION

A. School Accountability Report Card

Recommendation: (Buck Roggeman, Director of Curriculum and Special Projects) District Administration recommends the Board review and approve the School Accountability Report Card.

- YouTube Video 20:35-39:08 – Buck Roggeman & Jon Anderson provided verbal plus visual report(s)
- Board Discussion:
 - BS – SARC Report contains many details and rates – they are being addressed by Directors
 - JM – SARC Report is presumably generated by the state – how do items (such as electric or fencing) be categorized as “good” as an example?
 - Jon Anderson – Report categorizes items as “good” for usable places/items
 - JM – Members of the community may not understand the ratings
 - EH: Has dual enrollment been pushed to the state level? Buck responded that these stats are not currently posted on the SARC Report
 - CS: Hopes state can start including TK stats
- Public Comment: N/A
- Board Discussion:
- Move: JM Second: LO Vote: Motion CARRIED by vote 5 – 0

B. MCSBA 2024 Excellence in Education Award

Recommendation: (Dr. Linda Adamson, Superintendent) District Administration recommends the Board review and nominate their top three organizations for the MCSBA 2024 Excellence in Education Award.

- YouTube Video 39:19-46:23 – Board reviewed organizations

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YouTube Link: <https://www.youtube.com/watch?v=6h0ths0oK6s>

- Board Discussion:
 - Top three organizations chosen by Board: Special Kids Connect, The Wahine Project & Monterey County Rape Crisis Center
Note: Nominations form sent to MCSBA
 - Public Comment: N/A
 - Board Discussion:
 - Move: BS Second: CS Vote: Motion CARRIED by vote 5 – 0
- C. Proclamation Declaring January 2024 as Board Recognition Month
 Recommendation: (Dr. Linda Adamson, Superintendent) District Administration recommends the Board approve the proclamation recognizing January 2024 as School board Recognition Month.
- YouTube Video 46:29-51:51 – LA read proclamation and thanked Board for dedication
- Board Discussion: N/A
 - Public Comment: N/A
 - Board Discussion: N/A
 - Move: JM Second: BS Vote: Motion CARRIED by vote 5 – 0
- D. Board Calendar/Future Meetings
 Recommendation: (Dr. Linda Adamson, Superintendent) The Administration recommends that the Board review and possibly modify meeting dates on the attached calendar and determine, given information from the Administration, whether additional Board dates or modifications need to be established.
- YouTube Video 52:14-53:49 – LA highlighted only change on calendar is Board Governance Training on March 4th
- Board Discussion:
 - CS – Complemented calendar organization and details
 - Public Comment: N/A
 - Board Discussion: N/A
 - Move: EH Second: CS Vote: Motion CARRIED by vote 5 – 0

VIII. INFORMATION/DISCUSSION

- A. 2022-23 SSC Organizational Review of PGUSD Human Resources – Updates
 Recommendation: (Claudia Arellano, Human Resources Director II) The District Administration recommends that the Board review updates to the attached Organizational Review of Human Resources as originally presented by School Services of California, Inc. (SSC).

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➤ YouTube Video 53:51-1:05:11 – Claudia Arellano presented verbal and visual report via Zoom

- Board Comment:
 - BS – Thank you for details
- Public Comment: N/A
- Direction: N/A

B. Future Agenda Items

Recommendation: (Dr. Linda Adamson, Superintendent) The Administration recommends that the Board review the list of future agenda items and direct Administration to add items to the list and/or schedule items for a particular agenda.

➤ YouTube Video 1:05:15-1:06:15 – LA asked Board members if any item(s) should be brought forward

- Board Comment:
 - BS – Thank you for details
- Public Comment: N/A
- Direction: N/A

C. Board Cultural Proficiency Training

Recommendation: (Dr. Linda Adamson, Superintendent) The Administration recommends that the Board begin Cultural Proficiency Training led by National Coalition Building Institute (NCBI) and Black Leaders and Allies Collaborative (BLAAC).

➤ YouTube Video 1:06:18-END – Claudia Arellano presented verbal and visual report via Zoom

- Board Comment:
 - BA: Training is open to the public but will not be online
- Public Comment:
 - N/A
- Direction: _____

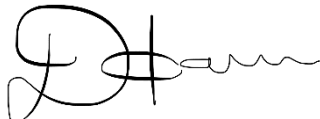
IX. ADJOURNMENT

Adjourned – 7:32 PM

Next regular Board Meeting will be held on Thursday, February 8, 2024

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Approved and submitted:



Superintendent Dr. Linda Adamson
Secretary to the Board

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

SUBJECT: Cash Receipts Report #12

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Joshua Jorn, Assistant Superintendent

RECOMMENDATION:

The District Administration recommends that the Board review and approve the Cash Receipts #12.

BACKGROUND:

The attached listing identifies Cash Receipts received by the District during the period of December 21, 2023 to January 30, 2024.

INFORMATION:

The receipt and deposit of the identified funds were conducted consistent with District policies and procedures within the appropriate revenue accounts.

PGUSD
2023-24 BOARD REPORT # 12 Cash Receipts

December 21, 2023 - January 30, 2024

Date	Num	Name	Account	Amount
Dec 21, '23 - Jan 30, 24				
12/21/2023	22160	EMPLOYEE	REIMBURSMENT	18.51
12/21/2023	22161	RETIREE INSURANCE	RETIREE INSURANCE	4,416.00
12/21/2023	22162	ADULT EDUCATION	ADULT EDUCATION	1,042.00
12/21/2023	22163	Developer Fees	Developer Fees	3,257.20
12/22/2023	22164	BASRP-RD	BASRP	162.00
12/22/2023	22165	VOID	VOID	
12/22/2023	22166	BASRP-FG	BASRP	118.00
01/08/2024	22167	ADULT EDUCATION	ADULT EDUCATION	250.00
01/08/2024	22168	RETIREE INSURANCE	RETIREE INSURANCE	27,182.81
01/08/2024	22169	Intercare Holding Insurance	WORKERSCOMP	2,462.54
01/08/2024	22170	Intercare Holding Insurance	WORKERSCOMP	1,967.20
01/08/2024	22171	STATE OF CALIFORNIA	CAFETERIA	31,300.32
01/08/2024	22172	STATE OF CALIFORNIA	CAFETERIA	114,985.26
01/08/2024	22173	Facilitron	FACILITIES USE	301.00
01/08/2024	22174	CASH	REIMB EXP	39.30
01/08/2024	22175	MISC	Benefits	227.00
01/08/2024	22176	PGMS	SCIENCE CAMP	2,460.00
01/08/2024	22177	PGMS	FUNDRAISER	80.00
01/08/2024	22178	PGMS PTA	SCIENCE CAMP	2,000.00
01/09/2024	22179	CAFETERIA	BANK FEE	-79.99
01/10/2024	22180	PGHS	TEXT BOOK FEES	15.00
01/10/2024	22181	Robert Down Elementary	Birthday Books	60.00
01/10/2024	22182	Robert Down Elementary	FIELD TRIP	20.00
01/11/2024	22183	BASRP-FG	BASRP	15,181.00
01/11/2024	22184	BASRP/COMBO	BASRP	24,724.00
01/11/2024	22185	STATE OF CALIFORNIA	MEDI-CAL	346.19
01/11/2024	22186	ADULT EDUCATION	ADULT EDUCATION	715.00
01/11/2024	22187	RETIREE INSURANCE	RETIREE INSURANCE	1,317.00
01/11/2024	22188	ADULT EDUCATION	ADULT EDUCATION	56,064.29
01/12/2024	22189	Intercare Holding Insurance	WORKERSCOMP	1,967.20
01/12/2024	22190	Intercare Holding Insurance	WORKERSCOMP	1,741.46
01/12/2024	22191	Intercare Holding Insurance	WORKERSCOMP	1,741.46
01/12/2024	22192	RETIREE INSURANCE	RETIREE INSURANCE	130.00
01/16/2024	22193	Intercare Holding Insurance	WORKERSCOMP	175.90
01/16/2024	22194	Developer Fees	Developer Fees	1,544.40
01/16/2024	22195	BASRP-RD	BASRP	793.00
01/16/2024	22196	RETIREE INSURANCE	RETIREE INSURANCE	2,394.00
01/17/2024	22197	PGMS	SCIENCE CAMP	100.00
01/18/2024	22198	PGMS	SCIENCE CAMP	1,150.00
01/18/2024	22199	BASRP-FG	BASRP	9,329.03
01/18/2024	22200	BASRP-RD	BASRP	14,615.03
01/18/2024	22201	Transportation	BUS PASS	20.00
01/18/2024	22202	Intercare Holding Insurance	WORKERSCOMP	140.51
01/18/2024	22203	Intercare Holding Insurance	WORKERSCOMP	1,119.51
01/19/2024	22204	ADULT EDUCATION	ADULT EDUCATION	225.00
01/19/2024	22205	HUMAN RESOURCES	MISC	6.00
01/22/2024	22206	PGMS	SCIENCE CAMP	930.00
01/22/2024	22207	STATE OF CALIFORNIA	MEDI-CAL	77,177.00
01/22/2024	22208	CAFETERIA	REBATE	53.35
01/23/2024	22209	MISC	Benefits	227.00
01/24/2024	22210	Developer Fees	Developer Fees	4,727.73
01/24/2024	22211	Robert Down Elementary	Birthday Books	20.00
01/24/2024	22212	Robert Down Elementary	DONATION	60.00
01/24/2024	22213	ADULT EDUCATION	ADULT EDUCATION	35,257.10
01/24/2024	22214	ADULT EDUCATION	ADULT EDUCATION	3,027.10
01/25/2024	22215	RETIREE INSURANCE	RETIREE INSURANCE	700.00
01/25/2024	22216	STATE OF CALIFORNIA	PRESCHOOL	30,633.00
01/26/2024	22217	RETIREE INSURANCE	RETIREE INSURANCE	876.22
01/26/2024	22218	ADULT EDUCATION	ADULT EDUCATION	135.00
01/26/2024	22219	PGMS	SCIENCE CAMP	680.00
01/29/2024	22220	RETIREE INSURANCE	RETIREE INSURANCE	686.00

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Account</u>	<u>Amount</u>
01/30/2024	22221	Monterey Peninsula College	MISC	12,653.83
01/30/2024	22222	CAFETERIA	REIMB EXP	3,842.00
01/30/2024	22223	Facilitron	FACILITIES USE	2,954.92
01/30/2024	22224	RETIREE INSURANCE	RETIREE INSURANCE	969.00
Dec 21, '23 - Jan 30, 24				<u>503,433.38</u>

- Student Learning and Achievement
 Health and Safety of Students and Schools
 Credibility and Communication
 Fiscal Solvency, Accountability and Integrity

- Consent
 Action/Discussion
 Information/Discussion
 Public Hearing

SUBJECT: Acceptance of Donations

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Joshua Jorn, Assistant Superintendent

RECOMMENDATION:

The District Administration recommends that the Board review and accept the donations.

INFORMATION:

During the past months the following donations were received:

Forest Grove Elementary School

None

Robert H. Down Elementary School

Vaitea Fusco

\$60.00 (Mrs. Gilmore Class Donation)

Pacific Grove Middle School

None

Pacific Grove High School

None

Pacific Grove Community High School

None

Pacific Grove Adult School /Lighthouse Preschool & Preschool Plus Co-op

None

Pacific Grove Unified School District

None

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

SUBJECT: Out of County or Overnight Activities

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Joshua Jorn, Assistant Superintendent

RECOMMENDATION:

The District Administration recommends that the Board review and approve the Out of County or Overnight requests.

BACKGROUND:

Board Policy 6153 requires prior approval of all school sponsored trips. Out of County/State or overnight trips require Board approval. Other trips may be approved by the Superintendent or designee.

INFORMATION:

The attached list identifies overnight/Out of County/State trip(s) being proposed by school sites at this time.

FISCAL IMPACT:

The request has an identified cost and associated source of funds. These activities expose the District to increased liability with a resulting potential for financial impact.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
2023-24 OUT OF COUNTY OR OVERNIGHT ACTIVITIES

<u>Date(s)</u>	<u>Destination</u>	<u>Student/ Class/ Activity</u>	<u>Transportation</u>	<u>Cost</u>	<u>Funding Source</u>
2/3/2024	Watsonville High School Watsonville, CA	PGHS Wrestling Team PCAL Finals	District Van	\$ -	na
2/17/2024	San Lorenzo High School San Lorenzo, CA	PGHS Track Team Track Invitational	District Van	\$ -	na
2/20/24-2/23/24	Long Beach Convention Center Long Beach, CA	PGHS Culinary ProStart Cup Competition	Auto	\$ 7,867.00	PGHS Catering/ CTEIG
2/20/24-2/23/24	Koinonia Conference Grounds Santa Cruz, CA	PGMS 6th Grade Outdoor Science School	Charter	\$ 6,300.00	PGMS Science School Funds
2/22/2024	Soquel High School Soquel, CA	PGHS Softball Team Non League Game	School Bus	\$ 901.25	Athleticss
2/29/24-3/3/24	Santa Clara Fairgrounds Santa Clara, CA	PGHS Robotics Silicon Valley Regional Robotics Competition	Auto	\$ 5,398.25	PGHS Robotics Account
3/2/2024	Hollister High School Hollister, CA	PGHS Track Team Ray Dunn Invite-Non League Track Meet	School Bus	\$ 1,027.50	Athletics
3/2/2024	Santa Cruz High School Santa Cruz, CA	PGHS Baseball Team Non League Game	District Van	\$ -	na
3/22/24-3/24/24	Chabot College Hayward, CA	PGHS Dance Team Dance Competition	Auto	\$ 1,825.00	PGHS Dance Team
4/20/2024	Los Gatos High School Los Gatos, CA	PGHS Track Team CCS Top 8	District Van	\$ -	na
5/3/2024	St. Francis High School Watsonville, CA	PGHS Baseball Team League Game	District Van	\$ -	na
5/18/2024	Gilroy High School Gilroy, CA	PGHS Track Team CCS Final	District Van	\$ 160.00	Athletics

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 2/3/2024 Day of Activity: Saturday

Activity Name/ Location: PCAL finals watsonville Address: 250 E Beach St

City: Watsonville County: Santa cruz

School: Pacific Grove High School Teacher/ Class or Club: PGHS Wrestling Grade: 9-12

School Departure Time: 6 a.m. Pickup Time from Place of Activity: 8 p.m.

Name(s) of Employee(s) Accompanying Students: Calvin Miller, Brandon Rosa

Number of Adults: 2 Number of Students: 15
(Total Chaperones)

Description of Activity/ Educational Objective: Wrestling Finals change of venue

List All Stops: Watsonville High School

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. cm (Teacher/Coach/Advisors Initials)

Means of Transportation: District Van
(Board Regulation 3541.1 requirements will be complied with when using private autos: cm (Teacher/ Coach/Advisors Initials)
Calvin Miller, Brandon Rosa

Name(s) of Auto Drivers (subject to change): _____
 Form-OCA-1 Release of Driver Record Information is on file with the District on file
 Form-OCA-2 Personal Automobile Information is on file with the District on file
 Fingerprint clearance is on file with the District cleared

Requested By: Chris Morgan Chris Morgan Date: 01/29/2024
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Lito M Garcia Date: 01/29/2024

Substitute Required: No # of Days _____ Account Code (for sub): _____

Cost of Activity: \$ 0 + Cost of Transportation: \$ 0 + Cost of Substitute: \$ _____ = Total Cost (Est): \$ 0.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride () Other _____

Account Code: N/A

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: _____ Transportation Available: _____

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: _____ Date: _____

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 2/17/2024 Day of Activity: Saturday

Activity Name/ Location: Grizzly Invitational Address: 50 E Jewelling Blvd

City: San Lorenzo County: Alameda

School: Pacific Grove High School Teacher/ Class or Club: PGHS track Grade: 9-12

School Departure Time: 6 a.m. Pickup Time from Place of Activity: 6 p.m.

Name(s) of Employee(s) Accompanying Students: Ryan Travaille, Tracy travaille

Number of Adults: 2 Number of Students: 15
(Total Chaperones)

Description of Activity/ Educational Objective: Track invitational

List All Stops: San Lorenzo high school

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. cm (Teacher/Coach/Advisors Initials)

Means of Transportation: District Van
(Board Regulation 3541.1 requirements will be complied with when using private autos: cm (Teacher/ Coach/Advisors Initials)
Ryan Travaille, Tracy Travaille; parents driving own children

Name(s) of Auto Drivers (subject to change): _____
 Form-OCA-1 Release of Driver Record Information is on file with the District on file
 Form-OCA-2 Personal Automobile Information is on file with the District on file
 Fingerprint clearance is on file with the District cleared

Requested By: Chris Morgan Chris Morgan Date: 01/29/2024
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Lito M Garcia Date: 01/31/2024

Substitute Required: No # of Days _____ Account Code (for sub): _____

Cost of Activity: \$ 0 + Cost of Transportation: \$ 0 + Cost of Substitute: \$ _____ = Total Cost (Est): \$ 0.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride () Other _____

Account Code: N/A

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: _____ Transportation Available: _____

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: _____ Date: _____

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 2/20/24-2/23/24 Day of Activity: Tuesday through Friday

Activity Name/ Location: ProStartCup LongBeach Cnvn Ctr Address: 300 East Ocean Boulevard

City: Long Beach County: Los Angeles

School: Pacific Grove High School Teacher/ Class or Club: Culinary Team Grade: 10-12

School Departure Time: 8:00 a.m. Pickup Time from Place of Activity: 9:00 p.m.

Name(s) of Employee(s) Accompanying Students: Imogen Erickson, Zoe Wilson, Jeffrey Erickson

Number of Adults: 3 Number of Students: 9
(Total Chaperones)

Description of Activity/ Educational Objective: Annual State Competition <https://calrestfoundation.org/prostartcup/>

List All Stops: Rest stops, restaurants, grocery stores for competition ingredients, hotel, convention center

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. IE (Teacher/Coach/Advisors Initials)

Means of Transportation: Auto*
(Board Regulation 3541.1 requirements will be complied with when using private autos: IE (Teacher/ Coach/Advisors Initials)
We have initiated a request to borrow the two athletic department vans and would also be taking one

Name(s) of Auto Drivers (subject to change): private vehicle, Jeff Erickson, Zoe Wilson, Imogen Erickson

- Form-OCA-1 Release of Driver Record Information is on file with the District on file
- Form-OCA-2 Personal Automobile Information is on file with the District on file
- Fingerprint clearance is on file with the District all cleared

Requested By: Imogen Erickson Imogen Erickson Date: 01/16/2024
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Lito M Garcia Date: 01/17/2024

Substitute Required: Yes # of Days 4 Account Code (for sub): _____

Cost of Activity: \$ 6867 + Cost of Transportation: \$ _____ + Cost of Substitute: \$ 1,000.00 = Total Cost (Est): \$ 7,867.00

Funds to be charged for all activity expenses: () Students (x) Club () PG Pride (x) Other CTEIG - Travel

Account Code: Wells Fargo ASB - #8994873977/711 Catering Corp & CTEIG Travel - 01-6387-0-3800-1000-5200-00-006-8500-0720

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: _____ Transportation Available: _____

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: _____ Date: _____

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 02/20/2024 Day of Activity: Depart Tuesday & Pickup Friday 2/23

Activity Name/ Location: Koinonia Conference Grounds Address: 1605 Eureka Canyon Road

City: Watsonville County: Santa Cruz

School: PG Middle School Teacher/ Class or Club: 6th graders Grade: 6th graders

School Departure Time: 9:00 a.m. Pickup Time from Place of Activity: 10:30 a.m.

Name(s) of Employee(s) Accompanying Students: Monika Parsons, MaryAnn Fort, Moira Mahr, Stephanie Bolton, Amy Tulley

Number of Adults: 14 Number of Students: 124
(Chaperones)

Description of Activity/ Educational Objective: 6th Grade Outdoor Science

List All Stops: n/a- Depart PGMS on 2/20 and pick up from Koinonia Conf. Grounds on Friday 2/23 to come back to PGMS

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. AA _____ (Teacher/Coach/Advisors Initials)

Means of Transportation: Charter
(Board Regulation 3541.1 requirements will be complied with when using private autos: _____ (Teacher/ Coach/Advisors Initials))

Name(s) of Auto Drivers (subject to change): _____
() Form-OCA-1 Release of Driver Record Information is on file with the District _____
() Form-OCA-2 Personal Automobile Information is on file with the District _____
() Fingerprint clearance is on file with the District _____

Requested By: Jessica Millington Jessica Millington Date: 08/24/2023
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Sean Roach Date: 01/18/2024

Substitute Required: No # of Days _____ Account Code (for sub): _____

Cost of Activity: \$ _____ + Cost of Transportation: \$ 6300 + Cost of Substitute: \$ _____ = Total Cost (Est): \$ 6,300.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride () Other _____

Account Code: PGMS Science School 01-9005-0-1167-1000-5800-00-005-1400-0000

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: 01/16/2024 Transportation Available: Yes

Transportation Type: () School Bus (x) Charter

Approved by Transportation Supervisor: Jon Anderson Date: 01/18/2024

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 2/22/2024 Day of Activity: Thursday

Activity Name/ Location: Soquel High school Address: 401 soquel san jose road

City: Soquel County: Santa cruz

School: Pacific Grove High School Teacher/ Class or Club: PGHS softball team Grade: 9-12

School Departure Time: 2 p.m. Pickup Time from Place of Activity: 6 p.m.

Name(s) of Employee(s) Accompanying Students: Sal Lucido Chris Morgan

Number of Adults: 2 Number of Students: 25
(Total Chaperones)

Description of Activity/ Educational Objective: non league softball game

List All Stops: Soquel HS

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. cm (Teacher/Coach/Advisors Initials)

Means of Transportation: School Bus
(Board Regulation 3541.1 requirements will be complied with when using private autos: cm (Teacher/ Coach/Advisors Initials))

Name(s) of Auto Drivers (subject to change): _____
() Form-OCA-1 Release of Driver Record Information is on file with the District _____
() Form-OCA-2 Personal Automobile Information is on file with the District _____
() Fingerprint clearance is on file with the District _____

Requested By: Chris Morgan Chris Morgan Date: 01/25/2024
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Lito M Garcia Date: 01/31/2024

Substitute Required: No # of Days _____ Account Code (for sub): _____

Cost of Activity: \$ 0 + Cost of Transportation: \$ 901.25 + Cost of Substitute: \$ _____ = Total Cost (Est): \$ 901.25

Funds to be charged for all activity expenses: () Students () Club () PG Pride () Other _____

Account Code: Athletics

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: 01/25/2024 Transportation Available: Yes

Transportation Type: (x) School Bus () Charter

Approved by Transportation Supervisor: Jon Anderson Date: 01/30/2024

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: Feb 29-Mar 3 2024 Day of Activity: Thursday - Sunday

Activity Name/ Location: Silicon Vally Regional Address: Santa Clara Fairgrounds

City: San Jose County: Santa Clara

School: Pacific Grove High School Teacher/ Class or Club: Richmond/Robotics Grade: 9-12

School Departure Time: 8:30 a.m. Pickup Time from Place of Activity: 9:00 p.m.

Name(s) of Employee(s) Accompanying Students: Sally Richmond, Robert (Roby) Hyde

Number of Adults: 5 Number of Students: 24
(Total Chaperones)

Description of Activity/ Educational Objective: To compete in the FIRST robotics competition at Silicon Valley

List All Stops: Hotel stay: Hampton Inn and Suites, Sunnyvale

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. sar (Teacher/Coach/Advisors Initials)

Means of Transportation: Auto*
(Board Regulation 3541.1 requirements will be complied with when using private autos: sar (Teacher/ Coach/Advisors Initials)
Sally Richmond, Robert Hyde, Fran Coen, Michelle Ford, Tom Hall

Name(s) of Auto Drivers (subject to change): _____
(x) Form-OCA-1 Release of Driver Record Information is on file with the District all on file
(x) Form-OCA-2 Personal Automobile Information is on file with the District all on file
(x) Fingerprint clearance is on file with the District all cleared

Requested By: Sally A. Richmond Sally A. Richmond Date: 01/07/2024
Employee Signature (accompanying students) (Printed Name)

Administrative Approval/Principal: Lito M Garcia Date: 01/11/2024

Substitute Required: Yes # of Days 2 Account Code (for sub): _____

Cost of Activity: \$ 4800 + Cost of Transportation: \$ 98.25 + Cost of Substitute: \$ 500.00 = Total Cost (Est): \$ 5,398.25

Funds to be charged for all activity expenses: () Students () Club () PG Pride (x) Other _____

Account Code: Wells Fargo ASB account - #8994873977/801 Robotics

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: _____ Transportation Available: _____

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: _____ Date: _____

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 3/2/2024 Day of Activity: Saturday

Activity Name/ Location: Ray Dunn Invite Hollister Address: 1220 monterey st

City: Hollister County: San Benito

School: Pacific Grove High School Teacher/ Class or Club: PGHS track team Grade: 9-12

School Departure Time: 8 a.m. Pickup Time from Place of Activity: 5 p.m.

Name(s) of Employee(s) Accompanying Students: Ryan Travaille, Tracey Travaille, Don Mothershead

Number of Adults: 3 Number of Students: 40

(Total Chaperones)

Description of Activity/ Educational Objective: Non-league track meet

List All Stops: Hollister high school

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. cm (Teacher/Coach/Advisors Initials)

Means of Transportation: School Bus
(Board Regulation 3541.1 requirements will be complied with when using private autos: cm (Teacher/Coach/Advisors Initials))

Name(s) of Auto Drivers (subject to change): _____

() Form-OCA-1 Release of Driver Record Information is on file with the District _____

() Form-OCA-2 Personal Automobile Information is on file with the District _____

() Fingerprint clearance is on file with the District _____

Requested By: Chris Morgan Chris Morgan Date: 01/24/2024
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Lito M Garcia Date: 02/01/2024

Substitute Required: No # of Days _____ Account Code (for sub): _____

Cost of Activity: \$ 0 + Cost of Transportation: \$ 1027.50 + Cost of Substitute: \$ _____ = Total Cost (Est): \$ 1,027.50

Funds to be charged for all activity expenses: () Students () Club () PG Pride (x) Other _____

Account Code: Athletics

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: 01/24/2024 Transportation Available: Yes

Transportation Type: (x) School Bus () Charter

Approved by Transportation Supervisor: Jon Anderson Date: 02/01/2024

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 3/2/2024 Day of Activity: Saturday

Activity Name/ Location: Baseball game Address: 415 Walnut Ave

City: Santa Cruz County: Santa cruz

School: Pacific Grove High School Teacher/ Class or Club: PGHS baseball Grade: 9-12

School Departure Time: 10 a.m. Pickup Time from Place of Activity: 4 p.m.

Name(s) of Employee(s) Accompanying Students: Craig Bell, Jeff Gray

Number of Adults: 2 Number of Students: 15
(Total Chaperones)

Description of Activity/ Educational Objective: Non league baseball game

List All Stops: Santa Cruz High School

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. cm (Teacher/Coach/Advisors Initials)

Means of Transportation: District Van
(Board Regulation 3541.1 requirements will be complied with when using private autos: cm (Teacher/ Coach/Advisors Initials)
Craig Bell, Jeff Gray

Name(s) of Auto Drivers (subject to change): _____
(x) Form-OCA-1 Release of Driver Record Information is on file with the District on file _____
(x) Form-OCA-2 Personal Automobile Information is on file with the District on file _____
(x) Fingerprint clearance is on file with the District Cleared

Requested By: Chris Morgan Chris Morgan Date: 01/25/2024
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Lito M Garcia Date: 01/29/2024

Substitute Required: No # of Days _____ Account Code (for sub): _____

Cost of Activity: \$ 0 + Cost of Transportation: \$ 0 + Cost of Substitute: \$ _____ = Total Cost (Est): \$ 0.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride () Other _____

Account Code: N/A

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: _____ Transportation Available: _____

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: _____ Date: _____

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 3/22-3/24 2024 Day of Activity: Fri.-Sun.

Activity Name/ Location: Competition, Chabot College PAC Address: 25555 Hesperian Blvd.

City: Hayward County: Alameda

School: Pacific Grove High School Teacher/ Class or Club: Tatum Madrid/Dance Team Grade: 9-12

School Departure Time: 3:30 p.m. Pickup Time from Place of Activity: 8:00 p.m.

Name(s) of Employee(s) Accompanying Students: Tatum Madrid

Number of Adults: 4 Number of Students: 12
(Total Chaperones)

Description of Activity/ Educational Objective: Dance Competition

List All Stops: N/A

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. TM (Teacher/Coach/Advisors Initials)

Means of Transportation: Auto*
(Board Regulation 3541.1 requirements will be complied with when using private autos: TM (Teacher/ Coach/Advisors Initials)
Tatum Madrid, Erin Homami, Kate Stevens

Name(s) of Auto Drivers (subject to change): _____

- Form-OCA-1 Release of Driver Record Information is on file with the District on file
- Form-OCA-2 Personal Automobile Information is on file with the District on file
- Fingerprint clearance is on file with the District all cleared

Requested By: Tatum Madrid Tatum Madrid Date: 01/14/2024
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Lito M Garcia Date: 01/17/2024

Substitute Required: No # of Days _____ Account Code (for sub): _____

Cost of Activity: \$ 1525 + Cost of Transportation: \$ 300.00 + Cost of Substitute: \$ _____ = Total Cost (Est): \$ 1825

Funds to be charged for all activity expenses: () Students () Club () PG Pride (x) Other Dance Team

Account Code: Wells Fargo Athletic Fund - 1965169244/462 Dance Team (Plus food costs and hotel to be determined)

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: _____ Transportation Available: _____

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: _____ Date: _____

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 4/20/2024 Day of Activity: Saturday

Activity Name/ Location: CCS top 8 Los Gatos Address: 20 High School Ct.

City: Los Gatos County: Los Gatos

School: Pacific Grove High School Teacher/ Class or Club: PGHS track Grade: 9-12

School Departure Time: 8 a.m. Pickup Time from Place of Activity: 5 p.m.

Name(s) of Employee(s) Accompanying Students: Ryan Travaille, Tracy Travaille

Number of Adults: 2 Number of Students: 20

(Total Chaperones)

Description of Activity/ Educational Objective: top 8 invite-must qualify

List All Stops: Los Gatos

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. cm (Teacher/Coach/Advisors Initials)

Means of Transportation: District Van
(Board Regulation 3541.1 requirements will be complied with when using private autos: cm (Teacher/ Coach/Advisors Initials)
Ryan Travaille, Tracy Travaille; parents driving own students)

Name(s) of Auto Drivers (subject to change): _____

(x) Form-OCA-1 Release of Driver Record Information is on file with the District on file

(x) Form-OCA-2 Personal Automobile Information is on file with the District on file

(x) Fingerprint clearance is on file with the District Cleared

Requested By: Chris Morgan Chris Morgan Date: 01/24/2024
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Lito M Garcia Date: 01/25/2024

Substitute Required: No # of Days _____ Account Code (for sub): _____

Cost of Activity: \$ 0 + Cost of Transportation: \$ 0 + Cost of Substitute: \$ _____ = Total Cost (Est): \$ 0.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride () Other _____

Account Code: N/A

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: _____ Transportation Available: _____

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: _____ Date: _____

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 5/3/2024 Day of Activity: Friday

Activity Name/ Location: baseball St Francis Address: 2400 E lake Blvd

City: Watsonville County: Santa cruz

School: Pacific Grove High School Teacher/ Class or Club: PGHS Baseball Grade: 9-12

School Departure Time: 2 p.m. Pickup Time from Place of Activity: 6 p.m.

Name(s) of Employee(s) Accompanying Students: Jeff Gray, Chris Morgan

Number of Adults: 2 Number of Students: 15
(Total Chaperones)

Description of Activity/ Educational Objective: League baseball game

List All Stops: St Francis High school

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. cm (Teacher/Coach/Advisors Initials)

Means of Transportation: District Van
(Board Regulation 3541.1 requirements will be complied with when using private autos: cm (Teacher/ Coach/Advisors Initials)
Jeff Gray, Chris Morgan)

Name(s) of Auto Drivers (subject to change): _____
(x) Form-OCA-1 Release of Driver Record Information is on file with the District on file
(x) Form-OCA-2 Personal Automobile Information is on file with the District on file
(x) Fingerprint clearance is on file with the District cleared

Requested By: Chris Morgan Chris Morgan Date: 01/25/2024
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Lito M Garcia Date: 01/31/2024

Substitute Required: No # of Days _____ Account Code (for sub): _____

Cost of Activity: \$ 0 + Cost of Transportation: \$ 0 + Cost of Substitute: \$ _____ = Total Cost (Est): \$ 0.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride () Other _____

Account Code: N/A

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: _____ Transportation Available: _____

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: _____ Date: _____

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 5/18/2024 Day of Activity: Saturday

Activity Name/ Location: CCS final - Gilroy Address: 120 Monterey St

City: Gilroy County: santa Clara

School: Pacific Grove High School Teacher/ Class or Club: PGHS track team Grade: 9-12

School Departure Time: 8 a.m. Pickup Time from Place of Activity: 5 p.m.

Name(s) of Employee(s) Accompanying Students: Ryan Travaille, Tracy Travaille

Number of Adults: 2 Number of Students: 15
(Total Chaperones)

Description of Activity/ Educational Objective: CCS final - Gilroy

List All Stops: Gilroy

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. cm (Teacher/Coach/Advisors Initials)

Means of Transportation: District Van
(Board Regulation 3541.1 requirements will be complied with when using private autos: cm (Teacher/ Coach/Advisors Initials)
Ryan Travaille, Tracy Travaille)

Name(s) of Auto Drivers (subject to change): _____
(x) Form-OCA-1 Release of Driver Record Information is on file with the District on file
(x) Form-OCA-2 Personal Automobile Information is on file with the District on file
(x) Fingerprint clearance is on file with the District cleared

Requested By: Chris Morgan Chris Morgan Date: 01/24/2024
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Lito M Garcia Date: 01/26/2024

Substitute Required: No # of Days _____ Account Code (for sub): _____

Cost of Activity: \$ _____ + Cost of Transportation: \$ 160.00 + Cost of Substitute: \$ _____ = Total Cost (Est): \$ 160.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride (x) Other Athletics - Transport.

Account Code: Wells Fargo Athletics Account Fund - #1965169244/479 Transportation account or #413 Track & Field account

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: _____ Transportation Available: _____

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: _____ Date: _____

Approved by Assistant Superintendent: _____ Date: _____

Board Approval: _____ Date of Board Approval: _____

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

SUBJECT: Personnel Report

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Claudia Arellano, Director II, Human Resources

RECOMMENDATION:

The District Administration recommends the Board of Trustees approve the Personnel Report as presented.

BACKGROUND:

The Personnel Report outlines appointments, leaves, resignations, retirements and releases as it relates to employees' employment status with the District.

Recruitment and selection procedures include dissemination of vacancy announcements to local and surrounding public agencies, community colleges and institutions of higher education as well as posting on the District's website.

INFORMATION:

Persons listed in the Personnel Report are being recommended to the Board of Education for employment in the District. No individual is recommended to the Board of Education for employment prior to receipt of the criminal background summary.

FISCAL IMPACT:

N/A

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
 PERSONNEL REPORT – CERTIFICATED
 February 8, 2024

APPOINTMENTS

Name	Position	FTE	Site	Status	Effective Dates
Turell, Soleil	ESL Instructor	Various	ADE	Prob	1/3/24
Aurangzeb, Pamela	Substitute Teacher	Various	District	On-Call	12/1/23
Sadrozinski, Susan	Substitute Teacher	Various	District	On-Call	12/4/23
Andersen, Amanda	Substitute Teacher	Various	District	On-Call	1/16/24

RESIGNATIONS/RELEASES/RETIREMENTS

Name	Position	FTE	Site	Status	Effective Dates
Durst, Alan	Music Teacher	0.4	RDE/FGE	Resignation	01/12/24

LEAVES OF ABSENCE

Name	Position	FTE	Site	Leave Type	Effective Dates
Keller, Sean	Principal	1.0	RDE	FMLA	1/25/24-3/7/24
Temple, Alyssa	Teacher	0.5	RDE	FMLA	1/15/24 -4/19/24

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
PERSONNEL REPORT – CLASSIFIED
February 8, 2024

APPOINTMENTS

Name	Position	FTE	Site	Status	Effective Dates
Lowen, Alexander	JV Boys Soccer Coach	Seasonal	PGHS	Walk On	1/1/24
Radunzel, Beth	ASE Instructor	Various	FGE	Walk On	1/22/24
Damon, Jonathan	College and Career Tech	0.5	ADE	Prob	1/22/24
Solomon, Petra	College and Career Tech	1.0	ADE	Prob	1/1/24
Dorantes-Santos, Diana	Substitute Classified	Various	District	On-Call	12/5/23
Quezada, Esperanza	Substitute Classified	Various	District	On-Call	1/9/24
Morales-Marin, Pablo	Substitute Classified	Various	District	On-Call	1/9/24
Capetillo, Issac	Substitute Classified	Various	District	On-Call	12/27/23
Mello, Kathleen	Substitute Classified	Various	District	On-Call	1/19/24
Khatri-Acharya, Sunita	Substitute Classified	Various	District	On-Call	1/16/24
Bishop, Robert	Substitute Classified	Various	District	On-Call	1/12/24

RESIGNATIONS/RELEASES/RETIREMENTS

Name	Position	FTE	Site	Status	Effective Dates
Armbruster, Rebecca	Instructional Assistant	0.5	ADE/ CDC	Resigning	1/31/24
Avila, Maribel	Food Service I	0.6875	PGMS	Resigning	1/30/24
Croft, Rachel	Paraprofessional/ Crossing Guard	0.875	PGHS	Resigning	2/2/24
Roth, Monty	Boys Tennis Coach	Various	PGHS	Resigning	1/29/24
Cochran, Richard	Girls Softball Coach	Various	PGHS	Resigning	1/12/24
Gamecho, Amaya	JV Volleyball Coach	Various	PGHS	Resigning	1/25/24
Ackerman, Mandi	Executive Assistant	1.0	DO	Resigning	2/16/24
Prasad, Nayan	Custodian I	1.0	Adult Ed	39 mo rehire list	1/6/24
Quilty, Kristen	Payroll/Benefits Specialist	1.0	DO	Resigning	2/16/24

LEAVES OF ABSENCE

Name	Position	FTE	Site	Leave Type	Effective Dates
Rodriguez, Alyssa	Payroll/Benefits Tech	1.0	DO	FMLA	2/5/24 - 4/12/24

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

SUBJECT: Contract with Positive Behavior Supports Corp. for 23-24SY

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Yolanda Cork-Anthony, Director of Student Services

RECOMMENDATION:

The District Administration recommends the Board review and approve the amended contract between Pacific Grove Unified School District and Positive Behavioral Supports Corp.

BACKGROUND:

By amending the contract, we will increase Board Certified Behavior Analyst (BCBA) hours to provide Functional Behavior Analysis (FBA) assessments, Behavior Intervention Plans (BIP) and consultation to special education and general education staff. PBS, Corp will provide the district BCBA to collaborate with staff on behavioral strategies (for four hours per month for twelve students). During the 23-24SY, the District is contracting with PBS Corp for paraprofessional support, BCBA supervision of Behavior Technicians (BT), FBA, BIP and additional time for data analysis and IEP meeting attendance.

INFORMATION:

The original contract was approved by the board during the August 3, 2023 board meeting, and amended in September 21, 2023. Due to increased need of students with behavioral challenges, increased services on the IEP, the district will increase the contract with PBS to provide behavioral support and strategies and services to students. The contract is being increased to reflect the need to provide 2 additional Behavior Technicians (BT) to serve students who require additional support per the IEP for the 23-24SY.

FISCAL IMPACT:

\$326,120	Previous approved contract
\$ 52,260	2 additional Behavior Technicians, 6.5 hours daily for 67 days at \$60/hr
\$ 4,620	Board Certified Behavior Analyst supervision, 3 hours weekly for 14 weeks (\$110/hr)
\$383,000	Total Amended Contract

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
INDEPENDENT CONSULTANT AGREEMENT**

CONSULTANT Positive Behavior Supports, Corp

SITE/DEPARTMENT Student Services

SUBMITTED BY Yolanda Cork-Anthony

FUNDING SOURCE Special Ed NPS Contracts and One-Time Federal Funds

AGREEMENT TOTAL AMOUNT \$383,000

The District employee providing the attached Independent Consultant Agreement to the person or entity who will be providing special services to the District should first do the following:

1. Provide only the Pacific Grove Unified School District's approved Independent Consultant Agreement. The Independent Consultant Agreement should be completed in lieu of signing any vendor contract for services.
2. Review the insurance requirements for the person or entity and revise the insurance provisions of the agreement accordingly.
3. Review the forms under Section 20 and determine which of those documents should be attached to the agreement.

This Independent Consultant Agreement for Special Services ("Agreement") is made between the Pacific Grove Unified School District ("District") and **Positive Behavior Supports, Corp** ("Consultant") (together, "Parties").

WHEREAS, the District is authorized by Section 53060 of the California Government Code to contract with and employ any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal, transportation, administrative matters or other specialized services, if those persons are specially trained and experienced and competent to perform the special services required; and

WHEREAS, the District is in need of those services and/or advice; and

WHEREAS, the Consultant is specially trained and experienced and competent to perform the services required by the District, and those services are needed on a limited basis;

NOW, THEREFORE, the Parties agree as follows:

1. **Services and/Scope of work.** The Consultant shall furnish to the District the following services herein by this reference ("Services" or "Work"): Consultant shall serve as providing the district with **6 Behavior Technicians (BT) and a Board Certified Behavior Analyst (BCBA)**. Consultant shall use their specialized experience and skills to organize, maintain to serve in this capacity. Services shall include but not be limited to: **supporting the needs of students with IEPs, supervision of each BT, conduct Functional behavior Analysis (FBA) and Behavior Intervention Plans (BIP), collaborate with staff on behavioral strategies, and additional time for data analysis and consultation for IEP meetings.**
2. **Term.** Consultant shall commence providing services under this Agreement on **8/9/2023**, and will diligently perform as required and complete performance by **5/31/2024**.

3. **Compensation.** District agrees to pay **\$383,000** to Consultant for Services satisfactorily rendered pursuant to this Agreement. This is not to exceed **\$383,000** during the term of this Agreement. District shall pay Consultant according to the following terms and conditions:
 - 3.1. Payment for the Services shall be made for all undisputed amounts in installment payments within thirty (30) days after the Consultant submits an invoice to the District for Services actually completed.
4. **Expenses.** District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing Services for District.
5. **Independent Consultant.** Consultant, in the performance of this Agreement, shall be and act as an Independent Consultant. Consultant understands and agrees that he/she shall not be considered an officer, employee, agent, partner, or joint venture of the District, and is not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, Social Security and income taxes with respect to Consultant. In the performance of the Services herein contemplated, Consultant is an independent Consultant or business entity, with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained.
6. **Performance of Services.**
 - 6.1. **Standard of Care.** Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.
 - 6.2. **District Approval.** The Services completed herein must meet the approval of the District and shall be subject to the District's general right of inspection and supervision to secure the satisfactory completion thereof.
 - 6.3. **Licenses.** Consultant's represents that s/he possesses all required licenses to perform the Services provided in this Agreement.
7. **Termination.**
 - 7.1. **Without Cause by District.** District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.
 - 7.2. **Without Cause by Consultant.** Consultant may, upon thirty (30) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by Consultant shall be sufficient to stop further performance of services to District. Consultant acknowledges that this thirty (30) day notice period is acceptable so that the District can attempt to procure the Services from another source.
 - 7.3. **With Cause by District.** District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:
 - 7.3.1. Material violation of this Agreement by the Consultant; or
 - 7.3.2. Any act by Consultant exposing the District to liability to others for personal injury or property damage.

Written notice by District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Consultant. If the expense, fees, and/or costs to the District exceeds the cost of providing the services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

8. **Compliance.** Consultant shall, at all times while providing the Services, comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements, as well as all state executive orders and all public health orders regarding student health and safety, including but not limited to, policies and procedures related to social distancing, the use of personal protective equipment ("PPE") such as face coverings and gloves, and the sanitization of facilities to help prevent the spread of COVID-19 and other contagious diseases.
9. **District's Evaluation of Consultant.** The District may evaluate the Consultant's performance. In no event shall an evaluation of Consultant be considered a prerequisite to the District exercising its rights under paragraph 7 above.
10. **Limitation of District Liability.** Other than as provided in this Agreement, District's financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event shall District be liable to Consultant, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.
11. **Indemnity.** Consultant shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Consultant, its agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the "Consultant Parties") in the performance of or failure to perform Consultant's or Consultant Parties' obligations under this Agreement, including, but not limited to Consultant's or Consultant Parties' use of District sites, performance of the Services, breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. The indemnification provided for in this Section includes, without limitation to the foregoing, claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Consultant or Consultant Parties under the California Fair Employment and Housing Act ("FEHA").
12. **Confidentiality.** The Consultant and all Consultant's agents, personnel, employee(s), and/or Sub-consultant(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.
13. **Notice.** Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the

United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows:

<u>District</u>	<u>Consultant</u>
Pacific Grove Unified School District	Name: Positive Behavior Supports, Corp
435 Hillcrest Avenue	Address: 95 3rd Street, 2nd Floor
Pacific Grove, CA 93950	City/State/Zip: San Francisco, CA 94103
ATTENTION: Joshua Jorn	Business Phone: 831-747-7439
Assistant Superintendent/CBO	Email (Optional): NPostma@teampbs.com

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

14. **Integration/Entire Agreement of Parties.** This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.
15. **California Law.** This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Monterey County, California.
16. **Waiver.** The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.
17. **Severability.** If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.
18. **Attorney Fees/Costs.** Should litigation be necessary to enforce any terms or provisions of this Agreement, then each party shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.
19. **Counterparts.** This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.
20. **Incorporation of Recitals and Exhibits.** The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.
21. **Non-Assignability.** Consultant may not, without the written permission of the District, use other consultants within Consultant's own firm, or outside experts to perform the services for the District.
22. **Fingerprinting.** When the Consultant is working directly with students, the Consultant shall not commence Services under this Agreement until the Consultant has submitted and the District has approved the following document:
 - DOJ Clearance Previously Received by District

- Fingerprinting done by the organization independently (declare under perjury)- Consultant's Employee(s)
- No direct contact or interaction with students

23. **W-9.** Consultant has provided a completed:
 W-9 Form

24. **Type of Business Entity:**

- Corporation, State
- Individual
- Partnership
- Limited Liability Company
- Sole Proprietorship
- Limited Partnership
- Other: _____

**Federal Code of Regulations sections 6041 and 6209 require non-corporate recipients of \$600.00 or more to furnish their taxpayer identification number to the payer. The regulations also provide that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these regulations, the District requires your federal tax identification number or Social Security number, whichever is applicable.*

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.

Pacific Grove Unified School District
 Site representative or Assistant Superintendent
(Signed AFTER Board approval)

Consultant
(Can sign BEFORE Board's approval)

Signature: _____
 Name: Yolanda Cork-Anthony
 Title: Director of Student Services
 Date: _____

Signature: _____
 Name: Nicole Postma
 Date: _____

Human Resources
(Signed AFTER Board approval)

Contracted work was not assigned using District's normal employment recruitment process.
 Signature _____ Date _____
 Director of Human Resources

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

SUBJECT: Surplus Furniture and Electronic Equipment Discard

DATE: February 8th, 2024

PERSON(S) RESPONSIBLE: Lito M. García, Principal

RECOMMENDATION:

The District Administration recommends the Board review and approve the discards of surplus furniture and electronic equipment from PGCHS.

BACKGROUND:

The surplus items are no longer being used or are outdated and not safe to the use of students..

INFORMATION:

As noted above the items are no longer being used or are outdated.

FISCAL IMPACT:

There is no fiscal impact.

Check all that apply: ELECTRONIC EQUIPMENT FURNITURE SUPPLIES FIXTURES
 NOT TO BE USED FOR TEXTBOOKS

Description/Make <i>(brand name & type of equipment)</i>	Reason for Discard	Quantity	Working <i>Yes or No</i>	Month/Year Purchased	Last Function	Bar Code or ID Tag If over \$500	Model/Serial Number
<i>(sample)</i> Dell TX240 Server	Outdated		yes	1/2000	Office computer	000078943	VX-2652H
Rusty Old Sander	Outdated	1	No	Unknown	Unknown	NA	NA
Lower Cabinet 4 Doors	Outdated	1	No	Unknown	Unknown	NA	NA
Broken Table Saw	Outdated	1	No	Unknown	Unknown	NA	NA
Rock Polisher Machine	Outdated	1	No	Unknown	Unknown	NA	NA
Ray Tech Machine	Outdated	1	No	Unknown	Unknown	NA	

Diana Dorantes-Santos

 PRINT NAME OF PERSON COMPLETING FORM



 ADMINISTRATOR'S SIGNATURE

01/25/2024

 DATE

*** Do not write below this line***

Site Library Approval	District Tech Approval	Maintenance & Ops Approval	Business Office Approval	Board Approval

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

SUBJECT: Ratification Item for Pacific Grove Unified School District - Contract for Services with Monterey DJ John Upshaw

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Lito Garcia, Pacific Grove High School Principal

RECOMMENDATION:

The District Administration recommends the Board review, ratify and approve the contract for services with Monterey DJ John Upshaw for the Winter Ball that was held on February 3, 2024.

BACKGROUND:

This is not a new vendor. This DJ already has a contract with PG Middle School, and we have used his services in the past. This contract is an emergency because the DJ we had contracted with cancelled after all deadlines for topics and paperwork submission had passed. Monterey DJ has been fingerprinted and the report is on file with our district.

INFORMATION:

This contract for services is for February 3, 2024. He is to be paid for lighting, set up and music.

FISCAL IMPACT:

\$1,000.00 will be paid from the ASB Wells Fargo Account.

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
INDEPENDENT CONSULTANT AGREEMENT**

CONSULTANT [Monterey DJ - John Upshaw]

SITE/DEPARTMENT [Pacific Grove High School/ASB Leadership]

SUBMITTED BY [Lito Garcia, Principal Pacific Grove High School]

FUNDING SOURCE [Wells Fargo Associated Student Body Account]

#AGREEMENT TOTAL AMOUNT \$1000.00]

The District employee providing the attached Independent Consultant Agreement to the person or entity who will be providing special services to the District should first do the following:

1. Provide only the Pacific Grove Unified School District's approved Independent Consultant Agreement. The Independent Consultant Agreement should be completed in lieu of signing any vendor contract for services.
2. Review the insurance requirements for the person or entity and revise the insurance provisions of the agreement accordingly.
3. Review the forms under Section 20 and determine which of those documents should be attached to the agreement.

This Independent Consultant Agreement for Special Services ("Agreement") is made between the Pacific Grove Unified School District ("District") and [Monterey DJ - John Upshaw]

WHEREAS, the District is authorized by Section 53060 of the California Government Code to contract with and employ any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal, transportation, administrative matters or other specialized services, if those persons are specially trained and experienced and competent to perform the special services required; and

WHEREAS, the District is in need of those services and/or advice; and

WHEREAS, the Consultant is specially trained and experienced and competent to perform the services required by the District, and those services are needed on a limited basis;

NOW, THEREFORE, the Parties agree as follows:

1. **Services and/Scope of work.** The Consultant shall furnish to the District the following services herein by this reference ("Services" or "Work"): Consultant shall serve as videographer. Consultant shall use their specialized experience and skills to organize, maintain to serve in this capacity. Services shall include but not be limited to: [providing music for the Winter Ball]
2. **Term.** Consultant shall commence providing services under this Agreement on February 3, 2024, and will diligently perform as required and complete performance by 02/03/24.
3. **Compensation.** District agrees to pay \$1000.00] to Consultant for Services satisfactorily rendered pursuant to this Agreement. This is not to exceed \$1000.00] during the term of this Agreement. District shall pay Consultant according to the following terms and conditions:

- 3.1. Payment for the Services shall be made for all undisputed amounts in installment payments within thirty (30) days after the Consultant submits an invoice to the District for Services actually completed.
4. **Expenses.** District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing Services for District.
5. **Independent Consultant.** Consultant, in the performance of this Agreement, shall be and act as an Independent Consultant. Consultant understands and agrees that he/she shall not be considered an officer, employee, agent, partner, or joint venture of the District, and is not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, Social Security and income taxes with respect to Consultant. In the performance of the Services herein contemplated, Consultant is an independent Consultant or business entity, with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained.
6. **Performance of Services.**
- 6.1. **Standard of Care.** Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.
- 6.2. **District Approval.** The Services completed herein must meet the approval of the District and shall be subject to the District's general right of inspection and supervision to secure the satisfactory completion thereof.
- 6.3. **Licenses.** Consultant's represents that s/he possesses all required licenses to perform the Services provided in this Agreement.
7. **Termination.**
- 7.1. **Without Cause by District.** District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.
- 7.2. **Without Cause by Consultant.** Consultant may, upon thirty (30) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by Consultant shall be sufficient to stop further performance of services to District. Consultant acknowledges that this thirty (30) day notice period is acceptable so that the District can attempt to procure the Services from another source.
- 7.3. **With Cause by District.** District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:
- 7.3.1. Material violation of this Agreement by the Consultant; or
- 7.3.2. Any act by Consultant exposing the District to liability to others for personal injury or property damage.
- Written notice by District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Consultant. If the expense, fees, and/or costs to the District

exceeds the cost of providing the services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

8. **Compliance.** Consultant shall, at all times while providing the Services, comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements, as well as all state executive orders and all public health orders regarding student health and safety, including but not limited to, policies and procedures related to social distancing, the use of personal protective equipment ("PPE") such as face coverings and gloves, and the sanitization of facilities to help prevent the spread of COVID-19 and other contagious diseases.
9. **District's Evaluation of Consultant.** The District may evaluate the Consultant's performance. In no event shall an evaluation of Consultant be considered a prerequisite to the District exercising its rights under paragraph 7 above.
10. **Limitation of District Liability.** Other than as provided in this Agreement, District's financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event shall District be liable to Consultant, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.
11. **Indemnity.** Consultant shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Consultant, its agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the "Consultant Parties") in the performance of or failure to perform Consultant's or Consultant Parties' obligations under this Agreement, including, but not limited to Consultant's or Consultant Parties' use of District sites, performance of the Services, breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. The indemnification provided for in this Section includes, without limitation to the foregoing, claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Consultant or Consultant Parties under the California Fair Employment and Housing Act ("FEHA").
12. **Confidentiality.** The Consultant and all Consultant's agents, personnel, employee(s), and/or Sub-consultant(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.
13. **Notice.** Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows:

District

Pacific Grove Unified School District

435 Hillcrest Avenue

Pacific Grove, CA 93950

ATTENTION: Joshua Jorn

Assistant Superintendent/CBO

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

Consultant

Name: Monterey DJ - John Upshaw

Address: 413 Windsor Ct.

City/State/Zip: Marina, CA 93933

Business Phone: [831-227-2416]

Email john@montereydj.net

14. **Integration/Entire Agreement of Parties.** This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.
15. **California Law.** This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Monterey County, California.
16. **Waiver.** The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.
17. **Severability.** If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.
18. **Attorney Fees/Costs.** Should litigation be necessary to enforce any terms or provisions of this Agreement, then each party shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.
19. **Counterparts.** This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.
20. **Incorporation of Recitals and Exhibits.** The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.
21. **Non-Assignability.** Consultant may not, without the written permission of the District, use other consultants within Consultant's own firm, or outside experts to perform the services for the District.
22. **Fingerprinting.** When the Consultant is working directly with students, the Consultant shall not commence Services under this Agreement until the Consultant has submitted and the District has approved the following document:
- 23.
- X DOJ Clearance Previously Received by District
Fingerprinting done by the organization independently (declare under perjury)-
Consultant's Employee(s)
 No direct contact or interaction with students

24. **W-9.** Consultant has provided a completed:

W-9 Form

25. **Type of Business Entity:**

- Corporation, State
- Individual
- Partnership
- Limited Liability Company
- Sole Proprietorship
- Limited Partnership
- Other: _____

**Federal Code of Regulations sections 6041 and 6209 require non-corporate recipients of \$600.00 or more to furnish their taxpayer identification number to the payer. The regulations also provide that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these regulations, the District requires your federal tax identification number or Social Security number, whichever is applicable.*

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.

Pacific Grove Unified School District
Site representative or Assistant Superintendent
(Signed AFTER Board approval)

Consultant
(Can sign BEFORE Board's approval)

Signature: _____

Signature: _____

Name: [Josh Jorn]

Name: _____

Title: [Assistant Superintendent]

Date: _____

Date: _____

Human Resources
(Signed AFTER Board approval)

Contracted work was not assigned using District's normal employment recruitment process.

Signature _____ Date _____
Director of Human Resources

- | | |
|--|---|
| <input checked="" type="checkbox"/> Student Learning and Achievement | <input checked="" type="checkbox"/> Consent |
| <input type="checkbox"/> Health and Safety of Students and Schools | <input type="checkbox"/> Action/Discussion |
| <input type="checkbox"/> Credibility and Communication | <input type="checkbox"/> Information/Discussion |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: Contract for Services with Top Youth Speakers 2023-2024 School Year

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Lito M. Garcia, Principal, Pacific Grove High School

RECOMMENDATION:

The District Administration recommends the Board review and approve a contract for services with Top Youth Speakers.

BACKGROUND:

Guest speaker for students of Pacific Grove High School, Dr. John Gains, will be presenting at a student assembly followed by an evening presentation for families and community members. The title of the keynote is Pushing for Love, Teaching Students How to Value Themselves & Others

INFORMATION:

Dr. John Gaines comes to us with a strong recommendation from one of our prior presenters from Top Youth Speakers who was highly impactful. Dr. Gains has been asked to focus on the topic of diversity, equity and inclusion (DEI), as a way to support the work that our site and district has been doing to help reduce incidences of bias and racism. The site leadership team has viewed Dr. Gaines's promotional videos and has expressed support for this activity.

FISCAL IMPACT:

\$4980 to be funded through Parent Education for Student Success Fund

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
INDEPENDENT CONSULTANT AGREEMENT**

CONSULTANT Top Youth Speakers

SITE/DEPARTMENT Pacific Grove High School

SUBMITTED BY Lito M Garcia, Principal

FUNDING SOURCE 11-6391-0-4110-1000-5800-00-006-1020-0000

AGREEMENT TOTAL AMOUNT \$4,980

The District employee providing the attached Independent Consultant Agreement to the person or entity who will be providing special services to the District should first do the following:

1. Provide only the Pacific Grove Unified School District's approved Independent Consultant Agreement. The Independent Consultant Agreement should be completed in lieu of signing any vendor contract for services.
2. Review the insurance requirements for the person or entity and revise the insurance provisions of the agreement accordingly.
3. Review the forms under Section 20 and determine which of those documents should be attached to the agreement.

This Independent Consultant Agreement for Special Services ("Agreement") is made between the Pacific Grove Unified School District ("District") and Top Youth Speakers ("Consultant") (together, "Parties").

WHEREAS, the District is authorized by Section 53060 of the California Government Code to contract with and employ any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal, transportation, administrative matters or other specialized services, if those persons are specially trained and experienced and competent to perform the special services required; and

WHEREAS, the District is in need of those services and/or advice; and

WHEREAS, the Consultant is specially trained and experienced and competent to perform the services required by the District, and those services are needed on a limited basis;

NOW, THEREFORE, the Parties agree as follows:

1. **Services and/Scope of work.** The Consultant shall furnish to the District the following services herein by this reference ("Services" or "Work"): Consultant shall serve as a Guest Speaker. Consultant shall use their specialized experience and skills to organize, maintain to serve in this capacity. Services shall include but not be limited to: Guest Speaker.
2. **Term.** Consultant shall commence providing services under this Agreement on August 1, 2023 . and will diligently perform as required and complete performance by June 1, 2024 . .
3. **Compensation.** District agrees to pay \$4980 to Consultant for Services satisfactorily rendered pursuant to this Agreement. This is not to exceed \$4980 during the term of this Agreement. District shall pay Consultant according to the following terms and conditions:

- 3.1. Payment for the Services shall be made for all undisputed amounts in installment payments within thirty (30) days after the Consultant submits an invoice to the District for Services actually completed.
4. **Expenses.** District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing Services for District.
5. **Independent Consultant.** Consultant, in the performance of this Agreement, shall be and act as an Independent Consultant. Consultant understands and agrees that he/she shall not be considered an officer, employee, agent, partner, or joint venture of the District, and is not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, Social Security and income taxes with respect to Consultant. In the performance of the Services herein contemplated, Consultant is an independent Consultant or business entity, with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained.
6. **Performance of Services.**
- 6.1. **Standard of Care.** Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.
- 6.2. **District Approval.** The Services completed herein must meet the approval of the District and shall be subject to the District's general right of inspection and supervision to secure the satisfactory completion thereof.
- 6.3. **Licenses.** Consultant's represents that s/he possesses all required licenses to perform the Services provided in this Agreement.
7. **Termination.**
- 7.1. **Without Cause by District.** District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.
- 7.2. **Without Cause by Consultant.** Consultant may, upon thirty (30) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by Consultant shall be sufficient to stop further performance of services to District. Consultant acknowledges that this thirty (30) day notice period is acceptable so that the District can attempt to procure the Services from another source.
- 7.3. **With Cause by District.** District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:
- 7.3.1. Material violation of this Agreement by the Consultant; or
- 7.3.2. Any act by Consultant exposing the District to liability to others for personal injury or property damage.
- Written notice by District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Consultant. If the expense, fees, and/or costs to the District

exceeds the cost of providing the services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

8. **Compliance.** Consultant shall, at all times while providing the Services, comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements, as well as all state executive orders and all public health orders regarding student health and safety, including but not limited to, policies and procedures related to social distancing, the use of personal protective equipment ("PPE") such as face coverings and gloves, and the sanitization of facilities to help prevent the spread of COVID-19 and other contagious diseases.
9. **District's Evaluation of Consultant.** The District may evaluate the Consultant's performance. In no event shall an evaluation of Consultant be considered a prerequisite to the District exercising its rights under paragraph 7 above.
10. **Limitation of District Liability.** Other than as provided in this Agreement, District's financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event shall District be liable to Consultant, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.
11. **Indemnity.** Consultant shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Consultant, its agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the "Consultant Parties") in the performance of or failure to perform Consultant's or Consultant Parties' obligations under this Agreement, including, but not limited to Consultant's or Consultant Parties' use of District sites, performance of the Services, breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. The indemnification provided for in this Section includes, without limitation to the foregoing, claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Consultant or Consultant Parties under the California Fair Employment and Housing Act ("FEHA").
12. **Confidentiality.** The Consultant and all Consultant's agents, personnel, employee(s), and/or Sub-consultant(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.
13. **Notice.** Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows:

District

Pacific Grove Unified School District
 435 Hillcrest Avenue
 Pacific Grove, CA 93950
 ATTENTION: Joshua Jorn
 Assistant Superintendent/CBO

Consultant

Name: Top Youth Speakers
 Address: PO Box 852
 City/State/Zip: Morgan Hill/CA/95038
 Business Phone: 408-444-5902
 Email (Optional):

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

14. **Integration/Entire Agreement of Parties.** This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.
15. **California Law.** This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Monterey County, California.
16. **Waiver.** The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.
17. **Severability.** If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.
18. **Attorney Fees/Costs.** Should litigation be necessary to enforce any terms or provisions of this Agreement, then each party shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.
19. **Counterparts.** This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.
20. **Incorporation of Recitals and Exhibits.** The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.
21. **Non-Assignability.** Consultant may not, without the written permission of the District, use other consultants within Consultant's own firm, or outside experts to perform the services for the District.
22. **Fingerprinting.** When the Consultant is working directly with students, the Consultant shall not commence Services under this Agreement until the Consultant has submitted and the District has approved the following document:
 - DOJ Clearance Previously Received by District
 - Fingerprinting done by the organization independently (declare under perjury)- Consultant's Employee(s)
 - No direct contact or interaction with students

23. **W-9.** Consultant has provided a completed:
XW-9 Form

24. **Type of Business Entity:**

- Corporation, State
- Individual
- Partnership
- Limited Liability Company
- Sole Proprietorship
- Limited Partnership
- Other: _____

**Federal Code of Regulations sections 6041 and 6209 require non-corporate recipients of \$600.00 or more to furnish their taxpayer identification number to the payer. The regulations also provide that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these regulations, the District requires your federal tax identification number or Social Security number, whichever is applicable.*

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.

Pacific Grove Unified School District
Site representative or Assistant Superintendent
(Signed *AFTER* Board approval)

Consultant
(Can sign *BEFORE* Board's approval)

Signature: _____

Signature: _____

Name: [Manager]

Name: _____

Title: [Title]

Date: _____

Date: _____

Human Resources
(Signed *AFTER* Board approval)

Contracted work was not assigned using District's normal employment recruitment process.

Signature _____ Date _____

Director of Human Resources

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

SUBJECT: Contract for Services with Jill Trahan – Choreographer

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Lito Garcia, Pacific Grove High School Principal

RECOMMENDATION:

The District Administration recommends the Board review and approve contract for services with Jill Trahan – Choreographer

BACKGROUND:

This is a new vendor. She is a new choreographer for the high school. She will be creating and teaching dance numbers for the PGHS Spring musical.

INFORMATION:

This contract for services is for February 26, 2024 – April 19, 2024, when the musical opens.

FISCAL IMPACT:

\$1000.00 to be paid out of the ASB PGHS Musical account.

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
INDEPENDENT CONSULTANT AGREEMENT**

CONSULTANT [Jill Miller Choreographer]

SITE/DEPARTMENT [Pacific Grove High School/ASB Leadership]

SUBMITTED BY [Lito Garcia, Principal Pacific Grove High School]

FUNDING SOURCE [Wells Fargo Associated Student Body Account]

#AGREEMENT TOTAL AMOUNT \$1000.00]

The District employee providing the attached Independent Consultant Agreement to the person or entity who will be providing special services to the District should first do the following:

1. Provide only the Pacific Grove Unified School District's approved Independent Consultant Agreement. The Independent Consultant Agreement should be completed in lieu of signing any vendor contract for services.
2. Review the insurance requirements for the person or entity and revise the insurance provisions of the agreement accordingly.
3. Review the forms under Section 20 and determine which of those documents should be attached to the agreement.

This Independent Consultant Agreement for Special Services ("Agreement") is made between the Pacific Grove Unified School District ("District") and [Jill Miller - Choreographer] WHEREAS, the District is authorized by Section 53060 of the California Government Code to contract with and employ any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal, transportation, administrative matters or other specialized services, if those persons are specially trained and experienced and competent to perform the special services required; and

WHEREAS, the District is in need of those services and/or advice; and

WHEREAS, the Consultant is specially trained and experienced and competent to perform the services required by the District, and those services are needed on a limited basis;
NOW, THEREFORE, the Parties agree as follows:

1. **Services and/Scope of work.** The Consultant shall furnish to the District the following services herein by this reference ("Services" or "Work"): Consultant shall serve as videographer. Consultant shall use their specialized experience and skills to organize, maintain to serve in this capacity. Services shall include but not be limited to: [providing Choreography and dance instruction for the PGHS Spring Musical]
2. **Term.** Consultant shall commence providing services under this Agreement on February 26, 2024, and will diligently perform as required and complete performance by 04/19/24.
3. **Compensation.** District agrees to pay \$1000.00] to Consultant for Services satisfactorily rendered pursuant to this Agreement. This is not to exceed \$1000.00] during the term of this Agreement. District shall pay Consultant according to the following terms and conditions:

- 3.1. Payment for the Services shall be made for all undisputed amounts in installment payments within thirty (30) days after the Consultant submits an invoice to the District for Services actually completed.
4. **Expenses.** District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing Services for District.
5. **Independent Consultant.** Consultant, in the performance of this Agreement, shall be and act as an Independent Consultant. Consultant understands and agrees that he/she shall not be considered an officer, employee, agent, partner, or joint venture of the District, and is not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, Social Security and income taxes with respect to Consultant. In the performance of the Services herein contemplated, Consultant is an independent Consultant or business entity, with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained.
6. **Performance of Services.**
- 6.1. **Standard of Care.** Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.
- 6.2. **District Approval.** The Services completed herein must meet the approval of the District and shall be subject to the District's general right of inspection and supervision to secure the satisfactory completion thereof.
- 6.3. **Licenses.** Consultant's represents that s/he possesses all required licenses to perform the Services provided in this Agreement.
7. **Termination.**
- 7.1. **Without Cause by District.** District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.
- 7.2. **Without Cause by Consultant.** Consultant may, upon thirty (30) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by Consultant shall be sufficient to stop further performance of services to District. Consultant acknowledges that this thirty (30) day notice period is acceptable so that the District can attempt to procure the Services from another source.
- 7.3. **With Cause by District.** District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:
- 7.3.1. Material violation of this Agreement by the Consultant; or
- 7.3.2. Any act by Consultant exposing the District to liability to others for personal injury or property damage.
- Written notice by District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Consultant. If the expense, fees, and/or costs to the District

exceeds the cost of providing the services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

8. **Compliance.** Consultant shall, at all times while providing the Services, comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements, as well as all state executive orders and all public health orders regarding student health and safety, including but not limited to, policies and procedures related to social distancing, the use of personal protective equipment ("PPE") such as face coverings and gloves, and the sanitization of facilities to help prevent the spread of COVID-19 and other contagious diseases.
9. **District's Evaluation of Consultant.** The District may evaluate the Consultant's performance. In no event shall an evaluation of Consultant be considered a prerequisite to the District exercising its rights under paragraph 7 above.
10. **Limitation of District Liability.** Other than as provided in this Agreement, District's financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event shall District be liable to Consultant, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.
11. **Indemnity.** Consultant shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Consultant, its agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the "Consultant Parties") in the performance of or failure to perform Consultant's or Consultant Parties' obligations under this Agreement, including, but not limited to Consultant's or Consultant Parties' use of District sites, performance of the Services, breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. The indemnification provided for in this Section includes, without limitation to the foregoing, claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Consultant or Consultant Parties under the California Fair Employment and Housing Act ("FEHA").
12. **Confidentiality.** The Consultant and all Consultant's agents, personnel, employee(s), and/or Sub-consultant(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.
13. **Notice.** Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows:

District

Pacific Grove Unified School District
 435 Hillcrest Avenue
 Pacific Grove, CA 93950
 ATTENTION: Joshua Jorn
 Assistant Superintendent/CBO

Consultant

Name: Jill Miller
 Address: 26155 Laureles Grade Rd
 City/State/Zip: Carmel Valley, CA 93924
 Business Phone: [N/A]
 Email jmemill2006@yahoo.com

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

14. **Integration/Entire Agreement of Parties.** This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.
15. **California Law.** This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Monterey County, California.
16. **Waiver.** The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.
17. **Severability.** If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.
18. **Attorney Fees/Costs.** Should litigation be necessary to enforce any terms or provisions of this Agreement, then each party shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.
19. **Counterparts.** This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.
20. **Incorporation of Recitals and Exhibits.** The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.
21. **Non-Assignability.** Consultant may not, without the written permission of the District, use other consultants within Consultant's own firm, or outside experts to perform the services for the District.
22. **Fingerprinting.** When the Consultant is working directly with students, the Consultant shall not commence Services under this Agreement until the Consultant has submitted and the District has approved the following document:
23.
 - DOJ Clearance Previously Received by District
 - Fingerprinting done by the organization independently (declare under perjury)-
Consultant's Employee(s)
 - No direct contact or interaction with students

24. **W-9.** Consultant has provided a completed:
 W-9 Form

25. **Type of Business Entity:**

- Corporation, State
- Individual
- Partnership
- Limited Liability Company
- Sole Proprietorship
- Limited Partnership
- Other: _____

**Federal Code of Regulations sections 6041 and 6209 require non-corporate recipients of \$600.00 or more to furnish their taxpayer identification number to the payer. The regulations also provide that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these regulations, the District requires your federal tax identification number or Social Security number, whichever is applicable.*

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.

Pacific Grove Unified School District
Site representative or Assistant Superintendent
(Signed AFTER Board approval)

Consultant
(Can sign BEFORE Board's approval)

Signature: _____

Signature: _____

Name: [Josh Jorn]

Name: _____

Title: [Assistant Superintendent]

Date: _____

Date: _____

Human Resources
(Signed AFTER Board approval)

Contracted work was not assigned using District's normal employment recruitment process.
Signature _____ Date _____
Director of Human Resources

- | | |
|--|---|
| <input checked="" type="checkbox"/> Student Learning and Achievement | <input checked="" type="checkbox"/> Consent |
| <input type="checkbox"/> Health and Safety of Students and Schools | <input type="checkbox"/> Action/Discussion |
| <input type="checkbox"/> Credibility and Communication | <input type="checkbox"/> Information/Discussion |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: Center for Developing Minds Contract for Services

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Buck Roggeman, Director of Curriculum and Special Projects

RECOMMENDATION:

The District Administration recommends the Board review and approve the contract for services with the Center for Developing Minds.

BACKGROUND:

As part of our parent education program, we provide guest speakers on areas of interest to our Pacific Grove Unified School District families. One of the needs that has been identified by our counseling team is helping students develop executive functioning skills, so they can make the adjustment from elementary school to, and through, middle school. This presentation is intended for parents of students in grades 4 through 8.

INFORMATION:

The Center for Developing Minds will provide an online one-hour parent education class February 28, 2024, at 6 p.m. Although the content of the class targets parents of students in fourth through eighth grade, all PGUSD families will be invited to attend the online presentation. The title of the presentation is “Creating Cognitive Flexibility: How parents can encourage students’ academic life through executive functioning.” Presenter Caitlyn McGinley specializes in training parents and their students to learn organizational skills that will help them succeed in school. According to the Center for Developing Minds, this presentation will “give a broad overview of executive functioning, followed by an in-depth look at cognitive flexibility. Learning objectives will be to have a solid foundational understanding of executive functioning, an understanding, and appreciation of the value of cognitive flexibility, recognition of at least one area in which students and parents can improve cognitive flexibility, and the ability to implement one strategy to create more flexible thinking in that area. The lens will be academic!

FISCAL IMPACT:

This one-hour presentation costs \$2,000, which will be paid by the site funds at Pacific Grove Middle School (\$1,000), Robert Down Elementary School (\$500), and Forest Grove Elementary School (\$500).

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
INDEPENDENT CONSULTANT AGREEMENT**

CONSULTANT Center for Developing Minds

SITE/DEPARTMENT Damon Korb

SUBMITTED BY Buck Roggeman

FUNDING SOURCE PGMS, RHD, and FG site funds

AGREEMENT TOTAL AMOUNT \$2000

The District employee providing the attached Independent Consultant Agreement to the person or entity who will be providing special services to the District should first do the following:

1. Provide only the Pacific Grove Unified School District's approved Independent Consultant Agreement. The Independent Consultant Agreement should be completed in lieu of signing any vendor contract for services.
2. Review the insurance requirements for the person or entity and revise the insurance provisions of the agreement accordingly.
3. Review the forms under Section 20 and determine which of those documents should be attached to the agreement.

This Independent Consultant Agreement for Special Services ("Agreement") is made between the Pacific Grove Unified School District ("District") and Center for Developing Minds ("Consultant") (together, "Parties").

WHEREAS, the District is authorized by Section 53060 of the California Government Code to contract with and employ any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal, transportation, administrative matters or other specialized services, if those persons are specially trained and experienced and competent to perform the special services required; and

WHEREAS, the District is in need of those services and/or advice; and

WHEREAS, the Consultant is specially trained and experienced and competent to perform the services required by the District, and those services are needed on a limited basis;

NOW, THEREFORE, the Parties agree as follows:

1. **Services and/Scope of work.** The Consultant shall furnish to the District the following services herein by this reference ("Services" or "Work"): Consultant shall serve as a Speaker. Consultant shall use their specialized experience and skills to organize, maintain to serve in this capacity. Services shall include but not be limited to: One, one-hour, virtual presentation.
2. **Term.** Consultant shall commence providing services under this Agreement on 2/28/2024, and will diligently perform as required and complete performance by 2/28/2024.
3. **Compensation.** District agrees to pay \$2000 to Consultant for Services satisfactorily rendered pursuant to this Agreement. This is not to exceed \$2000 during the term of this Agreement. District shall pay Consultant according to the following terms and conditions:

- 3.1. Payment for the Services shall be made for all undisputed amounts in installment payments within thirty (30) days after the Consultant submits an invoice to the District for Services actually completed.
4. **Expenses.** District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing Services for District.
5. **Independent Consultant.** Consultant, in the performance of this Agreement, shall be and act as an Independent Consultant. Consultant understands and agrees that he/she shall not be considered an officer, employee, agent, partner, or joint venture of the District, and is not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, Social Security and income taxes with respect to Consultant. In the performance of the Services herein contemplated, Consultant is an independent Consultant or business entity, with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained.
6. **Performance of Services.**
- 6.1. **Standard of Care.** Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.
- 6.2. **District Approval.** The Services completed herein must meet the approval of the District and shall be subject to the District's general right of inspection and supervision to secure the satisfactory completion thereof.
- 6.3. **Licenses.** Consultant's represents that s/he possesses all required licenses to perform the Services provided in this Agreement.
7. **Termination.**
- 7.1. **Without Cause by District.** District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.
- 7.2. **Without Cause by Consultant.** Consultant may, upon thirty (30) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by Consultant shall be sufficient to stop further performance of services to District. Consultant acknowledges that this thirty (30) day notice period is acceptable so that the District can attempt to procure the Services from another source.
- 7.3. **With Cause by District.** District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:
- 7.3.1. Material violation of this Agreement by the Consultant; or
- 7.3.2. Any act by Consultant exposing the District to liability to others for personal injury or property damage.
- Written notice by District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Consultant. If the expense, fees, and/or costs to the District

exceeds the cost of providing the services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

8. **Compliance.** Consultant shall, at all times while providing the Services, comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements, as well as all state executive orders and all public health orders regarding student health and safety, including but not limited to, policies and procedures related to social distancing, the use of personal protective equipment ("PPE") such as face coverings and gloves, and the sanitization of facilities to help prevent the spread of COVID-19 and other contagious diseases.
9. **District's Evaluation of Consultant.** The District may evaluate the Consultant's performance. In no event shall an evaluation of Consultant be considered a prerequisite to the District exercising its rights under paragraph 7 above.
10. **Limitation of District Liability.** Other than as provided in this Agreement, District's financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event shall District be liable to Consultant, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.
11. **Indemnity.** Consultant shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Consultant, its agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the "Consultant Parties") in the performance of or failure to perform Consultant's or Consultant Parties' obligations under this Agreement, including, but not limited to Consultant's or Consultant Parties' use of District sites, performance of the Services, breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. The indemnification provided for in this Section includes, without limitation to the foregoing, claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Consultant or Consultant Parties under the California Fair Employment and Housing Act ("FEHA").
12. **Confidentiality.** The Consultant and all Consultant's agents, personnel, employee(s), and/or Sub-consultant(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.
13. **Notice.** Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows:

District

Pacific Grove Unified School District
 435 Hillcrest Avenue
 Pacific Grove, CA 93950
 ATTENTION: Joshua Jorn
 Assistant Superintendent/CBO

Consultant

Name: Center for Developing Minds
 Address: 15951 Los Gatos Blvd. Suite 6
 City/State/Zip: Los Gatos, CA 95033
 Business Phone: 408-358-1853
 Email (Optional): info@devminds.com

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

14. **Integration/Entire Agreement of Parties.** This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.
15. **California Law.** This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Monterey County, California.
16. **Waiver.** The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.
17. **Severability.** If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.
18. **Attorney Fees/Costs.** Should litigation be necessary to enforce any terms or provisions of this Agreement, then each party shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.
19. **Counterparts.** This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.
20. **Incorporation of Recitals and Exhibits.** The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.
21. **Non-Assignability.** Consultant may not, without the written permission of the District, use other consultants within Consultant's own firm, or outside experts to perform the services for the District.
22. **Fingerprinting.** When the Consultant is working directly with students, the Consultant shall not commence Services under this Agreement until the Consultant has submitted and the District has approved the following document:
 - DOJ Clearance Previously Received by District
 - Fingerprinting done by the organization independently (declare under perjury)- Consultant's Employee(s)
 - No direct contact or interaction with students

23. **W-9.** Consultant has provided a completed:

W-9 Form

24. **Type of Business Entity:**

- Corporation, State
- Individual
- Partnership
- Limited Liability Company
- Sole Proprietorship
- Limited Partnership
- Other: _____ S-Corp _____


**Federal Code of Regulations sections 6041 and 6209 require non-corporate recipients of \$600.00 or more to furnish their taxpayer identification number to the payer. The regulations also provide that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these regulations, the District requires your federal tax identification number or Social Security number, whichever is applicable.*

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.

Pacific Grove Unified School District
Site representative or Assistant Superintendent
(Signed AFTER Board approval)

Consultant
(Can sign BEFORE Board's approval)

Signature: _____
Name: Buck Roggeman
Title: Director, Curriculum and Special Projects
Date: _____

Signature: 
Name: _Damon Korb, MD_
Date: ____ 1-20-24 _____

Human Resources
(Signed AFTER Board approval)

Contracted work was not assigned using District's normal employment recruitment process.
Signature _____ Date _____
Director of Human Resources

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

SUBJECT: Contract for Service – Monterey County Workforce Development Board

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Barbara Martinez, Principal, PGAE

RECOMMENDATION:

The Administration recommends approval of the contract for services with the Monterey County Workforce Development Board for a Garden Project at the Pacific Grove Adult School.

BACKGROUND:

Pacific Grove Adult Education (PGAE) offers an innovative education and training program for adults with disabilities that includes gardening and culinary classes. There is an outdoor garden space at the adult school for use by this program; it is in need of renovation so it may be utilized for the gardening classes and for growing food for the culinary classes.

INFORMATION:

The Monterey County Workforce Development Board (MCWDB), a county agency, offers job training programs for local youth and adults with different areas of focus. The Green Cadre Project is such a program with an emphasis on helping Monterey County communities with environmental and natural resource management projects and projects that promote healthy eating and healthy living. For the PGAE Garden Project, the MCWDB's Green Cadre will provide the project consulting, planning, and completion at no cost to the site. The landscaping services will range from removing grass and weeds, leveling the ground, installing a greenhouse and planter boxes, and planting plants that will support the PGAE culinary and gardening classes. The MCWDB will provide the landscaping expertise and labor. PGAE will provide supplies, materials, equipment, and the greenhouse.

FISCAL IMPACT:

No fiscal impact.

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
INDEPENDENT CONSULTANT AGREEMENT**

CONSULTANT Monterey County Workforce Development Board

SITE/DEPARTMENT Barbara Martinez

SUBMITTED BY ~~[Manager]~~ Barbara Martinez, PGAE Principal

FUNDING SOURCE ~~[Subject]~~ n/a

AGREEMENT TOTAL AMOUNT 0

The District employee providing the attached Independent Consultant Agreement to the person or entity who will be providing special services to the District should first do the following:

1. Provide only the Pacific Grove Unified School District's approved Independent Consultant Agreement. The Independent Consultant Agreement should be completed in lieu of signing any vendor contract for services.
2. Review the insurance requirements for the person or entity and revise the insurance provisions of the agreement accordingly.
3. Review the forms under Section 20 and determine which of those documents should be attached to the agreement.

This Independent Consultant Agreement for Special Services ("Agreement") is made between the Pacific Grove Unified School District ("District") and Monterey County Workforce Development Board ("Consultant") (together, "Parties").

WHEREAS, the District is authorized by Section 53060 of the California Government Code to contract with and employ any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal, transportation, administrative matters or other specialized services, if those persons are specially trained and experienced and competent to perform the special services required; and

WHEREAS, the District is in need of those services and/or advice; and

WHEREAS, the Consultant is specially trained and experienced and competent to perform the services required by the District, and those services are needed on a limited basis;

NOW, THEREFORE, the Parties agree as follows:

1. **Services and/Scope of work.** The Consultant shall furnish to the District the following services herein by this reference ("Services" or "Work"): Consultant shall serve as a Volunteer Garden Consultant. Consultant shall use their specialized experience and skills to organize, maintain to serve in this capacity. Services shall include but not be limited to: Landscaping. Consultant shall provide Pacific Grove Adult Education (PGAE) the following services free of charge through the MCWDB's Green Cadre training program:
 - Consulting and planning for the refurbishment of the garden attached to the Without Walls Program space at the Pacific Grove Adult School;
 - Removal of grass and weed growth and leveling the ground.
 - Install a greenhouse and planter boxes in the garden
 - Landscape the garden, including planning vegetable and herbs for use in the Without Walls Culinary Pathway Program.

PGAE will provide all necessary supplies and materials for this garden project.

2. **Term.** Consultant shall commence providing services under this Agreement on 3/4/2024, and will diligently perform as required and complete performance by 6/21/2024.
3. **Compensation.** District agrees to pay 0 to Consultant for Services satisfactorily rendered pursuant to this Agreement. This is not to exceed 0 during the term of this Agreement. District shall pay Consultant according to the following terms and conditions:
 - Payment for the Services shall be made for all undisputed amounts in installment payments within thirty (30) days after the Consultant submits an invoice to the District for Services actually completed.
4. **Expenses.** District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing Services for District.
5. **Independent Consultant.** Consultant, in the performance of this Agreement, shall be and act as an Independent Consultant. Consultant understands and agrees that he/she shall not be considered an officer, employee, agent, partner, or joint venture of the District, and is not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, Social Security and income taxes with respect to Consultant. In the performance of the Services herein contemplated, Consultant is an independent Consultant or business entity, with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained.
6. **Performance of Services.**
 - **Standard of Care.** Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.
 - **District Approval.** The Services completed herein must meet the approval of the District and shall be subject to the District's general right of inspection and supervision to secure the satisfactory completion thereof.
 - **Licenses.** Consultant's represents that s/he possesses all required licenses to perform the Services provided in this Agreement.
7. **Termination.**
 - **Without Cause by District.** District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.
 - **Without Cause by Consultant.** Consultant may, upon thirty (30) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by Consultant shall be sufficient to stop further performance of services to District. Consultant acknowledges that this thirty (30) day notice period is acceptable so that the District can attempt to procure the Services from another source.
 - **With Cause by District.** District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:

- 7..1. Material violation of this Agreement by the Consultant; or
- 7..2. Any act by Consultant exposing the District to liability to others for personal injury or property damage.

Written notice by District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Consultant. If the expense, fees, and/or costs to the District exceeds the cost of providing the services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

- 8. **Compliance.** Consultant shall, at all times while providing the Services, comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements, as well as all state executive orders and all public health orders regarding student health and safety, including but not limited to, policies and procedures related to social distancing, the use of personal protective equipment ("PPE") such as face coverings and gloves, and the sanitization of facilities to help prevent the spread of COVID-19 and other contagious diseases.
- 9. **District's Evaluation of Consultant.** The District may evaluate the Consultant's performance. In no event shall an evaluation of Consultant be considered a prerequisite to the District exercising its rights under paragraph 7 above.
- 10. **Limitation of District Liability.** Other than as provided in this Agreement, District's financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event shall District be liable to Consultant, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.
- 11. **Indemnity.** Consultant shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Consultant, its agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the "Consultant Parties") in the performance of or failure to perform Consultant's or Consultant Parties' obligations under this Agreement, including, but not limited to Consultant's or Consultant Parties' use of District sites, performance of the Services, breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. The indemnification provided for in this Section includes, without limitation to the foregoing, claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Consultant or Consultant Parties under the California Fair Employment and Housing Act ("FEHA").
- 12. **Confidentiality.** The Consultant and all Consultant's agents, personnel, employee(s), and/or Sub-consultant(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.

13. **Notice.** Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows:

District

Pacific Grove Unified School District
Development Board
435 Hillcrest Avenue
Pacific Grove, CA 93950
ATTENTION: Joshua Jorn
Assistant Superintendent/CBO

Consultant

Name: Monterey County Workforce
Address: 344 Salinas Street, Suite 101
City/State/Zip: Salinas, Ca. 93901
Business Phone: 831-759-6644
Email (Optional): Donnellyc@co.monterey.ca.us

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

14. **Integration/Entire Agreement of Parties.** This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.
15. **California Law.** This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Monterey County, California.
16. **Waiver.** The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.
17. **Severability.** If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.
18. **Attorney Fees/Costs.** Should litigation be necessary to enforce any terms or provisions of this Agreement, then each party shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.
19. **Counterparts.** This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.
20. **Incorporation of Recitals and Exhibits.** The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.

21. **Non-Assignability.** Consultant may not, without the written permission of the District, use other consultants within Consultant's own firm, or outside experts to perform the services for the District.

22. **Fingerprinting.** When the Consultant is working directly with students, the Consultant shall not commence Services under this Agreement until the Consultant has submitted and the District has approved the following document:

- DOJ Clearance Previously Received by District
- Fingerprinting done by the organization independently (declare under perjury)- Consultant's Employee(s)
- No direct contact or interaction with students

23. **W-9.** Consultant has provided a completed:

W-9 Form *n/a*

24. **Type of Business Entity:**

- Corporation, State
- Individual
- Partnership
- Limited Liability Company
- Sole Proprietorship
- Limited Partnership
- Other: Government Entity _____

**Federal Code of Regulations sections 6041 and 6209 require non-corporate recipients of \$600.00 or more to furnish their taxpayer identification number to the payer. The regulations also provide that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these regulations, the District requires your federal tax identification number or Social Security number, whichever is applicable.*

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.

Pacific Grove Unified School District
Site representative or Assistant Superintendent
(Signed AFTER Board approval)

Signature: _____
Name: [Manager]
Title: [Title]
Date: _____

Consultant
(Can sign BEFORE Board's approval)

Signature: *Christopher Donnelly*
Name: Christopher Donnelly
Date: 1/31/2024

Human Resources
(Signed AFTER Board approval)

Contracted work was not assigned using District's normal employment recruitment process.
Signature _____ Date _____
Director of Human Resources

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

SUBJECT: Memorandum of Understanding with Monterey Peninsula Soccer League (MPSL)

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Joshua Jorn, Assistant Superintendent

RECOMMENDATION:

The District Administration recommends the Board review and approve the Memorandum of Understanding (MOU) with Monterey Peninsula Soccer League (MPSL) and Pacific Grove Unified School District (PGUSD).

BACKGROUND:

The Monterey Peninsula Soccer League (MPSL) is a USSF affiliated adult amateur league founded in the early 1980's. Most games are played on Sundays at Pacific Grove High School Breaker Stadium.

INFORMATION:

Funds raised by the MPSL over 30 leagues are in part used to help develop the youth soccer programs of the Pacific Grove High School. The agreement between PGUSD and MPSL is a mutually beneficial agreement allowing the organization access to the PGHS soccer fields for its activities without having to pay facility rental fees, in exchange for continued donations and support to the PGHS soccer program. This MOU will commence June 30, 2024.

FISCAL IMPACT:

No net cost to the District.

**USER AGREEMENT BETWEEN PACIFIC GROVE UNIFIED SCHOOL DISTRICT
AND MONTEREY PENINSULA SOCCER LEAGUE (MPSL)**

This use agreement is entered into between the Pacific Grove Unified School District (“District”) and Monterey Peninsula Soccer League (“MPSL”) for the use of the outdoor athletic facilities located at Pacific Grove High School at 615 Sunset Ave, Pacific Grove, CA 93950.

- A. **Term:** The Term of this use agreement shall be for the period January 1, 2024 through June 30, 2024, however; if it should become necessary in the District’s estimation that premises described in use agreement be utilized for the District purpose, this use agreement is subject to cancellation with a 60 day- notice by either party prior to the expiration of the use agreement if use agreement will not be renewed. Either party must give a 60-day notice to renew the use agreement. If renewed, the use agreement shall continue under the same conditions as before for an additional term of one year. Lost time accrued by the MPSL from PGUSD sports and programs will not be entitled to a monetary credit. The issuance of use agreement is further conditional upon MPSL’s obtaining any necessary state and/or local operating or use permits, filing and maintaining its 501(c)4status.
- B. **Utilities Services:** Gas, electricity and water usage will not be assessed and will be waived as a condition of using the District’s facilities.
- C. **Waste:** MPSL agrees that in using the above-described premises, MPSL will not commit any waste or suffer any waste to be committed upon the premises.
- D. **Fee:** The amount of the use agreement is waived in exchange for the donations provided by the MPSL.
- E. **Use:** The premises described in this use agreement shall be used by MPSL exclusively for the following purpose and no other purpose without the prior written consent of the District: the purpose(s) for which this use agreement is intended are: Use of the PGHS Soccer Field, goals, corner flags, Restrooms, and other associated athletic facilities.
- F. **Nuisance:** MPSL agrees that in using the above-described premises, not to commit any public or private nuisance or any other act or thing which might or would reasonably be construed to disturb the quiet enjoyment of nearby property.
- G. **Fingerprinting/Background Checks:** If MPSL is in contact with students, they must comply with California Education Code Section 45125.1(g). Fingerprinting and background check fees are paid by the MPSL if required due to student interaction.

H. **Trade Fixture:** MPSL may not install on the premises any trade fixtures.

I. **Repairs:** All repairs and upgrades are at the expense of the District. At any time, the District can close the facilities down if it feels that conditions are not safe for MPSL to use. The District will provide one maintenance or custodial person one hour a day Monday through Friday. The District agrees to maintain, in good condition, the facilities.

J. **Insurance:** MPSL shall carry and maintain, during the entire term hereof, at its own cost and expense, the following types of insurance:

1. Comprehensive General Liability Insurance covering bodily injury and property damage in an amount no less than \$2,000,000 per occurrence, \$2,000,000 aggregate.
2. Comprehensive general liability insurance policy shall be endorsed with the language that "District, its officers and employees", is named as additional insured for all liability arising out of the operations in the performance of this use agreement.
3. The additional insured endorsement must be noted on a separate form which accompanies the Certificate of Insurance (COI).
4. The Certificate of General Liability shall list the "Certificate Holder" exactly as: "Pacific Grove Unified School District, 435 Hillcrest Avenue, Pacific Grove, CA 93950".

K. **Hold Harmless:** MPSL agrees to indemnify and hold harmless the District Board of Education, officers, official employees, and agents from and against any or all loss, liability, expense, claims, cost, suits, and damage of every kind, nature and description directly or indirectly arising from the performance of activities or any use of the subject facilities.

L. **Parking:** MPSL shall have access to the parking lots located at Pacific Grove High School during the time the MPSL is using the pool facilities.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

By: _____

Date: _____

Title: _____

MONTEREY PENINSULA SOCCER LEAGUE

By: _____

Date: _____

Title: _____

**Public Notice
Regarding:**

Energy Services Agreement with ABM Building Solutions, LLC
For the Installation of Certain Energy Savings Measures on Property of the District

NOTICE IS HEREBY GIVEN that on February 8, 2024, or as soon thereafter as practicable, at a regularly scheduled public meeting of the Governing Board of the Pacific Grove Unified School District, which will be held at Pacific Grove USD Boardroom in Pacific Grove, CA, the Governing Board will consider entering into an energy services agreement with ABM Infrastructure Solutions, LLC for the installation of certain energy savings measures on property of the District.

At said meeting, the Governing Board will hold a public hearing, and consider a resolution to adopt findings required by Government Code section 4217.12 regarding anticipated energy cost savings and other benefits the District may receive if the Board decides to enter into the energy services agreement.

The resolution, agreement and supporting documents will be included with the Governing Board's regular public agenda for the February 8, 2024 meeting.

Posted January 12th, 2024

**BEFORE THE GOVERNING BOARD
OF THE PACIFIC GROVE UNIFIED SCHOOL DISTRICT
MONTEREY COUNTY, CALIFORNIA**

**RESOLUTION NO. 1118
RESOLUTION MAKING FINDINGS ON ENERGY SAVINGS PURSUANT TO
GOVERNMENT CODE SECTION 4217.10 ET SEQ. AND APPROVING EXECUTION
AND DELIVERY OF AN ENERGY SERVICES AGREEMENT AND OTHER
DOCUMENTS AND ACTIONS REQUIRED IN CONNECTION THEREWITH**

WHEREAS, it is the policy of the State of California and the intent of the State Legislature to promote all feasible means of energy conservation and all feasible uses of alternative energy supply sources; and

WHEREAS, California Government Code section 4217.10 *et seq.* authorizes public agencies to enter into energy service contracts and related agreements to implement the State's conservation and alternative energy supply source policy; and

WHEREAS, the Pacific Grove Unified School District ("District") desires to reduce the steadily rising costs of meeting the energy needs at its facilities; and

WHEREAS, the District proposes to enter into an energy services agreement and related contract documents ("Energy Services Agreement") with ABM Building Solutions, LCC ("Contractor"), pursuant to which Contractor will design, construct, and install on District property certain energy saving improvements consisting of HVAC units, lighting retrofits, and other energy conservation measures which will result in greater energy efficiency and cost savings for the District sites on which such facilities are located on ("Project"); and

WHEREAS, the sites where such energy saving improvements will be located are:

1. Pacific Grove High School
2. Pacific Grove Community High School
3. Pacific Grove Adult School
4. Pacific Grove Middle School
5. Forest Grove Elementary School
6. Robert Down Elementary School
7. District Office; and

WHEREAS, Contractor, has provided the District with analysis showing the benefits of implementing certain energy conservation measures in the District ("Analysis"), which is attached hereto as **Exhibit A** and made part hereof by this reference; and

WHEREAS, **Exhibit A** includes data showing that the anticipated cost to the District for the electrical energy provided by the Project will be less than the anticipated marginal cost to the

District of thermal, electrical, or other energy that would have been consumed by the District in the absence of such measures; and

WHEREAS, the Board proposes to enter into the Energy Services Agreement substantially in the form presented at this meeting, subject to such changes, insertions, or omissions as the Superintendent or designee reasonably deems necessary following the Board's adoption of this Resolution; and

WHEREAS, pursuant to Government Code section 4217.12, this Board has held a public hearing, public notice of which was given (2) two weeks in advance, to receive public comment; and

WHEREAS, the proposed Energy Services Agreement is in the best interests of the District.

NOW, THEREFORE, based upon the above-referenced recitals, the Board hereby finds, determines and orders as follows:

1. The terms of the Energy Services Agreement in the form presented at this meeting are in the best interests of the District.
2. In accordance with Government Code section 4217.12, and based on data provided in Exhibit A, the Board finds that the anticipated cost to the District for electrical energy provided by the Project under the Energy Services Agreement will be less than the anticipated marginal cost to the District of electrical energy that would have been consumed by the District in the absence of those purchases.
3. The Board hereby approves the Energy Services Agreement, in accordance with Government Code section 4217.12.
4. The District's Superintendent or designee is hereby authorized and directed to negotiate any further changes, insertions and omissions to the Energy Services Agreement as she reasonably deems necessary, and thereafter to execute and deliver the Energy Services Agreement following the Board's adoption of this Resolution. The District's Superintendent or designee is further authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and said agreements.

The foregoing Resolution was adopted at a meeting of the Governing Board of the Pacific Grove Unified School District on February 8, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Brian Swanson
President, Board of Education
Pacific Grove Unified School District

CERTIFIED TO BE A TRUE
AND CORRECT COPY:

Elliot Hazen
Clerk, Board of Education
Pacific Grove Unified School District

EXHIBIT A

The financial analysis below shows the cost savings and funding for the ABM Agreement. The total project cost is to be funded with District facility funds. As shown below, the total projected utility savings, maintenance reallocation, and capital contributions exceed the cost of the project over the useful fifteen (15) year life of the proposed improvements.

Financial Summary:

Based on current energy rates, the guaranteed energy savings for Year 1 are \$85,688.

The energy savings and maintenance reallocation are escalated 9% annually starting with Year 2. The total energy savings for the 15-year term are \$2,515,878. The total project cost is \$5,666,485. Below is a table that illustrates the project funding. The annual energy savings are guaranteed over the 15-year term of the agreement.

<u>Years</u>	<u>Annual Energy Savings</u>	<u>Maintenance Reallocation</u>	<u>Cost Avoidance</u>	<u>Total Funding</u>
1	\$85,688	\$21,450	\$169,432	\$276,570
2	\$93,400	\$23,381	\$169,432	\$286,212
3	\$101,806	\$25,485	\$169,432	\$296,723
4	\$110,968	\$27,778	\$169,432	\$308,179
5	\$120,956	\$30,278	\$169,432	\$320,666
6	\$131,842	\$33,003	\$169,432	\$334,277
7	\$143,707	\$35,974	\$169,432	\$349,113
8	\$156,641	\$39,211	\$169,432	\$365,284
9	\$170,739	\$42,740	\$169,432	\$382,911
10	\$186,105	\$46,587	\$169,432	\$402,124
11	\$202,855	\$50,780	\$169,432	\$423,067
12	\$221,112	\$55,350	\$169,432	\$445,894
13	\$241,012	\$60,332	\$169,432	\$470,775
14	\$262,703	\$65,762	\$169,432	\$497,896
15	\$286,346	\$71,680	\$169,432	\$527,458
Totals	\$2,515,878	\$629,792	\$2,541,480	\$5,687,150

- | | |
|---|---|
| <input type="checkbox"/> Student Learning and Achievement | <input type="checkbox"/> Consent |
| <input checked="" type="checkbox"/> Health and Safety of Students and Schools | <input checked="" type="checkbox"/> Action/Discussion |
| <input checked="" type="checkbox"/> Credibility and Communication | <input type="checkbox"/> Information/Discussion |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: ABM Building Solutions, LLC Construction Agreement

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Joshua Jorn, Assistant Superintendent for Business Services

RECOMMENDATION:

District Administration recommends the Board review and approve the ABM Building Solutions, LLC Construction Agreement as included in your packet.

BACKGROUND:

The District Administration has been working to develop an actionable plan that moves PGUSD toward district wide efficiency of resources, and the introduction of a higher level of indoor air quality in our schools.

The District initiated a no cost Preliminary Assessment (PA) for all District facilities with the ABM Building Solutions, LLC.

The District then entered into a Board approved Master Development Agreement (MDA) in June 2023 in the amount of \$35,000 to finalize all project scope, fiscal programming and operational cost savings estimates.

The District finalized the work with ABM Group by selecting scope of work that coincides with the Measure D Expenditure Plan and produced the most operational cost savings to PGUSD under Government Code 4217.

INFORMATION:

The District Administration recommends the Board review and approve the construction agreement as presented by ABM Building Solutions, LLC under Government Code 4217 Project procurement.

FISCAL IMPACT:

Fund 21, Measure D Series B - \$5,667,485 Lump Sum Contract

ABM BUILDING SOLUTIONS, LLC		Bundled Energy Solutions Agreement	
Proposal Date	Proposal	Agreement Number	
February 1, 2024		PACIFIC GROVE UNIFIED SCHOOL DISTRICT	

BY AND BETWEEN

ABM BUILDING SOLUTIONS, LLC	AND	PACIFIC GROVE UNIFIED SCHOOL DISTRICT
Hereinafter: Contractor		Hereinafter: District

This Bundled Energy Solutions Agreement (“Agreement”) is made and entered into this ____ day of _____, 2024 (“Effective Date”) by and between the Pacific Grove Unified School District, a public school district duly organized and existing under the laws of the State of California (“District”), and ABM Building Solutions, LLC, a contractor licensed by the State of California (“Contractor”). District and Contractor may each be referred to as “Party” or together as the “Parties” in this Agreement.

- A. WHEREAS, Government Code section 4217.10, et seq., authorizes the District, as a public agency, to enter into an energy services agreement wherein the Contractor provides conservation services to the District from an energy conservation facility on terms that its governing body determines are in the best interest of the District; and
- B. WHEREAS, pursuant to Government Code section 4217.11(d), “conservation services” include electrical, thermal, or other energy savings resulting from conservation measures, which shall be treated as a supply of such energy; and
- C. WHEREAS, through this Agreement, the District desires to contract with Contractor for the engineering, design, and installation of energy conservation measures (“ECMs”) that will result in energy savings to the District and which shall be a supply of energy to the District at the sites as set forth in Exhibit B of this Agreement (the “Work Sites” or “Sites”, and each individually a “Site”), consistent with the terms of Government Code section 4217.10, et seq.; and
- D. WHEREAS Contractor is willing to contract with District for the engineering, design, and installation of such Systems and ECMs; and
- E. WHEREAS, the District’s governing board (“Board”), after holding a hearing at a regularly scheduled public meeting and after having provided two weeks advanced notice of such hearing, has made those findings required by Government Code section 4217.12 for the District to enter into this Agreement.

NOW, THEREFORE, in consideration of the covenants hereinafter contained in this Agreement, District and Contractor agree as follows:

Scope of Work. Contractor shall furnish all labor, materials, and equipment needed to perform the project (the "Project") consisting of the implementation scope of work described in Exhibit B (the "Work" or "Scope of Work") and to perform the ongoing services described in Exhibits G and I ("Ongoing Services"), as applicable. The Project portion of this Agreement (the "Implementation Phase") will be substantially complete and ready for District's Beneficial Use (as defined in this Agreement) within 24 months of issuance of a Notice to Proceed unless the date is extended pursuant to the terms of this Agreement or mutual agreement of the Parties ("Contract Time"). District's acceptance and obligations hereunder are contingent upon and subject to the District obtaining financing satisfactory to District within thirty (30) days hereof, or pursuant to another timeline as may be mutually agreed in writing by the Parties. Upon timely notification by District to Contractor of the inability to obtain financing satisfactory to District, this Agreement shall be null and void. Otherwise, this Agreement shall become the valid obligations of both Contractor and District and Contractor shall proceed with the Work following District's issuance of a Notice to Proceed.

The following Exhibits and Attachments are incorporated into this Agreement in their entirety:

1. Exhibit A – General Terms and Conditions
2. Exhibit B – Scope of Work
3. Exhibit C – General Notes
4. Exhibit D – Reserved
5. Exhibit E – Financial Terms and Conditions
6. Exhibit F – Reserved
7. Exhibit G – Guarantee
8. Exhibit H – Delivery and Acceptance Certificate
9. Exhibit I – Ongoing Services
10. Exhibit J – Prevailing Wage Schedule
11. Exhibit K – Change Order

This Agreement is proprietary property of Contractor and is provided for District's use only, subject to the requirements of applicable law. District shall notify Contractor of any request under applicable open records law and permit Contractor an opportunity to redact and/or respond. Contractor guarantees the Contract Price stated in this Agreement for thirty (30) days from proposal date above. The Agreement will become effective only after approval by District's governing board and signatures of authorized representatives of District and Contractor below. This Agreement, including all Exhibits and Attachments hereto, (the "Contract Documents") sets forth all the terms and conditions binding upon the Parties hereto; and no person has authority to make any claim, representation, promise or condition on behalf of Contractor or District which is not expressed herein.

ABM BUILDING SOLUTIONS, LLC	Pacific Grove Unified School District
Signature (Authorized Representative)	Signature (Authorized Representative)
NAME Bryan Thomas TITLE Senior Vice President	NAME Josh Jorn TITLE Assistant Superintendent, Business Services
Date	Date

Exhibit A

General Terms and Conditions

The term "Contractor" shall mean and include the ABM entity from Page One.

The term "District" shall mean and include the Pacific Grove Unified School District.

The term "Agreement" shall mean this Agreement, including all Contract Documents.

1. **Warranty.** Contractor warrants that the materials and workmanship provided by the Contractor under this Agreement will be free from defects for a period of 12 months after District's written acceptance of the Work or any portion thereof, provided that the Contractor is given prompt written notice of the defect. In addition, if any replacement part or item of equipment proves defective, Contractor will extend to District the benefits of any warranty Contractor has received from the manufacturer. Contractor agrees to act on behalf of the District for purposes of processing any warranty claims against applicable manufacturers. Such obligation includes only administrative processing and not enforcement. Contractor agrees to respond to emergency warranty claims of District within 24 hours of call from District. District shall permit only Contractor's personnel or manufacturer's agent to perform the warranty work unless expressly authorized herein. If Contractor responds to a warranty call made at District's request and inspection indicates a condition which is not covered under this Agreement, Contractor may charge District at the hourly rate for such services, only with District's prior written approval. EXCEPT FOR THE WARRANTIES EXPRESSLY PROVIDED HEREIN, NO OTHER WARRANTIES, EXPRESS OR IMPLIED UNDER LAW, ARE PROVIDED, INCLUDING NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE EXPRESSLY DISCLAIMED. District expressly assumes the risk of, and agrees to hold Contractor harmless from, damage or liability that results from Customer's selection of lighting equipment, whether lights, bulbs, ballasts, or otherwise, that are incompatible with the system installed under this Agreement.

2. **Equipment Quality.** Equipment that is to be replaced shall maintain a high standard of quality. The District shall review and approve all product and manufacturer cut sheets on new equipment that is to be installed. The following shall be a minimum standard of equipment:
 - Controls – Pelican, or equivalent
 - HVAC – Carrier, Bard, or equivalent
 - Lighting – Keystone LED, ESL, or equivalent
 - Generator – Generac, or equivalent
 - Water – Kohler, Zurn, Bemis, Neoperl, Chicago, or equivalent

3. **Performance and Payment Bonds.** Prior to commencing any Work under this Agreement, Contractor shall provide a Performance Bond and Payment Bond each in the full amount of the Contract Price for the implementation Work price as shown on Exhibit E-1. The costs for said bonds shall be included in the Contract Price. The Payment and Performance Bonds shall be issued by a surety company authorized to do business in the State of California, having a financial strength rating by A.M. Best Company of "A -" or better and shall be delivered to District prior to Contractor ordering any materials or requesting any payment under the terms of this Agreement.

4. **Access to Sites.** Subject to the requirements of this Section 4, District shall permit Contractor free and timely access to Sites and equipment and allow Contractor to start and stop the equipment as necessary to perform the Work. All Work under this Agreement will be performed during the Contractor's normal working hours; except that no Work will interfere with District's normal business activities. Contractor shall have unrestricted access to the Sites prior to May of 2025 to complete pre-Work and other Work that is not disruptive to the District's normal business activities. Contractor will be provided keys to Sites (to be checked out to Contractor by District) at the beginning of the Project which will allow for access to Sites. All Site access will be coordinated with District Administration so as to not disrupt normal business activities. Contractor, its employees, agents, subcontractors, and consultants ("Contractor Parties") shall comply with all applicable laws and regulations regarding access to and presence on District property or at District Sites, including but not limited to any required background checks and fingerprinting of Contractor or Contractor Parties and rules regarding check-in of persons accessing the Sites. District reserves the right to revoke access privileges for any person employed or contracted by Contractor that District reasonably determines to be disruptive or unsafe, or who violates any District policies or regulations governing activity on District property.
5. **Prevailing Wages.** The prevailing wage determination, if applicable, has been provided by the District and is attached as Exhibit J.
6. **Schedule of Work; Project Meetings.**
 - a. Contractor and District agree that all Work required for the Project, including that of all other contractors and subcontractors for the District, if applicable, shall be performed in accordance with a schedule of construction activities prepared by Contractor in advance of their commencement of any Work ("Schedule"). Contractor's Schedule shall include a detailed schedule of its activities, their relationship to other activities, and their access requirements and durations, and Contractor agrees to perform such activities with as little disruption to District's normal operation as possible. The Schedule shall be based upon commencement and completion dates stated in this Agreement. Contractor shall be entitled to an equitable extension of Contract Time in the event of an Excusable Delay, as defined below. Contractor shall be entitled to an equitable adjustment of the Contract Time and Contract Price (as set forth in Exhibit E-1) in the event of a Compensable Delay, as defined below.
 - b. Contractor shall hold Project meetings with District as needed, but on at least a monthly basis, to review Project design and implementation progress, Schedule, and other Project-related issues. District may request more frequent meetings. District, may require specified subcontractors or other consultants to attend Project meetings. Contractor shall prepare and distribute minutes of Project meetings to District and others in attendance.
7. **Compensable Delay.** Any delay beyond the control and without the fault or negligence of the Contractor resulting from District-caused changes in the Work, differing Site conditions, suspensions of the Work, or other delays caused by the action or inaction of District or others under its control.
8. **Excusable Delay.** Any delay caused by governmental action, or lack thereof; shortages or unavailability of materials; labor disputes (including, but not limited to, strikes, slowdowns, job actions, picketing and/or secondary boycotts); fire or other casualty; delays in transportation; acts of God; directives or requests by any governmental entity, authority, agency or department; any court or administrative orders or

regulations; acts of declared or undeclared war, acts of terrorism, public disorder, riot or civil commotion; or by anything else beyond the reasonable control of Contractor.

9. **Concealed or Unknown Conditions.** If concealed or unknown physical conditions are encountered at the Sites that differ from those indicated in the Contract Documents or from those conditions ordinarily found to exist, the Contractor shall be entitled to an equitable adjustment in the Contract Price and Contract Time to account for any additional costs or time required for completion.
10. **Amendments.** Any alteration to, or deviation from, this Agreement involving extra work, cost of materials, or labor will become an extra charge (fixed price amount to be negotiated, or on a time-and-material basis at Contractor's rates then in effect) over the Contract Price stated in Exhibit E-1 and must be approved in advance and in writing by District. District shall not incur any extra costs as a result of any negligent act or omission of Contractor.
11. **Building Structure.** Contractor will not be required to move, replace, or alter any part of any District building structure in the performance of this Agreement except as specifically provided for herein or as mutually agreed in writing by the Parties.
12. **Safety Data Sheets.** District shall make available to Contractor's personnel all pertinent Safety Data Sheets (SDS) pursuant to OSHA's Hazard Communication Standard Regulations.
13. **Notice to Proceed.** The date of the commencement of the Work and date for Final Completion shall be fixed in a Notice to Proceed issued by District. No Work shall be commenced until District issues such Notices to Proceed, which may be done in stages authorizing the commencement of certain Work at various times.
14. **Permits and Approvals.** Unless other specified in this Agreement, Contractor shall be responsible for obtaining all permits, approvals, licenses, and inspections that are required for the Work, including but not limited to those required by the Division of the State Architect (DSA). However, Contractor shall not be liable for any delay related to permits, approvals, licenses, and inspections to the extent that such delay is caused by conditions outside the reasonable control of Contractor. District shall be responsible for payment of all fees and expenses associated with same. District shall provide the necessary assistance to the Contractor for obtaining all permits, approvals, licenses, and certifications required by the Division of the State Architect.

15. **Independent Contractor.** The Contractor undertakes performance of the Work and any Ongoing Services as an independent contractor. Nothing herein shall create a relationship of employer and employee, joint venture, or partnership between the District and the Contractor, or any of the Contractor Parties, for any purpose whatsoever. Nothing herein shall create a relationship of principal and agent between the District, its agents, officers, employees, representatives, or consultants ("District Parties") and the Contractor or Contractor Parties. Neither Party shall have the authority to bind or obligate the other as a result of the relationship created hereby. As an independent contractor, the Contractor: (a) shall provide supervision of the Contractor Parties; and (b) agrees to perform all of the Contractor's obligations under this Agreement in accordance with the Contractor's own methods subject to compliance with this Agreement. The Contractor shall supervise and direct the Work, using the Contractor's best skill and attention. The Contractor shall be solely responsible for and have control over construction means, methods, techniques, sequences, and procedures and for coordinating all portion of the Work under the Agreement. Any direction or instruction by the District or any of the District Parties shall be considered to have been given exclusively as evidence of the District's desire to obtain certain results from the Work and shall in no way affect the Contractor's status as an independent contractor.

16. **Hazardous Materials.**

Asbestos Containing-Materials and Other Hazardous Materials: Contractor's obligation under this Agreement does not include the identification, abatement or removal of any asbestos products or other hazardous substances or materials, as defined by Federal, State, or local law or regulation (collectively, "Hazardous Materials") with the sole exception of disposal of light bulbs and ballasts required to be removed as part of a lighting retrofit. In the event such Hazardous Materials are encountered, Contractor's sole obligation will be to notify the District of the existence of such Hazardous Materials. Contractor shall have the right thereafter to suspend its Work until such Hazardous Materials and the resultant hazards are removed. The Contract Time shall be extended to the extent caused by the suspension.

Environmental Indemnity: Notwithstanding any other provision of the Agreement, and to the fullest extent permitted by law, District shall indemnify and hold harmless Contractor and Contractor's subcontractors, and their respective directors, officers, employees, agents, representatives, shareholders, affiliates, and assigns and successors, from and against any and all losses, costs, damages, expenses (including reasonable legal fees and defense costs), claims, causes of action or liability, directly or indirectly, relating to or arising from the District's use, or the storage, release, discharge, handling or presence of Hazardous Materials on, under or about the facility, or the noncompliance with this Section 16.

17. **Insurance.** Contractor shall maintain the following insurance: 1) Commercial General Liability insurance with limits for bodily injury and property damage of not less than \$2,000,000 per occurrence, \$4,000,000 general aggregate; 2) Commercial Automobile Liability insurance with limits of liability for bodily injury and property damage of not less than \$5,000,000 combined single limit; 3) Workers' Compensation insurance with statutory limits and with an employer's liability limit of at least \$1,000,000 and 4) Excess liability limits of \$5,000,000 on above coverages. Contractor has the right to be self-insured where permitted by state law or to provide such coverage subject

to a deductible or self-insured retention. Commercial General Liability and Automobile Liability policies shall apply on a primary and noncontributory basis and District shall be included as an additional insured under the General Liability and Automobile Liability policies, but only to the extent District is indemnified herein. Contractor, District and their insurers shall waive all rights of subrogation against one another for property damage claims. Upon request, Contractor will provide District with a certificate of insurance describing the coverage provided in accordance with these provisions and 30-day advance notice of cancellation/non-renewal will be provided.

18. **Indemnification.** Contractor hereby agrees to indemnify, defend and hold District, its officers, employees, agents, consultants, Board of Education, and members of its Board of Education, harmless from and against all claims, demands, causes of action, actions, damages, losses, expenses, and other liabilities, (including without limitation reasonable attorney fees and costs of litigation) of every nature ("Claims"), including but not limited to all Claims related to non-compliance with California State law, to the extent caused by the acts, errors, omissions or negligence of Contractor or its agents, employees, consultants or subcontractors relating to the performance of Work or Ongoing Services described in this Agreement to the fullest extent permitted by law, except to the extent such Claims are caused by the negligence or willful misconduct of District. Contractor and District agree that said indemnity and defense obligations shall survive the expiration or termination of this Agreement.
19. **Time to Complete and Liquidated Damages.** Time is of the essence in this Agreement. Subject to the Force Majeure, Excusable Delay, and Permits/Approvals Sections of this Agreement, failure to complete the Scope of Work by such date and in the manner provided for by this Agreement by the date for Final Completion (as set forth in the Notice to Proceed), shall subject Contractor to liquidated damages. The actual occurrence of damages and the actual amount of the damages which the District would suffer if the Scope of Work were not completed within the specified times set forth are dependent upon many circumstances and conditions which could prevail in various combinations and it is impracticable and extremely difficult to fix the actual damages. Damages that the District would suffer in the event of delay include, but are not limited to, loss of the use of the Sites, and the energy savings afforded by the Work at each individual Site, disruption of activities, costs of administration and supervision, and the incalculable inconvenience and loss suffered by the public. Accordingly, the Parties agree that the following dollar figure shall be the amount of damages which the Owner shall directly incur upon failure of the Contractor to complete the Scope of Work within the time specified: Three Hundred and Fifty Dollars (\$350.00) for each calendar day by which completion of the Project is delayed beyond the date for Final Completion, to be capped at 2.5% of the total contract value of \$5,666,485. Liquidated damages shall be the District's sole and exclusive remedy for delays. If liquidated damages accrue as described above, District, in addition to all other remedies provided by law, shall have the right to assess the liquidated damages at any time, and to withhold liquidated damages (and any interest thereon) at any time from any and all Retention or Progress Payments (as both terms are defined in this Agreement), which would otherwise be or become due to Contractor. If the Retention or withheld Progress Payments are not sufficient to discharge all liabilities of Contractor incurred under this Section 18, Contractor and its sureties shall continue to remain liable to District until all such liabilities are satisfied in full. If District accepts any Work or makes any payment under this Agreement after a default by reason of delays, the payment or payments shall in no respect constitute a waiver or modification of any provisions in this Agreement regarding the date of Final Completion and liquidated damages.

20. **LIMITATION OF LIABILITY.** EXCEPT TO THE EXTENT OF A PARTY'S INDEMNITY OBLIGATIONS FOR THIRD PARTY CLAIMS AND PAYMENT DISPUTES, UNDER NO CIRCUMSTANCES SHALL EITHER PARTY BE LIABLE TO THE OTHER PARTY FOR ANY CONSEQUENTIAL, SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY OR PUNITIVE DAMAGES, INCLUDING, WITHOUT LIMITATION, LOSS OF PROFITS, LOSS OF BUSINESS OPPORTUNITY OR LOSS OF PROSPECTIVE REVENUE, ARISING OUT OF THIS AGREEMENT OR ANY WORK PERFORMED OR TO BE PERFORMED HEREUNDER. IN NO EVENT WILL THE TOTAL AGGREGATE LIABILITY OF EITHER PARTY UNDER THIS AGREEMENT EXCEED THE FEES OWED BY THE DISTRICT UNDER THIS AGREEMENT.
21. **Force Majeure.** Contractor shall not be liable for any delay, loss, damage or detention caused by acts of God or public enemy; compliance with any order, decree, or request of any government authority; acts of declared or undeclared war; sabotage; fire; floods; adverse weather conditions; explosions; accidents; riots; strikes; labor disputes; pandemic; inability to obtain necessary materials or equipment from normal sources of supply to the extent such liability is unforeseeable; or any other cause not within the reasonable control of the Contractor.
22. **Air Quality.** Contractor expressly disclaims any and all responsibility and liability for the indoor air quality of District's facility, including without limitation injury or illness to occupants of the facility or third parties, except to the extent of Contractor's negligent acts or omissions or willful misconduct. However, nothing contained in the previous sentence shall be construed to affect any specific representation or responsibility of the Contractor in regard to the indoor air quality or improvement thereto regarding any facility of the District as specifically set forth in this Agreement and any Attachments or Exhibits hereto.
23. **Payment & Completion.**

Implementation Phase: During the period beginning on the date of execution of this Agreement and continuing through the date of Substantial Completion, Contractor will submit to District its applications for monthly payments (each an "Application for Payment") based on the progress made on the Work through the date on which Contractor submits such Application for Payment, Each such Application for Payment shall provide sufficient detail for District to be able to verify the progress made and the amounts claimed, in District's reasonable discretion. District will make monthly progress payments of undisputed amounts to Contractor in the amounts shown in Exhibit E-1 ("Progress Payments") based on each properly completed Application for Payment. District shall appoint a District Representative who will participate in Acceptance Walks with Contractor upon Contractor's completion of each Technical Category per Pacific Grove Buildings in this Project. For example, when Contractor completes Stadium Lighting (Technical Category) for Pacific Grove High School (Pacific Grove Building), the District's Representative shall participate in an Acceptance Walk with Contractor within a reasonable time of the completion. Acceptance Walks shall be conducted by District and Contractor within five (5) business days of Contractor's formal written request. District shall (within five (5) days of receipt) execute and deliver to Contractor completed forms H-1 (Exhibit H-1) upon Substantial Completion by Contractor of each portion of the Work identified in Exhibit B. A Final Delivery and Acceptance Certificate (Exhibit H-2) shall be executed by District upon Final Completion of all the Work. District shall not unreasonably withhold or delay the execution of any Delivery and Acceptance Certificate. For the purposes of this Agreement the term "Substantial Completion" (also referred to as "Beneficial Use") shall mean that the subject portion of the Work has been demonstrated by Contractor to be operating in a manner consistent with its manufacturer's intended

use. Beneficial Use shall not constitute Final Acceptance or acceptance of any part of the Work covered by this Agreement, nor shall Beneficial Use extend the date for Final Completion specified in the Notice to Proceed. For the purposes of this Agreement, the terms "Final Completion" or "Final Acceptance" shall mean that Contractor has fulfilled all of its implementation obligations under this Agreement and the Work has been accepted in writing by District. This shall include the completion of all punch list items, required training of District personnel on new equipment and controls, and the submission of all required documentation to District, including but not limited to as-built drawings, operation and maintenance manuals, warranty documentation, and final DSA submittals to the District.

Thirty (30) days after the date of each properly completed Application for Payment from Contractor, District shall pay Contractor 95% of the value of Contractor's work as set forth in each such Application for Payment. The remaining 5% retained ("Retention") shall be held as additional security for the faithful performance by Contractor of all the Work required under this Agreement and shall be paid to Contractor within thirty (30) days after Final Acceptance.

Performance Phase: District shall pay the annual Measurement and Verification (M&V) Fee and Ongoing Services Fee (collectively, the "Performance Period Fee") according to the terms set forth in Exhibit E-2.

Undisputed amounts not paid to Contractor on or before the due dates specified in this Section 21, less any amount subject to Retention or withholding will accrue interest at the rate of the prime interest rate plus four (4) percent for the number of days following the due date until such time as such amount due has been paid in full. The "prime interest rate" will be the "Prime Rate" of interest per annum for domestic banks as published in The Wall Street Journal in the "Money Rates" section.

24. **Ownership of Work.** Ownership of and title to the Work will automatically transfer to the District upon both: (a) the delivery of each such Delivery and Acceptance Certificate by District to Contractor indicating Substantial Completion, the execution and delivery of which shall not be unreasonably withheld or delayed, and (b) completion of all District's payment obligations to Contractor, excluding disputed amounts and payment obligations related to maintenance or other annual Ongoing Services hereunder. The District shall bear all risk of loss to the Work upon Substantial Completion.

Subject and subordinate to the rights of any financing for the Work, Contractor under this Agreement shall be entitled to all rights, benefits and remedies afforded a secured party under law with respect to the equipment installed pursuant to this Agreement, including but not limited to those under the Uniform Commercial Code, as adopted in the state where the Work is located or any other applicable state ("Code"). Contractor shall retain such security interest in the ECMs, pursuant to this Agreement, for equipment installed hereunder until District shall have accepted the same and title has transferred to District. If requested by Contractor in connection therewith, District agrees to provide to Contractor appropriate financing statements and other documents necessary in order for Contractor and/or any bank, lender or financial institution to which Contractor has assigned any interest in this Agreement, to perfect said subordinate security interest in the ECMs.

25. Termination.

District:

(a) Prior to Final Acceptance. District may terminate this Agreement: if the Contractor commits a material breach of any obligation hereunder which is not remedied within thirty (30) days of written notice specifying such breach.

(b) Performance Phase. After Final Acceptance, District may terminate the Performance Phase Services upon thirty (30) days prior written notice. Upon termination, Contractor shall have no Guarantee Obligations hereunder for any partial Performance Years, nor shall Contractor have an obligation to refund any monthly payments made hereunder through the date of any such early termination and District shall have no obligation to make payments for future months. Upon termination of this Agreement for any reason, the Savings Guarantee shall be null and void and, except for any unpaid sums owed to Contractor, neither Party shall have any further obligations under this Agreement. Contractor will provide a Guarantee Early Termination Letter for documentation purposes. No further activities will be conducted, and no additional Energy Cost Avoidance Reports will be provided. Once terminated, the Guarantee cannot be reinstated in future years.

Contractor:

Contractor shall have the right to terminate this Agreement upon 1) a material breach by District (including a failure to pay any undisputed amounts owed) of this Agreement which remains uncured following thirty (30) days written notice or 2) if District's Premises is condemned or destroyed, in whole or in part and not promptly repaired or replaced in full.

26. **Dispute Resolution.** Any controversy, claim, counterclaim, or dispute between the Parties (or their affiliates) arising out of or relating to this Agreement or the subject matter hereof (including, without limitation, any questions concerning the scope and applicability of this paragraph) shall be attempted to be resolved by mediation. If the mediation fails to resolve the controversy, it shall be finally settled by arbitration held in Monterey County, California with one arbitrator in accordance with the Construction Industry Arbitration Rules and Mediation Procedures of the American Arbitration Association (or any successor to the functions thereof). The arbitrator shall apply the substantive laws of the state in which the Project is located. Any decision or award of the arbitrator shall be final, binding and conclusive on the Parties to this Agreement. The Parties agree that any action to compel arbitration pursuant to this Agreement, to confirm any decision or award of the arbitrator, or to enforce any other remedies which may be necessary to effectuate such decision or award, may be brought in any court of competent jurisdiction in Monterey County, California and in connection with such action to compel the laws of that state shall control. The parties hereto hereby consent to the jurisdiction of the arbitrator and of such courts and waive any objection to the jurisdiction or venue of such arbitrator and courts.

27. **No Changes Without Authorization; Change Orders.** There shall be no change whatsoever in the drawings, specifications, or in the Work without an executed Change Order or a written directive from District for a minor change in the Work. District shall not be liable for the cost of any extra work or any substitutions, changes, additions, omissions, or deviations from the Project drawings and specifications unless the same shall have been authorized by and the cost thereof approved in writing by Change Order or a written directive from District. For purposes of this Agreement, a Change Order is a written instrument (substantially in the form attached hereto as Exhibit K) prepared by District and Contractor stating their agreement to all of the following: (1) a change in the Work; (2) the amount of the adjustment in the Contract Price, if any; and (3) the extent of the adjustment in the Contract Time, if any. Contractor and District intend and expect that Contractor will not submit any Change Order requests during the construction of the Project based upon alleged errors or omissions in the plans, specifications, drawings, or designs for the Project. Rather, the Parties intend and expect that Change Order requests will only be submitted for District-requested changes in the scope of Work of the Project, or for changes in the Work of the Project due to unforeseen conditions at the Site, Excusable Delays, or otherwise in accordance with this Agreement and the Contract Documents.

28. **Rebates and Credits.**

- a. Generally: If applicable, any tax benefits, rebates or deductibles such as, but not limited to, those under section 179D of the Internal Revenue Code regarding the Energy Policy Act of 2005 are assigned to Contractor as part of this Agreement. District will use commercially reasonable efforts to assist with executing any necessary documents for Contractor to obtain such benefits.
- b. **Carbon Credits.** With regard to Carbon Credits the District:
 - i. acknowledges that the carbon credits generated by, arising from or otherwise created in connection with the Work (the “**Carbon Credits**”) have been considered in assessing the economic feasibility of the District undertaking the Work and Contractor entering into this Agreement, including, without limitation, the impact of the potential: (i) asset value of the Carbon Credits; and/or (ii) revenue generated from any sale of Carbon Credits by Contractor;
 - ii. agrees that: (i) Contractor (or its assignees or transferees) shall have sole and exclusive right, title and interest in and to all Carbon Credits; and (ii) the District shall not: (A) sell, assign, transfer or otherwise dispose of any Carbon Credits, except in the course of transferring such Carbon Credits to Contractor (or its assignees); (B) acquire any right in the Carbon Credits; or (C) create (directly or indirectly), incur or permit to exist any lien on or with respect to the Carbon Credits or any portion thereof;
 - iii. acknowledges that the Carbon Credits are of substantial value to Contractor and should any Carbon Credits be encumbered, assigned, sold or otherwise transferred without the written consent of the Contractor, then Contractor would be prevented from realizing the full economic value of this Agreement and may be irreparably harmed;
 - iv. agrees that the Contractor may sell, assign or otherwise transfer any Carbon Credits in its sole and absolute discretion; and
 - v. undertakes to obtain (in writing) from each current and future financier, all relevant governmental authorities and each other counterparty to any contract entered into (whether now or in the future) by the District in connection with the Project (each a “**Project Participant**”):

- vi. an acknowledgment that Carbon Credits have been considered in assessing the economic feasibility of the District undertaking the Project, including, without limitation, the impact of the potential: (i) asset value of the Carbon Credits; and/or (ii) revenue generated from any sale of Carbon Credits by the District;
 - vii. an acknowledgment that the Carbon Credits are of substantial value to the District and should any Carbon Credits be encumbered, conveyed, assigned, sold or otherwise transferred without the written consent of the District, the District would be prevented from realizing the full economic value of the Project and may be irreparably harmed;
 - viii. an agreement that the District may sell, assign or otherwise transfer any Carbon Credits in its sole and absolute discretion; and
 - ix. an agreement that the District (or its assignees or transferees) shall have sole and exclusive right, title and interest in and to all Carbon Credits, and the financier, governmental authority or Project Participant (as applicable) will not acquire any right in or assert any lien against the Carbon Credits and provide evidence of the same to Contractor.
29. **Guarantee of Savings.** Contractor will guarantee to the District the Savings detailed in Exhibit G, "Guarantee". The Savings will be determined, measured, and verified in accordance with the terms and conditions contained in Exhibit G.
30. **Confidentiality.** (a) As used herein, "Confidential Information" means all information, including this Agreement, that is furnished by a disclosing Party ("Discloser"), its affiliates or subsidiaries, including, but not limited to: business agreements, business secrets, business information, business plans, financial and pricing information, business practices, financial statements and reports, project specifications, projections, schematics and drawings, trade secrets, processes, materials, customer lists, supplier lists, sales volume, territories, markets, current, future or potential acquisitions, technical, production, operational, marketing or sales information or any and all other financial, business, organizational and technological information related to the Discloser's business and/or organization, whether or not such information is specifically marked "Confidential" or other similar legend. "Confidential Information" shall include all writings, notes, memoranda, media made by the Discloser or its employees, agents or servants with respect to such Confidential Information. Notwithstanding the foregoing, the following will not constitute Confidential Information for purposes of this Agreement: (a) information that is or becomes generally available to the public other than as a result of a disclosure by the recipient Party ("Recipient") or its Representatives, as defined below, (b) information that becomes available on a non-confidential basis from a source other than a party to this Agreement and if Recipient has no reason to believe such source was subject to any prohibition against transmitting such information, or (c) any information or documents, including but not limited to this Agreement, that District is required to disclose under the California Public Records Act or other applicable law.
- (b) Recipient shall use the Confidential Information solely in connection with the Agreement and the Recipient shall not disclose the Confidential Information to any person other than directors, officers, employees, lenders, counsel, representatives or affiliates of Recipient, if any (collectively, "Representatives"), who need to know the Confidential Information in connection with the Agreement or as required by law. It is understood that (i) such Representatives shall be informed by the Recipient of the confidential nature of the Confidential Information and the requirement that it not be used other than

for the purposes described above, (ii) such Representatives shall be required to agree to and be bound by the terms of this Agreement with respect to the confidentiality of such Confidential Information as a condition of receiving the Confidential Information and (iii) in any event, the Recipient shall be responsible for any breach of this Agreement by any of its Representatives. The Confidential Information shall be safeguarded from unauthorized disclosure and shall not be used in any manner by any Party except as may be necessary for the purposes set forth herein. The term "person" as used in this Agreement shall be broadly interpreted to include, without limitation, any corporation, company, partnership, individual or other entity.

(c) If the Recipient or its Representatives are requested or required (by oral question, interrogatories, requests for information or documents, subpoena, civil investigative demand or similar process, or other applicable law) to disclose any Confidential Information, the Recipient will promptly notify Discloser of such request or requirement so that Discloser may seek an appropriate protective order or waiver in compliance with the provisions of this Agreement. If, in the absence of a protective order or the receipt of a waiver hereunder, the Recipient or its Representatives are, in the written opinion of counsel, compelled to disclose the Confidential Information or else stand liable for contempt or suffer other censure or significant penalty, the Recipient may disclose only such of the Confidential Information to the party compelling disclosure as is required by law.

(d) The obligations under this Section will survive any termination or expiration of this Agreement indefinitely.

31. **No Partnership.** Nothing in this Agreement shall (i) be deemed to constitute a partnership in law between the Parties, (ii) deem any Party to be the agent of the other for any purpose or (iii) entitle any Party to commit or bind the other (or any member of its respective group) in any manner.
32. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
33. **Entire Agreement and Disclaimer of Reliance.** This Agreement constitutes the entire understanding and agreement of the Parties with respect to its subject matter and any and all prior agreements, understandings or representations with respect to its subject matter in this Agreement are terminated and canceled in their entirety and are of no further force or effect. The Parties represent that they have not relied on any promise, representation, or warranty, express or implied, not contained in this Agreement, and any such reliance is hereby disclaimed.
34. **No Third-Party Rights.** Nothing in this Agreement, whether express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any persons other than the Parties and their respective successors and assigns, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third person to any Party to this Agreement, nor shall any provision give any third person any right of subrogation or action over or against any Party to this Agreement.

35. **Legal Capacity.** Each of the Parties and signatories to this Agreement has the full right, power, legal capacity and authority to enter into and perform the Party's respective obligations under this Agreement, and no approvals or consents of any other person are necessary in connection with that authority.

36. **Successors and Assigns.** All of the terms and provisions contained in this Agreement shall inure to the benefit of and shall be binding upon the Parties to this Agreement and their respective heirs, legal representatives, successors and assigns. No Party may assign, transfer, or novate any of its rights and obligations either in whole or in part to any other person or entity without the written consent of the other.
37. **Further Assurances.** Each of the Parties to this Agreement shall execute and deliver any and all additional papers, documents and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of their obligations under this Agreement to carry out the intent of the Parties to this Agreement.
38. **Attorney's Fees.** Should any party engage an attorney or institute any action or proceeding at law or in equity, or in connection with an arbitration, to enforce any provision of this Agreement, including an action for declaratory relief, or for damages by reason of an alleged breach of any provision of this Agreement, or otherwise in connection with this Agreement, or any provision of this Agreement, the prevailing party shall be entitled to recover from the losing party reasonable and necessary attorney fees and costs for services rendered to the prevailing party in that action or proceeding.
39. **Choice of Law.** This Agreement and the rights and obligations of the Parties hereto shall be interpreted, construed and enforced in accordance with the laws of the State of California without regard to principles of conflicts of laws. Any action or proceeding seeking any relief under or with respect to this Agreement shall be brought solely in the Superior Court of the State of California for the County of Monterey, subject to any motion for transfer of venue.
40. **Independent Counsel.** All of the Parties warrant and represent that they have been advised that they should be represented by counsel of their own choosing in the preparation and analysis of this Agreement; that they have been represented by independent counsel or have had the opportunity to be represented by independent counsel; and that they have read this Agreement with care and believe that they are fully aware of and understand its contents and its legal effect.
41. **Contractor not a Municipal Advisor.** The District acknowledges and agrees that Contractor has not acted as a municipal financial advisor to the District and that the District has not relied on Contractor for any matters relating to the financing of the Project, including issuance of any bonds.
42. **Notices.** All notices and other communication under this Agreement (other than regularly scheduled payments) shall be deemed properly given upon receipt if delivered in person or sent by E-Mail with regular mail follow-up or sent by overnight delivery service or sent by registered mail, return receipt requested and postage prepaid, addressed as follows:

To: District

Pacific Grove Unified School District

435 Hillcrest Ave,

Pacific Grove, CA 93950

josh.jorn@pgusd.org

Attention: Assistant Superintendent Business Services

To ABM BUILDING SOLUTIONS, LLC:

6200 Goodyear Rd.

Benecia, CA 94510

Attention: Bryan Thomas

With a copy to: legalnotice@abm.com

Either Party may change such address from time to time by written notice to the other Party.

43. **Entire Agreement.** This Agreement represents the entire and integrated agreement between the Contractor and the District and supersedes all prior negotiations, written instrument signed by the Party charged to be bound thereby. This Agreement may only be amended in a writing signed by the Parties.

Exhibit B
Scope of Work

Energy Conservation Project for Pacific Grove Unified School District

Listing of Pacific Grove Buildings in This Project

Pacific Grove High School, 615 Sunset Drive, Pacific Grove, CA 93950

Community High School, 1004 David Avenue, Pacific Grove, CA 93950

Adult School, 1025 Lighthouse Avenue, Pacific Grove, CA 93950

Middle School, 835 Forest Avenue, Pacific Grove, CA 93950

Forest Grove Elementary School, 1065 Congress Avenue, Pacific Grove, CA 93950

Robert Down Elementary School, 485 Pine Avenue, Pacific Grove, CA 93950

District Office, 435 Hillcrest Avenue, Pacific Grove, CA 93950

TECHNICAL CATEGORIES

The following are the improvements that will be made for Pacific Grove Unified School District:

TC – 3.1 Building Automation System Upgrades

TC – 4.1 HVAC Upgrades

TC – 5.1 LED Stadium Lighting

TC – 5.2 LED Lighting

TC – 6.1 Building Envelope Modifications

TC – 12.1 Electrical Upgrades (Main Service Panel)

TC – 12.2 Generator / Resiliency

TC – 13.1 Water Conservation

TC – 19.1 Appliance Upgrades

Pacific Grove High School

TC – 5.1 LED Stadium Lighting

Contractor will install new LED sports lighting at the High School Football Field. Contractor will furnish and install the following:

- Removal and disposal of sixty (60) 1,000W Metal Halide Fixtures
- Install forty (40) new LED 855W LED Fixtures utilizing existing poles
- Lighting shall be compatible with existing poles, controls, and wiring

Not included in this scope of work:

- Removal and installation of new poles
- Advanced lighting controls, re-use existing controls/switching

TC – 6.1 Building Envelope

Contractor will perform various building envelope modifications to reduce the infiltration and exfiltration of air into and out of the building. Listed below is the detail for these modifications:

- Seal 0.03 Sq/ft of penetrations with polyurethane sealant
- Seal 842 wall cracks, window/door frames and vents with polyurethane sealant
- Install 131 sets of weather-strip DF
- Install 130 door sweeps
- Install 9 Astragals (weather-strip for center double door)
- Install 1 Sets of weather-strip DF (OH Door)

TC – 12.1 Electrical Upgrades (Main Service Panel)

Contractor will furnish and install the following:

- Utilize GPRS to scan and identify the location of existing underground utilities within the project area
- Sawcut and trench as necessary to facilitate the layout and installation of conduit pathways for the new electrical infrastructure
- Install five (5) 5" PVC conduits extending from the utility transformer to the new switchgear
- Procure and install a concrete pad for the new switchgear, providing a stable and secure foundation
- Procure, deliver, and install one (1) 2500A, 120/208V stainless steel main switchgear that mirrors the existing gear, ensuring compatibility.
- Furnish and install approx. eight (8) concrete filled bollards to protect newly installed gear
- Extend existing feeders to the new switchgear location as required
- Demolish existing conduit where necessary and replace it with rigid conduit
- Test and commission to ensure the proper functioning, safety, and reliability of the newly installed switchgear.

Clarifications:

- Includes (1) one week of temporary power
- Assumes that the asphalt/concrete repair/patch to conduit layout is approximately forty (40) ft. only

Not included in this scope of work:

- Truncated domes
- Grading
- Sloping
- Utility service upgrade
- ADA

TC – 13.1 Water Conservation

Contractor will furnish and install the following at the High School and Forest Grove Elementary School:

Description	Fixture Code	Specification	Quantity
Install 1.1 /1.6 gpf HET Wall Hung Toilet	WHTC	Kohler K-84325	21
Install 1.1 /1.6 gpf HET Floor Mount Floor Discharge Toilet	FMFDTC	Kohler K-96053	9
Install 1.1 /1.6 gpf HET Floor Mount Floor Discharge ADA Toilet	FMFATC	Kohler K-96057	7
Install 1.1 /1.6 gpf HET Juvenile Toilet	JUNTC	Kohler K-96059	17
Install 0.8/1.0 gpf HET Dual Flush Floor Mount Floor Discharge Elongated Tank Toilet	DFTT	Caroma Sydney Smart III 305-102	2
Elongated Open Front Seat	EO	Bemis 1955SSCT	56
Install 1.28 gpf HET Manual Toilet Valve w/ 9" vBt	MTV9-1.28	Sloan GEM-2 111-1.28	39

Install 1.28 gpf HET Manual Toilet Valve w/ 13" vBt	MTV13-1.28	Sloan GEM-2 113-1.28	24
Install 1.28 gpf HET Sensor Toilet Valve w/ 9" vBt	STV9-1.28	Sloan GEM-2 111 SF5M-1.28	3
Add extended J-tube with valve installation	XJT	Zurn ZP6000J10	1
Raise toilet vBt length to 9" to meet code requirements in exposed application	Ex-TO vBt Compliance	1" Chrome 90 & Nipple-3L	21
Raise toilet vBt length to 9" to meet code requirements in exposed application and Add Offset Tube	Ex-TO vBt Compliance / Offset	1" Chrome 90 & Nipple-3L / Sloan Offset Tube	2
Install 0.5 gpm Tamperproof PCA Spray Flow Control for Existing Faucet w/ Thread Adapter	SFC-0.5	Neoperl 40.7059.733	54
Install 1.0 gpm Tamperproof PCA Laminar Flow Control for Existing Faucet w/ Thread Adapter	LFC-1.0	Neoperl 40.2158.733	35
Install 1.5 gpm Tamperproof PCA Laminar Flow Control for Existing Faucet w/ Thread Adapter	LFC-1.5	Neoperl 40.2156.733	3
Install 1.0 gpm Stainless Steel Tamperproof PCA Spray Flow Control for Existing Faucet w/ Thread Adapter	SFC-0.5-SS	Neoperl 45-014	7
Install New 4" Centerset Brass Valve Single Control Lavatory	F4SC-0.5-Lav	Chicago 2200-4E2805ABCP	1

Faucet with 0.5 gpm Tamperproof Flow Control			
Install New Single Hole Brass Valve Single Temp Push Button Metering Lavatory Faucet with 0.5 gpm Tamperproof Flow Control	MF1ST-0.5-Lav	Chicago 3500- E2805ABCP	1
Install 1.5 gpm Nozzle Type Showerheads	NOZSH-1.5	High Sierra (various models)	12
Install 0.6 gpm straight pre-rinse sprayer	PRS-Straight	Bricor Pre-Rinse 0.6	1

Not included in this scope of work:

- Replacement of shut-off valves or main water valves
- Painting, patching, tile work, and wall repair outside of scope footprint
- Repair or replacement of existing leaks in faucets, traps, shower diverters or handles.
- Enhancements to fixtures that are not covered in the existing plumbing code
- Modifications to waste or vent lines
- Irrigation upgrades and/or controls

Community High School

TC – 6.1 Building Envelope

Contractor will perform various building envelope modifications to reduce the infiltration and exfiltration of air into and out of the building. Listed below is the detail for these modifications:

- Seal 0.01 Sq/ft of penetrations with polyurethane sealant
- Install 13 sets of weather-strip DF
- Install 14 door sweeps.

TC – 13.1 Water Conservation

Contractor will furnish and install the following:

Description	Fixture Code	Specification	Quantity
Install 1.1 /1.6 gpf HET Floor Mount Floor Discharge ADA Toilet	FMFATC	Kohler K-96057	3
Install 0.8/1.0 gpf HET Dual Flush Floor Mount Floor Discharge Elongated Tank Toilet	DFTT	Caroma Sydney Smart III 305-102	1
Install 1.28 gpf HET Infant Gravity Tank Toilet	INFGTT	American Standard 2315.228.020	1
Elongated Open Front Seat	EO	Bemis 1955SSCT	4
Baby Open Front Seat	BO	Bemis BB955C	1
Install 1.28 gpf HET Manual Toilet Valve w/ 13" vBt	MTV13-1.28	Sloan GEM-2 113- 1.28	8
Raise toilet vBt length to 9" to meet code requirements in exposed application	Ex-TO vBt Compliance	1" Chrome 90 & Nipple-3L	8

Raise urinal vBt length to 9" to meet code requirements in exposed application	Ex-UR vBt Compliance	3/4" Chrome 90 & Nipple-3L	2
Install 0.125 gpf HEU Small Pint Urinal (16" to 20" Footprint)	SPFUC	Kohler K-5452-ET	2
Install 0.125 gpf HEU Manual Urinal Valve w/ C13 vBt	MUV-C13-0.125	Sloan GEM-2 186-0.125 w/C15 vbt	2
Install 0.5 gpm Tamperproof PCA Spray Flow Control for Existing Faucet w/ Thread Adapter	SFC-0.5	Neoperl 40.7059.733	7
Install 1.0 gpm Tamperproof PCA Laminar Flow Control for Existing Faucet w/ Thread Adapter	LFC-1.0	Neoperl 40.2158.733	4
Install 1.5 gpm Tamperproof PCA Laminar Flow Control for Existing Faucet w/ Thread Adapter	LFC-1.5	Neoperl 40.2156.733	2
Install 0.5 gpm Tamperproof PCA Cache Spray Flow Control for Existing Faucet	CSFC-0.5	Neoperl 40.7359.010	1
Install New Single Hole Single Temp Gooseneck General Purpose Faucet with 1.5 gpm Tamperproof Flow Restrictor	F1STGN-1.0	Chicago 350-E35VP317XKABCP	2

Not included in this scope of work:

- Replacement of shut-off valves or main water valves.
- Painting, patching, tile work, and wall repair outside of scope footprint

- Repair or replacement of existing leaks in faucets, traps, shower diverters or handles.
- Enhancements to fixtures that are not covered in the existing plumbing code.
- Modifications to waste or vent lines
- Irrigation upgrades and/or controls

Adult School

TC – 6.1 Building Envelope

Contractor will perform various building envelope modifications to reduce the infiltration and exfiltration of air into and out of the building. Listed below is the detail for these modifications:

- Seal 0.03 Sq/ft of penetrations with polyurethane sealant
- Seal 11380 wall cracks, window/door frames and vents with polyurethane sealant
- Install 47 sets of weather-strip DF.
- Install 48 door sweeps.
- Install 3 Astragals (weather-strip for center double door)

TC – 13.1 Water Conservation

Contractor will furnish and install the following:

Description	Fixture Code	Specification	Quantity
Install 1.1 /1.6 gpf HET Floor Mount Floor Discharge Toilet	FMFDTC	Kohler K-96053	5
Install 1.1 /1.6 gpf HET Floor Mount Floor Discharge ADA Toilet	FMFATC	Kohler K-96057	6
Elongated Open Front Seat	EO	Bemis 1955SSCT	11
Install 1.28 gpf HET Manual Toilet Valve w/ 9" vBt	MTV9-1.28	Sloan GEM-2 111-1.28	6

Install 1.28 gpf HET Manual Toilet Valve w/ 13" vBt	MTV13-1.28	Sloan GEM-2 113-1.28	5
Raise toilet vBt length to 9" to meet code requirements in exposed application	Ex-TO vBt Compliance	1" Chrome 90 & Nipple-3L	5
Install 1.0 gpm Tamperproof PCA Laminar Flow Control for Existing Faucet w/ Thread Adapter	LFC-1.0	Neoperl 40.2158.733	5
Install 1.5 gpm Tamperproof PCA Laminar Flow Control for Existing Faucet w/ Thread Adapter	LFC-1.5	Neoperl 40.2156.733	1
Install New 4" Centerset Brass Valve Push Button Metering Lavatory Faucet with 0.5 gpm Tamperproof Flow Control	MF4-0.5-Lav	Chicago 802-VE2805-665ABCP	1

Not included in this scope of work:

- Replacement of shut-off valves or main water valves
- Painting, patching, tile work, and wall repair outside of scope footprint
- Repair or replacement of existing leaks in faucets, traps, shower diverters or handles.
- Enhancements to fixtures that are not covered in the existing plumbing code
- Modifications to waste or vent lines
- Irrigation upgrades and/or controls

Pacific Grove Middle School

TC – 6.1 Building Envelope

Contractor will perform various building envelope modifications to reduce the infiltration and exfiltration of air into and out of the building. Listed below is the detail for these modifications:

- Seal 0.10 Sq/ft of penetrations with polyurethane sealant
- Seal 2340 wall cracks, window/door frames and vents with polyurethane sealant
- Install 45 sets of weather-strip DF.
- Install 45 door sweeps.
- Install 12 Astragals (weather-strip for center double door)
- Install 1 set of weather-strip DF (OH Door)

TC – 12.2 Generator / Resiliency

Contractor will install a natural gas fueled generator to provide backup power for the IT room at the Middle School. Contractor will furnish and install the following:

- Installation of a 30 kW, natural gas fueled standby generator.
- Aluminum, sound attenuated enclosure
- 100 Amp, 120/240-volt automated transfer switch in a NEMA type 3R enclosure
- Mobile link cellular 4G LTE accessory
- 50 Amp Smart Management Module
- Surge Protection Device 120/240 VAC single split phase
- 26R Wet Cell Battery
- Install new composite pad with roof anchors
- Provide necessary electrical, gas, plumbing materials and installation for a properly working system.
- Provide permitting and all associated engineering required for installation.

Not included in this scope of work:

- Utility Upgrade Costs: Any cost associated with upgraded the existing utility infrastructure to accommodate the new generator are not included.
- Removal and Disposal of Existing Equipment: Removal, disposal, or recycling of any existing equipment or materials not specified in the scope of work is not included in this proposal.
- Civil and Structural Engineering: Design and engineering services related to civil and structural works are not included in this proposal.
- Fire Suppression System: The supply and installation of a fire suppression system for the Generator or battery cabinet is not included in this proposal.
- Communications Infrastructure: The supply and installation of communication infrastructure, such as fiber optic cabling or wireless networks, is not included in this proposal.
- Extended Warranty: Any extended warranty for labor, workmanship, or equipment beyond the standard warranty terms is not included in this proposal.

TC – 13.1 Water Conservation

Contractor will furnish and install the following:

Description	Fixture Code	Specification	Quantity
Install 1.1 /1.6 gpf HET Floor Mount Floor Discharge Toilet	FMFDTC	Kohler K-96053	8
Install 1.1 /1.6 gpf HET Floor Mount Floor Discharge ADA Toilet	FMFATC	Kohler K-96057	11
Install 1.1 /1.6 gpf HET Juvenile Toilet	JUNTC	Kohler K-96059	4
Elongated Open Front Seat	EO	Bemis 1955SSCT	23
Install 1.28 gpf HET Manual Toilet Valve w/ 9" vBt	MTV9-1.28	Sloan GEM-2 111-1.28	15
Install 1.28 gpf HET Manual Toilet Valve w/ 13" vBt	MTV13-1.28	Sloan GEM-2 113-1.28	8
Raise toilet vBt length to 9" to meet code	Ex-TO vBt Compliance	1" Chrome 90 & Nipple-3L	8

requirements in exposed application			
Install 0.5 gpm Tamperproof PCA Spray Flow Control for Existing Faucet w/ Thread Adapter	SFC-0.5	Neoperl 40.7059.733	12
Install 1.0 gpm Tamperproof PCA Laminar Flow Control for Existing Faucet w/ Thread Adapter	LFC-1.0	Neoperl 40.2158.733	10
Install 1.5 gpm Tamperproof PCA Laminar Flow Control for Existing Faucet w/ Thread Adapter	LFC-1.5	Neoperl 40.2156.733	4
Install 1.0 gpm Stainless Steel Tamperproof PCA Spray Flow Control for Existing Faucet w/ Thread Adapter	SFC-0.5-SS	Neoperl 45-014	1
Install 0.6 gpm straight pre-rinse sprayer	PRS-Straight	Bricor Pre-Rinse 0.6	1

Not included in this scope of work:

- Replacement of shut-off valves or main water valves
- Painting, patching, tile work, and wall repair outside of scope footprint
- Repair or replacement of existing leaks in faucets, traps, shower diverters or handles.
- Enhancements to fixtures that are not covered in the existing plumbing code
- Modifications to waste or vent lines
- Irrigation upgrades and/or controls

TC – 19.1 Appliance Upgrades

Contractor will furnish and install the following:

- Disconnection and removal of seven (7) existing gas stove/oven appliances
- Existing appliances will be left with the district for re-use and/or backup purposes.
- Add 250 Amp Panel w/ 2 ½" Conduit to Sub-Panel for 7 receptacles for Electrical Stoves
- Provide and install seven (7) new General Electric, or equivalent electric stove/oven combination units

Not included in this scope of work:

- Upgrades to the existing main electrical panel

Forest Grove Elementary School

TC – 3.1 Building Automation System Upgrades

Contractor will upgrade the existing building automation system. The existing control system at the Forest Grove Elementary School is a Pelican Wireless Control System. Contractor will utilize the existing gateways and infrastructure for wireless communication. Contractor will furnish and install the following:

- Admin Building
 - Reuse four (4) existing thermostats for furnaces
 - Four (4) PEARL economizer modules
 - Four (4) WR400 repeaters
- MPR
 - Two (2) TC3 thermostats for furnaces
 - Two (2) PEARL economizer modules
- Building A
 - Reuse one (1) existing thermostat for furnace
 - One (1) PEARL economizer module
- Building G
 - Reuse seven (7) existing thermostats for furnaces
 - Seven (7) PEARL economizer modules
- Library
 - Reuse two (2) existing thermostats for bard units
 - Two (2) PEARL economizer modules
- Building B

- Reuse four (4) existing thermostats for furnaces
 - Four (4) PEARL economizer modules
- Building C
 - Reuse four (4) existing thermostats for furnaces
 - Four (4) PEARL economizer modules
- Building D
 - Reuse four (4) existing thermostats for furnaces
 - Four (4) PEARL economizer modules
- Building E
 - Reuse four (4) existing thermostats for furnaces
 - Four (4) PEARL economizer modules
- Building K
 - Reuse four (4) existing thermostats for bard units
 - Reuse two (2) existing thermostats for furnaces
 - Six (6) PEARL economizer modules

This scope of work includes the following:

- Installation of new programmable, temperature, humidity, and carbon dioxide sensing thermostats
- Economizer controllers for thirty-eight (38) units
- Provide and install repeaters necessary to provide a properly working system.
- Perform commissioning, system start-up, and check out.
- Provide on-site training to the District.
- One (1) year of software licensing

Not included in this scope of work:

- Gateways and zone controllers, contractor assumes all existing gateways and zone controllers are functional.
- Replacement of thermostats noted to be reused in the above scope of work.
- Electrical distribution system upgrades if not code compliant
- District IT to provide and/ or install network drops, network hardware, IP assignments, network routing, remote connectivity, virtual server and all other IT related services to allow for automation system to communicate with Pelican software.
- Exhaust fan controls
- Water heater controls
- Additional years of licensing beyond one (1) year. If the yearly subscription services are not renewed, system will continue to run but system capabilities will be limited.

TC – 4.1 HVAC Upgrades

Contractor will furnish and install the following:

- Demolition & Disposal of equipment being replaced below:
- A-Wing furnish and install five (5) Gas Fired Furnaces @ 1,200 cfm each.
- A-Wing (MPR) furnish and install two (2) Gas Fired Furnaces @ 6,250 cfm each.
- B-Wing furnish and install four (4) Gas Fired Furnaces @ 1,200 cfm each.
- E-Wing furnish and install HP-4: BARD Unit W42HC-A10YN4XXE
- E-Wing furnish and install HP-5: BARD Unit W60HC-A10YN4XXE
- C-Wing furnish and install four (4) Gas Fired Furnaces @ 1,200 cfm each.
- D-Wing furnish and install four (4) Gas Fired Furnaces @ 1,200 cfm each.
- G-Wing furnish and install seven (7) Gas Fired Furnaces @ 1,200 cfm each.
- K-Wing furnish and install two (2) Gas Fired Furnaces @ 1,950 cfm each.
- K-Wing furnish and install HP-7: BARD Unit W48HC-A05YP4XXE
- K-Wing furnish and install HP-9: BARD Unit W36HC-A05YN4XXE
- K-Wing furnish and install HP-10: BARD Unit W60HC-A05YN4XXE
- Library furnish and install HP-1: BARD Unit W36HC-A05YN4XXE
- Library furnish and install HP-2: BARD Unit W36HC-A05YN4XXE
- Furnish and install twenty-eight (28) Factory Mixing Boxes with Belimo Actuators
- Furnish and install twenty-eight (28) Factory Filter Housings with MERV-13 Filters & DP Monitors
- Furnish and install two (2) Smoke Detectors at two (2) MPR Furnaces

- Disconnect & reconnect electrical, gas & ductwork for the equipment noted above
- Code Required duct insulation.
- Anchorage & attachment of all new equipment
- Start-Up & Testing of new Equipment
- Check Final Air Flow Readings at HVAC Units with Pitot-Tube
- Shop drawings

Not included in this scope of work:

- Opening & closing of walls, floors & ceilings
- Cutting, framing, patching and/or painting of walls, floors, roof, etc.
- Code upgrades of existing systems and/or conditions
- Warranty, survey, or repair of existing systems
- Fire Life Safety
- Interior Air Balance
- Pre-Air Balance
- Duct cleaning
- Duct leak testing & sealing of existing ductwork.
- HHW Boiler Systems
- BIM

TC – 6.1 Building Envelope

Contractor will perform various building envelope modifications to reduce the infiltration and exfiltration of air into and out of the building. Listed below is the detail for these modifications:

- Seal 0.02 Sq/ft of penetrations with polyurethane sealant
- Seal 1932 wall cracks, window/door frames and vents with polyurethane sealant
- Install 73 sets of weather-strip DF.
- Install 73 door sweeps.
- Install 2 Astragals (weather-strip for center double door)

TC – 13.1 Water Conservation

- Forest Grove Elementary Water Conservation scope is included in the High School scope of work since the campuses share the same water meter.

Robert Down Elementary School

TC – 3.1 Building Automation System Upgrades

Contractor will upgrade the existing building automation system. The existing control system at the Forest Grove Elementary School is a Pelican Wireless Control System. Contractor will utilize the existing gateways and infrastructure for wireless communication. Contractor will furnish and install the following:

- Building A (Kinder Wing)
 - Reuse three (3) existing thermostats for new heat pumps
 - Three (3) PEARL economizer modules

This scope of work includes the following:

- Installation of new programmable, temperature, humidity, and carbon dioxide sensing thermostats
- Economizer controllers for three (3) units
- Provide and install repeaters necessary to provide a properly working system.
- Perform commissioning, system start-up, and check out.
- Provide on-site training to the District.
- One (1) year of software licensing

Not included in this scope of work:

- Gateways and zone controllers, contractor assumes all existing gateways and zone controllers are functional.
- Replacement of thermostats noted to be reused in the above scope of work
- Electrical distribution system upgrades if not code compliant
- District IT to provide and/ or install network drops, network hardware, IP assignments, network routing, remote connectivity, virtual server and all other IT related services to allow for automation system to communicate with Pelican software
- Exhaust fan controls
- Water heater controls
- Additional years of licensing beyond one (1) year. If the yearly subscription services are not renewed, system will continue to run but system capabilities will be limited

TC – 4.1 HVAC Upgrades

Contractor will furnish and install the following:

Demolition of Existing HVAC noted below

Furnish and install new roof top heat pumps (HP-A-1,2,3), Carrier 50FCQA04A1M5-3F0A or equivalent

- “Install only” duct detectors for each system if required
- Furnish and install seismic/isolation as required
- Demolition and disposal of existing units
- Cap existing gas lines to be abandoned
- Furnish and install new exposed duct in classrooms from new units
- Relocate or install new duct detectors if required by DSA FLS backcheck
- Install new grilles
- Furnish and install electrical as required (Exclude new panels/sub-panels)
- Install new condensate lines location TBD
- Patch existing duct openings at window panels as needed
- Duct leak test if required by DSA
- Startup & Testing of new equipment
- Test & Air Balance and report

ADA Allowance

Contractor has included an allowance of \$82,678 for any required accessibility upgrades per DSA 20% ADA upgrades at Robert Down Elementary. If DSA required accessibility upgrades exceed the included allowance, Contractor shall issue a Change Order for the additional cost.

Clarifications:

- Contractor will provide daily clean-up and keep work areas in a safe, organized condition. Rooms/spaces will be left in a broom sweep condition. Final wipe down cleaning is by others.
- Contractor will cover adjacent bookshelves, desks, etc. with plastic for minimal dust protection.
- Contractor will furnish and install structural blocking/framing to support the new equipment.
- Contractor will furnish and install wall patches and paint the areas affected by Contractor’s work.
- Contractor will furnish As-Built drawings
- Re-use existing electrical, ductwork, waste, water, vent, gas, & condensate, etc, “as-is”

Not included in this scope of work:

- Janitorial cleaning services
- Rigid conduit
- Patching of existing ceilings not drywall or plaster
- Underground work/ trenching

- Upgrades of existing plumbing/ mechanical systems not shown on drawings
- Upgrades to existing power supply (Adequate power to be at existing panels)
- Switchgear/sub-panels
- Code upgrades of existing systems and/or conditions
- Flooring/ floor base
- Code upgrades of existing systems and/or conditions
- Abatement
- Warranty, survey, or repair of existing systems
- Fire Life Safety & Smoke Detectors ((N) RTU's under 2,000 cfm)
- Pre-Air Balance
- Duct cleaning
- Duct leak testing & sealing of existing ductwork
- Identification & disposal of hazardous materials
- Temporary toilets, fencing, security

TC – 6.1 Building Envelope

Contractor will perform various building envelope modifications to reduce the infiltration and exfiltration of air into and out of the building. Listed below is the detail for these modifications:

- Seal 0.03 Sq/ft of penetrations with polyurethane sealant
- Seal 282 wall cracks, window/door frames and vents with polyurethane sealant
- Install 44 sets of weather-strip DF
- Install 44 door sweeps
- Install 13 Astragals (weather-strip for center double door)

TC – 13.1 Water Conservation

Contractor will furnish and install the following:

Description	Fixture Code	Specification	Quantity
Install 1.1 /1.6 gpf HET Wall Hung Toilet	WHTC	Kohler K-84325	11
Install 1.1 /1.6 gpf HET Floor Mount Floor Discharge ADA Toilet	FMFATC	Kohler K-96057	5
Install 1.1 /1.6 gpf HET Juvenile Toilet	JUNTC	Kohler K-96059	15
Install 0.8/1.0 gpf HET Dual Flush Floor Mount	DFTT	Caroma Sydney Smart III 305-102	1

Floor Discharge Elongated Tank Toilet			
Install 1.28 gpf HET Infant Gravity Tank Toilet	INFGTT	American Standard 2315.228.020	1
Elongated Open Front Seat	EO	Bemis 1955SSCT	32
Baby Open Front Seat	BO	Bemis BB955C	1
Install 1.28 gpf HET Manual Toilet Valve w/ 9" vBt	MTV9-1.28	Sloan GEM-2 111- 1.28	20
Install 1.28 gpf HET Manual Toilet Valve w/ 13" vBt	MTV13-1.28	Sloan GEM-2 113- 1.28	11
Raise toilet vBt length to 9" to meet code requirements in exposed application	Ex-TO vBt Compliance	1" Chrome 90 & Nipple-3L	9
Raise toilet vBt length to 9" to meet code requirements in exposed application and Add Offset Tube	Ex-TO vBt Compliance / Offset	1" Chrome 90 & Nipple-3L / Sloan Offset Tube	2
Install 0.5 gpm Tamperproof PCA Spray Flow Control for Existing Faucet w/ Thread Adapter	SFC-0.5	Neoperl 40.7059.733	4
Install 1.0 gpm Tamperproof PCA Laminar Flow Control for Existing Faucet w/ Thread Adapter	LFC-1.0	Neoperl 40.2158.733	21
Install 0.5 gpm Tamperproof PCA Cache Spray Flow Control for Existing Faucet	CSFC-0.5	Neoperl 40.7359.010	1

Install 1.0 gpm Stainless Steel Tamperproof PCA Spray Flow Control for Existing Faucet w/ Thread Adapter	SFC-0.5-SS	Neoperl 45-014	1
Install New 4" Centerset Brass Valve Single Control Lavatory Faucet with 0.5 gpm Tamperproof Flow Control	F4SC-0.5-Lav	Chicago 2200-4E2805ABCP	4
Install New Single Hole Single Temp Gooseneck General Purpose Faucet with 1.5 gpm Tamperproof Flow Restrictor	F1STGN-1.0	Chicago 350-E35VP317XKABCP	5
Install New Lavatory Basin with 4" Centerset Holes and Back Splash	B4BS-Lav	Sloan SS-3003	1

Not included in this scope of work:

- Replacement of shut-off valves or main water valves
- Painting, patching, tile work, and wall repair outside of scope footprint
- Repair or replacement of existing leaks in faucets, traps, shower diverters or handles.
- Enhancements to fixtures that are not covered in the existing plumbing code
- Modifications to waste or vent lines
- Irrigation upgrades and/or controls

District Office

TC – 6.1 Building Envelope

Contractor will perform various building envelope modifications to reduce the infiltration and exfiltration of air into and out of the building. Listed below is the detail for these modifications:

- Install 10 sets of weather-strip DF
- Install 14 door sweeps
- Install 1 Astragals (weather-strip for center double door)

TC – 13.1 Water Conservation

Contractor will furnish and install the following:

Description	Fixture Code	Specification	Quantity
Install 1.1 /1.6 gpf HET Floor Mount Floor Discharge Toilet	FMFDTC	Kohler K-96053	3
Install 1.1 /1.6 gpf HET Floor Mount Floor Discharge ADA Toilet	FMFATC	Kohler K-96057	3
Elongated Open Front Seat	EO	Bemis 1955SSCT	6
Install 1.28 gpf HET Manual Toilet Valve w/ 9" vBt	MTV9-1.28	Sloan GEM-2 111-1.28	6
Install 1.0 gpm Tamperproof PCA Laminar Flow Control for Existing Faucet w/ Thread Adapter	LFC-1.0	Neoperl 40.2158.733	3

Not included in this scope of work:

- Replacement of shut-off valves or main water valves
- Painting, patching, tile work, and wall repair outside of scope footprint
- Repair or replacement of existing leaks in faucets, traps, shower diverters or handles.
- Enhancements to fixtures that are not covered in the existing plumbing code
- Modifications to waste or vent lines
- Irrigation upgrades and/or control

All Facilities

TC – 5.1 LED Lighting

Contractor will furnish and install the following:

Pacific Grove High School			
Existing Fixture Family	Action	Proposed	Qty
Shoebox Parking Lot Pole 400 HPS	New	New LED Area Light – Direct Mount 400W Equivalent	16
None	New	New LED Flood Light for Pool	4
Gooseneck Area Light 175W HPS	Retrofit	Retrofit with LED Replacement Lamp	1
4' 1 Lamp T8 Fluorescent Wrap	Retrofit	Retrofit with 1-4' Type B TLED	24
4' 2 Lamp T8 Fluorescent Wrap	Retrofit	Retrofit with 2-4' Type B TLED	31
4' 2 Lamp T8 Fluorescent Troffer	Retrofit	Retrofit with 3-4' Type B TLED	86
8' 4 Lamp T8 Fluorescent Strip	Retrofit	Retrofit with 4-4' Type B TLED	46

12' 6 Lamp T8 Fluorescent Strip	Retrofit	Retrofit with 6-4' Type B TLED	6
Switch	New	Install Ceiling Mounted Occupancy Sensor	33
Switch	New	Install Wall Mounted Occupancy Sensor	15

Community High School

Existing Fixture Family	Action	Proposed	Qty
4' 2 Lamp T8 Fluorescent Wrap	Retrofit	Retrofit with 2-4' Type B TLED	2
4' 4 Lamp T8 Fluorescent Wrap	Retrofit	Retrofit with 4-4' Type B TLED	8
Switch	New	Install Ceiling Mounted Occupancy Sensor	17

Adult School

Existing Fixture Family	Action	Proposed	Qty
Canopy Fixture with 1- 150W HID	New	New LED Canopy	1
Wallpack 175W HID	New	New LED Wallpack	4
4' 1 Lamp T8 Fluorescent Wrap	Retrofit	Retrofit with 1-4' Type B TLED	1
4' 2 Lamp T8 Fluorescent Troffer	Retrofit	Retrofit with 2-4' Type B TLED	34
Switch	New	Install Ceiling Mounted Occupancy Sensor	19
Switch	New	Install Wall Mounted Occupancy Sensor	7

Middle School			
Existing Fixture Family	Action	Proposed	Qty
Shoebox Parking Lot Pole Light 250 HPS	New	New LED Area Light	6
Post Top Light, 250W Acorn Top	New	New LED Post Top Light	8
Gooseneck Area Light 175W HPS	Retrofit	Retrofit with LED Lamp	8
2' 2 Lamp T8 Fluorescent Troffer	Retrofit	Retrofit with 2-2' Type B TLED	5
2' 3 Lamp T8 Fluorescent Troffer	Retrofit	Retrofit with 3-2' Type B TLED	7
3' 2 Lamp T8 Fluorescent Strip	Retrofit	Retrofit with 2-3' Type B TLED	4
3' 2 Lamp T8 Fluorescent Strip	Retrofit	Retrofit with 2-3' Type B TLED	4
4' 1 Lamp T8 Fluorescent Strip	Retrofit	Retrofit with 1-4' Type B TLED	11
4' 2 Lamp T8 Fluorescent Wrap	Retrofit	Retrofit with 2-4' Type B TLED	63
8' 4 Lamp T8 Fluorescent Wrap	Retrofit	Retrofit with 4-8' Type B TLED	6
6" Downlight with 2-16W CFL Lamps	Retrofit	6" LED Retrofit Downlight Kit	19
Switch	New	Install Ceiling Mounted Occupancy Sensor	41
Switch	New	Install Wall Mounted Occupancy Sensor	34

Forest Grove Elementary

Existing Fixture Family	Action	Proposed	Qty
Shoebox Parking Lot Pole Light 250 HPS	New	New LED Area Light	4
Post Top Light, 250W	New	New LED Post Top Light	1
4' 2 Lamp T8 Fluorescent	Retrofit	Retrofit with 2-4' Type B TLED	4
4' 4 Lamp T8 Fluorescent Troffer	Retrofit	Retrofit with 4-4' Type B TLED	27
Switch	New	Install Ceiling Mounted Occupancy Sensor	2
Switch	New	Install Wall Mounted Occupancy Sensor	1

Robert Down Elementary

Existing Fixture Family	Action	Proposed	Qty
4' 2 Lamp T8 Fluorescent Wrap	New	New 4' LED Wrap Fixture	2
Wall Pack, 175W HID	New	New LED Wall Pack	1
4' 2 Lamp T8 Fluorescent Wrap	Retrofit	Retrofit with 2-4' Type B TLED	13
Switch	New	Install Ceiling Mounted Occupancy Sensor	24
Switch	New	Install Wall Mounted Occupancy Sensor	6

District Office/Maintenance

Existing Fixture Family	Action	Proposed	Qty
Shoebox Parking Lot Pole Light 250 HPS	New	New LED Area Light	1

3' 2 Lamp T8 Fluorescent Strip	Retrofit	Retrofit with 2-3' Type B TLED	1
4' 1 Lamp T8 Fluorescent Strip	Retrofit	Retrofit with 1-4' Type B TLED	1
4' 2 Lamp T8 Fluorescent Strip	Retrofit	Retrofit with 2-4' Type B TLED	13
Switch	New	Install Ceiling Mounted Occupancy Sensor	2
Switch	New	Install Wall Mounted Occupancy Sensor	7

Not included in this scope of work:

- Replacement or retrofit of fixtures not identified in the scope above
- Replacement of existing poles
- Theatrical lighting in the auditoriums and trophy case lighting
- Upgrades/modifications to the existing egress system
- Replacement of utility owned exterior lighting fixtures
- As built or stamped engineering drawings
- Upgrades to existing electrical and sub panels

[END OF ENTIRE SCOPE]

Exhibit C

General Notes

Hazardous Material

There may be some Hazardous Materials (as defined in the Agreement) in various rooms throughout the Sites. Except where specifically included in Exhibit B, CONTRACTOR has not included any costs associated with the abatement or removal of asbestos containing materials (ACM), lead based paints, or other Hazardous Materials in the Contract Price.

Electrical Infrastructure

Contractor is not responsible for any Electrical Repairs upstream of the Project tie in points, including any existing code deficiencies. It is assumed that this equipment has been maintained and is in good working order. Repairs to this equipment would be negotiated as an additional cost.

This Agreement does not include responsibility for repair or replacement necessitated by freezing weather, electric power failure, low voltage, burned-out main or branch fuses, low water pressure, vandalism, misuse or abuse of the system(s), requirements of governmental, regulatory or insurance agencies, or other causes beyond control of Contractor.

Equipment Efficiencies

All new heating and cooling equipment will meet or exceed the minimum efficiency standards as set forth by the Department of Energy and will comply with all applicable EPA regulations in effect as of the Proposal Date.

Material Requirements

All equipment will be replaced with like equipment able to be serviced in the future by qualified Mechanical or Electrical Contractors. No proprietary equipment will be installed. No requirements for Buy American are included in the scope of this Project.

Refrigerant

Some of the existing air conditioning equipment surveyed may contain R-22 refrigerant. This refrigerant is no longer allowed to be used in new air conditioning systems. All new equipment will conform to EPA regulations for environmentally acceptable refrigerants.

All new work includes the necessary:

- Permits and fees as required
- Crane and rigging service
- Removal and disposal of old equipment
- Project management
- District training on new equipment provided (Boilers, pumps, condensing units, air handlers, etc.)
- Up to eight hours of District training on new controls
- Engineering services as required

Not Included in This Scope:

- Asbestos abatement

- New filters for the existing equipment not being replaced
- Temporary Heating and/or cooling during equipment replacement

Upgrades to school Sites required for code compliance not related to the scope of work including any and all ADA, roofing, architectural and structural modifications, Fire Life Safety improvements required for code compliance, identified by California Division of the State Architect, shall be the responsibility of District. Contractor will assist District with assessment of needs, but modifications will not be made by Contractor except as set forth in this Agreement.

Lighting

All lamps, ballasts and LED technology installed per Contractor's Scope of Work were specified by the manufacturers lamp and ballast guide. All lamps and ballasts must be compatible and approved by the manufacturers. If unapproved materials are installed after Contractor's installation of the lighting upgrade, damage may ensue, and manufacturer's warranties may be void. By installing or incorporating unapproved materials, District agrees and acknowledges that District is assuming all responsibility and liability associated with doing so, District will hold Contractor harmless from liabilities resulting from such action, and District acknowledges that all warranties provided by Contractor are void.

Please refer to TC-5.1 and TC-5.2 in Exhibit B: Scope of Work for further details and exclusions to the LED lighting retrofit project.

Structural Upgrades

Structural upgrades to the facilities at the Sites are not expected, but, to the extent any structure upgrades to the existing facilities are required, they are excluded from Contractor's Scope of Work and solely the responsibility of the District. Any such potential structural upgrades that are required by DSA during backcheck of plans by the Contractor must be promptly identified to the District. If such modifications are required, the District will allow for an Excusable Delay until such time as the Contractor, acting in its capacity as Engineer of Record (EOR), can provide an approval plan to District, The District understands that any work associated with such modification, may generate an equitable extension in Contract Time and increase in Contract Price, as may be mutually agreed by the Parties.

Exhibit D

RESERVED

Exhibit E-1
Financial Terms and Conditions
Implementation Phase

District agrees to pay the Contractor the Contract Price for the implementation Work, as listed below, in accordance with the terms and conditions of the Agreement. The monthly Progress Payments shall be in the Payment Schedule shown below.

Contract Price \$5,666,485.

Payment Schedule

10% Down Payment = \$566,649

Remaining balance will be per monthly progress payments provided in Payment Schedule.

Exhibit E-2
Financial Terms and Conditions
Performance Phase

District agrees to pay the Contractor the Performance Phase Fees detailed below in accordance with the terms of this Exhibit E. The Performance Phase Fees consist of the Ongoing Services Fees and the Measurement and Verification Fees.

Ongoing Services Fee: District shall pay the Contractor for the Ongoing Services provided under this Agreement as detailed in Exhibit I. District agrees to pay the annual Ongoing Services Fee as provided for below with respect to such agreed upon Ongoing Services. The annual Ongoing Services Fee will be paid in advance.

ABM has included the Measurement and Verification Services as detailed in Exhibit G for the [three (3) year] Reporting Term at no additional cost to the District.

Payment Terms: Payment of Performance Phase Fees shall be made within thirty (30) days of District's receipt of Contractor's invoice. If Contractor is providing Ongoing Services the payment terms outlined in Exhibit E shall control and the Parties agree that Contractor's compensation may, by mutual written agreement of the Parties, be adjusted due to factors beyond its reasonable control, including but not limited to increases to minimum, prevailing or living wages, increases required by collective bargaining agreements, increases occasioned by government mandates including the Federal Affordable Care Act, increases to insurance costs and supply cost increases. For any such price increase to be effective, upon mutual agreement of the Parties, Contractor must provide written notice to District and written documentation regarding such price increase as reasonably requested by District, at least thirty (30) days in advance of the increase date. Should District determine that it does not wish to continue with the Ongoing Services portion of the Agreement due to the anticipated price, District may terminate the Agreement as it pertains to the Ongoing Services upon thirty (30) days' written notice to Contractor.

Exhibit F

RESERVED

Exhibit G GUARANTEE

Exhibit G-1

Definitions

For the purposes of this Exhibit G, the following terms shall have the following meaning:

1. **Actual Energy Use:** For a given Measurement Year, the actual energy consumption of the Premises or ECM, based on the Factors Affecting Energy Use.
2. **Adjustments:** Changes in the Factors Affecting Energy Use will be reviewed to determine the need for adjustment. Two types of adjustments are possible:

Routine Adjustments – for any energy-governing factors, expected to change routinely during the reporting period, such as weather or production volume. A variety of techniques can be used to define the adjustment methodology. Techniques may be as simple as a constant value (no adjustment) or as complex as a several multiple parameter non-linear equations each correlating energy with one or more independent variables. Valid mathematical techniques must be used to derive the adjustment method for each M&V Plan.

Non-Routine Adjustments – for those energy-governing factors which are not usually expected to change, such as: the facility size, the design and operation of installed equipment, the number of weekly production shifts, or the type of occupants. These static factors must be monitored for change throughout the reporting period.

The Baseline may be adjusted to account for any non-operational equipment fixed or any repairs or setting changes made to bring equipment up to code, such as introduction of proper levels of outside air to comply with codes for indoor air quality. This type of adjustment is used to accurately determine building operating costs had all equipment been operational and meeting building code requirements.

3. **Agreement or Contract:** The Bundled Energy Solutions Agreement.
4. **Baseline Energy Rates:** Defined as cost per unit for each energy and utility consumption or demand unit, as developed from the Baseline Energy Use. The Baseline Energy Rates are identified in Exhibit G-4.
5. **Baseline Energy Use:** The Baseline Energy Use is obtained by measuring or calculating the average energy consumption at District's Premises or ECM prior to work performed by Contractor under the Agreement during the Baseline Period. It shall be established by Contractor after identification and consideration of, and controlling for, the Factors Affecting Energy Use. It is understood that in the event of changes in Factors Affecting Energy Use, the Baselines will be revised from time to time as detailed in this Agreement. In addition, data collected during the period before construction may indicate a

change of the energy use pattern at the Premises and require a change to the Baselines. Contractor shall notify the District, in writing, of all such changes.

6. **Baseline Period**: A defined period of time evaluated and determined to be representative of Premises operation, energy and utility use. For this Project, the Baseline Period (referred to as “Baseline” throughout this Agreement) is defined as the period from 1/1/2022 through 12/31/2022.
7. **Contractor** shall mean the ABM entity listed on Page 1 of the Agreement.
8. **District** shall mean the District entity listed on Page 1 of the Agreement.
9. **ECM**: An ECM, or Energy Conservation Measure, is the common term defined to include changes to premises such as equipment retrofit and other actions that result in energy conservation, efficiency, generation, or improvement in rate structure. ECM's within this Agreement may be numbered according to the Technology Categories (TC's) as defined by the U.S. Department of Energy.
10. **Energy**: The term Energy will be used throughout this Agreement as a simplified reference to both Energy & Utility. Some utility types such as water and sewer are not classified as Energy.
11. **Energy Use**: The term Energy Use will be used throughout this Agreement as a simplified reference to both Energy & Utility consumption, demand, and generation.
12. **Factors Affecting Energy Use**: Operations, use type, hours and levels of occupancy, occupant population, adjustments in labor force, building use, operational procedures, temperature, climate, weather, humidification, ventilation levels and rates, installed lighting and scheduled use, building construction and size, general level of repair and efficiency of heating and air conditioning equipment and other energy-using equipment, amount of heating and air conditioning and other energy-using equipment, plug loads, schedule, or any other variable that may change the energy load profile. The Factors Affecting Energy Use are not limited only to those factors that are within District's control.

Should Project scope changes occur during the installation period that deviate from the original design and would impact the ongoing energy consumption or demand of one or more ECM's, a Guaranteed Savings Change Order Form should be completed to document the impact and define if (a) the Guaranteed Savings will be changed, or if (b) an Adjustment will be made to future reported Verified Savings.
13. **Guarantee Performance Term**: A period of [fifteen (15)] years from the Guarantee Performance Term Commencement Date or until the termination of this agreement, whichever comes first.
14. **Guarantee Performance Term Commencement Date**: The M&V Services and the Savings Guarantee shall commence on the first day of the month following execution of the Certificate of Final Acceptance of the Project in accordance with the Agreement.

15. **Guaranteed Savings**: The amount of anticipated savings as compared to the Baseline, expressed in units of dollars, which Contractor is guaranteeing under this Agreement as set forth in more detail in Exhibit G-2.
16. **Installation Period**: The period beginning with the District's execution of Notice to Proceed and ending on the day before the Guarantee Performance Term Commencement Date.
17. **Installation Period Savings**: Prior to the Guarantee Performance Term Commencement Date, if the Project results in any Verified Savings for such period, such savings are the "Installation Period Savings", which can be shortened to "Install Savings". Install Savings occurs when an ECM is completed and begins providing Beneficial Use or Savings prior to the Guaranteed Performance Year Commencement Date.
18. **IPMVP**: International Performance Measurement & Verification Protocol provides guidelines and best practices. The Contractor utilizes knowledge of this and other industry references to build an M&V Plan that describes activities that have been or will be conducted to validate the Baseline performance of each ECM or utility type, along with Post-Installation, and Ongoing performance of each ECM or utility type. IPMVP defines M&V techniques as Options A, B, C, or D as described below:

Retrofit Isolation: "Option A": Known as Key Parameter Measurement. Savings are determined by field measurement or verification of the key parameter(s), which define the energy use of the ECM's affected system(s) or the success of the project. Measurement frequency ranges from short-term to continuous, depending on the expected variations in the measured parameter and the length of the reporting period. Parameters not selected for field measurements are estimated values. Estimates can be based on historical data, manufacturer specifications or engineering judgment. Documentation of the source or justification of the estimated value is required. The plausible saving error arising from estimation rather than measurement is evaluated.

Retrofit Isolation: "Option B": Known as All Parameter Measurement. Savings are determined by field measurement or verification of the energy use and/or related independent or proxy variables of the ECM affected system. Measurement frequency ranges from short-term to continuous, depending on the expected variations in savings and length of the reporting period.

Whole Facility: "Option C": Savings are determined by measuring energy use at the whole facility utility meter level. Continuous measurements of the entire facility's energy use are taken throughout the reporting period. Typically, regression analysis is conducted to correlate with and adjust energy use to independent variables such as weather. Regression models can take into account the impacts of weather and other independent variables on energy use, whereas simple utility bill comparison techniques cannot.

Calibrated Simulation: "Option D": Savings are determined through simulation of the energy use of the whole facility, or of a sub-facility. Simulation routines are demonstrated to adequately model actual energy performance in the facility. This option requires considerable skill in calibrated simulation.

19. **Measurement & Verification Plan**: The Measurement & Verification Plan (“M&V Plan”) defines the Contractor’s process of preparing reports, taking on-site measurements, monitoring building automation systems, and/or any additional work to quantify Savings for the purpose of meeting the Guaranteed Savings as identified in Exhibit G-2. Contractor’s measurement and verification activities shall not include maintenance of the Project or record keeping related to such maintenance, which shall be the sole responsibility of District. The savings, once calculated, are typically stipulated for the life of the Project, but may be measured or visually inspected annually. Exhibit G-5 defines the specific M&V Plan for the Project. Ongoing actual measurements may or may not be used as identified in Exhibit G-5.
20. **Performance Year**: Each twelve (12) month period beginning with the Guarantee Performance Term Commencement Date and continuing through the end of the Reporting Term.
21. **Premises**: The facility(ies), property(ies), or equipment, as applicable that is the subject of the Energy Conservation Measures taken in connection with this Agreement.
22. **Agreement**: This Bundled Energy Solutions Agreement.
23. **Project**: The Bundled Energy Solution project performed by Contractor for the District pursuant to the Agreement.
24. **Projected Savings**: When Verified Savings are unable to be calculated due to changes in Factors Affecting Energy Use or if data, system access, site access, or other items necessary to calculate Verified Savings are not made available, Contractor will provide an estimate of savings equal to the greater of Guaranteed Savings, previous Verified Savings, or expected savings based on as-built conditions.
25. **Reporting Term**: A period of [three (3)] years, beginning on the Guarantee Performance Term Commencement Date, or until the termination of this Agreement, whichever comes first. Annually, an Energy Cost Avoidance Report will be provided within 60 days after the end of the Performance Year. District shall provide written notice to Contractor within 90 days after receipt of each Annual Energy Cost Avoidance Report if it disputes any finding contained in the report. Failure to provide written notice in accordance this paragraph shall waive any right to dispute the findings of the report and District shall be deemed to have agreed to all findings. Should the Reporting Term be less than the Guarantee Performance Term:
 - a. The Savings reported in the final Performance Year of the Reporting Term will be stipulated for the remainder of the Guarantee Performance Term. A proxy report will be provided through the remainder of the Guarantee Performance Term and savings will be calculated by applying the annual escalation percentage(s) from Exhibit G-4 to the Savings for the previous Performance Year.
 - b. Should a Shortfall of Savings occur in the final year of the Reporting Term, Contractor may, at its cost, render additional services or install additional equipment in order to generate enough Savings to offset the Shortfall. If Contractor elects to remedy the

conditions then the Savings, for the Performance Year in which the remedy occurs, escalated, will be stipulated as the Savings for the duration of the Guarantee Performance Term.

26. **Savings:** The term Savings, or Verified Savings, refers to energy & utility cost avoidance, operations and maintenance cost avoidance, and capital cost avoidance calculated in accordance with the terms of this Agreement.
27. **Savings Shortfall and/or Excess:** For each year during the Performance Term where Verified Savings are less than the Guaranteed Savings for the same period, a Savings Shortfall will be reported. For each year during the Performance Term where Verified Savings are greater than the Guaranteed Savings for the same period, a Savings Excess will be reported.

Exhibit G-2

Savings Guarantee

1. The annual Verified Savings will be calculated using the auditing procedures and operational verification, as described herein, which compares the Baseline Energy Use of the Premises or ECM with that of the Actual Energy Use during the applicable Performance Year, with applicable adjustments. Published or calculated degree days will be used in the auditing process to allow for differences of weather conditions between the Baseline Energy Use and the Performance Year.

Verified Savings are calculated by adding energy & utility cost avoidance and Operational Cost Avoidance. Energy and utility cost avoidance is calculated by applying escalated Energy Rates to Energy Consumption and Demand savings determined in accordance with Exhibit G-5. Operational Cost Avoidance is agreed to by the parties as detailed in Exhibit G-4. Verified Savings may include utility rate switching and energy generation from renewable ECM's such as solar photovoltaic installations. Savings projections should NOT be used by themselves for budgeting purposes, as many factors outside of the project scope such as changes in occupancy, weather patterns, and overall building operation can impact actual utility and energy costs.

IPMVP defines Savings as "Reduction in Energy Consumption, Demand, or Cost that occurred in the Reporting Period, relative to the Baseline Period, as adjusted for the Reporting Period conditions... determined by adjusting the Baseline Period Energy to the Reporting Period conditions by using Routine Adjustments and Non-Routine Adjustments." Therefore, Savings are not a simple comparison of raw data between two time periods and will be determined as shown below:

$$\text{Savings} = (\text{Baseline} - \text{Reporting-Period}) \pm \text{Routine Adjustments} \pm \text{Non-Routine Adjustments}$$

This calculation is applied to energy demand and consumption savings, then monetized using the applicable rate. The final Verified Savings, or Energy Cost Avoidance, is then compared to the Guaranteed Savings to determine if the expected savings has been achieved. Savings is reconciled at a total project level and not by individually premises, ECM, or utility type.

2. Except to the extent of any annual maintenance program with the Contractor, the District shall be solely responsible to maintain the Project in a manner consistent with the manufacturer's or Contractor's recommended maintenance schedules and procedures, maintain all records associated with such maintenance, and upon request of the Contractor, provide copies of such records thereof. Such maintenance shall be a condition precedent to this Savings Guarantee. Contractor may, if it deems necessary, inspect the Premises from time to time to implement its Savings Measurement & Verification Plan. If any ECM or associated equipment is not being maintained properly and is impacting the ECM's ability to perform properly, an adjustment to reported savings may be applied until such time Contractor and District agree resolution has occurred.
3. For the purpose of determining Savings, Contractor shall prepare reports, take on-site measurements, monitor building automation systems, and/or additional work as required by and detailed in its Savings Measurement & Verification Plan.

4. The District acknowledges and consents to Contractor's right to monitor Energy Use, Factors Affecting Energy Use, and energy management performance by conducting on-site measurements, including, but not limited to, reading meters, accessing the Building Automation System remotely and on-site, and installing and observing on-site monitoring equipment. The District shall cooperate fully with any such measures instituted by Contractor pursuant to this Subsection. Contractor shall not institute any measures that unreasonably interfere with the business of District conducted at the District's location.
5. For the purpose of determining Actual Energy Use and Savings, District shall cooperate with Contractor by providing utility bills, Building Automation System trend data, and other applicable information and maintenance records, changes in Factors Affecting Energy Use, and/or additional information as requested by Contractor personnel. If the District fails to notify Contractor of changes in Factors Affecting Energy Use or fails to supply Contractor with requested information that is required for any calculations required hereunder in a timely manner, the Projected Savings for the period will be equal to the Guaranteed Savings for the period. If information for the period in question is supplied at a later date, the Verified Savings for that period will be retroactively modified only if the actual Verified Savings for that period of time exceed the Guaranteed Savings.
6. Savings Guarantee: Subject to changes in the Factors Affecting Energy Use, Contractor guarantees that the District will realize total Savings during the Guarantee Performance Term not less than the Guaranteed Savings set forth in Exhibit G-4.
7. Guarantee Shortfall Payment: Should the sum of District's Verified Savings for a given Performance Year be less than the Guaranteed Savings for that Performance Year, Contractor shall pay to the District, within 30 days of the acceptance of the annual Savings Report (Energy Cost Avoidance Report Report), the difference between the Guaranteed Savings for such year and the Verified Savings for that Performance Year, with such amount not to exceed the Guaranteed Savings amount set forth in Exhibit G-4 (the "Guarantee Payment"). Contractor will have the right to offset its Guarantee Payment obligations by any amounts due to Contractor from District under this or any other agreement. If in the judgment of the District, District would benefit from additional energy services or energy saving retrofits, District and Contractor may mutually agree upon such services or retrofits in lieu of the Guarantee Payment. For the purposes of this Contract, such services or retrofits actually delivered by Contractor will be considered a Guarantee Payment for that Performance Year. There shall be no carryover with respect to either Excess Savings or Savings Shortfall for any Performance Year into future Performance Years; provided, however, any Installation Period Savings shall be credited towards the Guarantee for the first Performance Year.
8. If Contractor can correct a prospective Savings Shortfall, through operational improvement at no expense to District and based upon documentation and records provided to District and reasonably acceptable to it, with no material interference to the programs or design Standards of Service and Comfort, with no future increased operational expenses or reduction in life of the ECM(S) and District declines to allow such operational improvement, then any future Savings Shortfall the improvement would have corrected will be stipulated and added to the annual reported Verified Savings for the remainder of the Guarantee Performance Term.

9. Changes in Factors Affecting Energy Use

- a. The District shall notify Contractor in writing within ten (10) business days of any change in any Factor Affecting Energy Use. Contractor will determine the effect that any such change would have had on the obligations and rights under this agreement (such as changes to the Savings, Baseline Energy Use, etc....) and present to the District a written analysis of the effects of the changes. Changes that are long term or permanent will be reflected in a change to the Baseline Energy Use. Temporary changes that affect energy use will be calculated and added to or subtracted from reported Savings for the corresponding months.
 - b. If a change in any of the Factors Affecting Energy Use occurs and results in a reduction of Savings, the Guaranteed Savings shall be reduced accordingly, or the reported Savings will be adjusted upward.
10. District and Contractor may from time-to-time desire to make changes to the Project infrastructure for the express purpose of increasing Savings. It is agreed that these changes will only be made with the written consent of both parties, which will not be unreasonably withheld. The Baseline Energy Use will not be adjusted to reflect any changes agreed to under this subparagraph without the mutual agreement of the parties, except that if Contractor elects to pay for the cost of any such changes that would not unreasonably interfere with the conduct of District's business, and the District does not consent to such changes, then reported Verified Savings will be adjusted by the amount of savings projected from the changes.
11. When the Project's effect on savings cannot be accurately determined for any given period of time due to construction or other major changes to the Premises, Projected Savings will be used in lieu of Verified Savings for the corresponding period of time.
12. Contractor has the right to charge the District for work required to assess the effect on Baseline Energy Use for any large-scale changes, including, but not limited to, building additions, new buildings, and new or changed HVAC or other equipment, that require more than forty (40) hours per year to be spent in calculating their effect on the Savings. Such hours will be billed at current Contractor engineering rates. Current rates for engineering are based at \$150/hr. starting in 2023 and shall be escalated at 3% annually for the years following years guaranteed not to exceed \$230/hr in 2039. Before initiating such work, Contractor will notify the District in writing of the intent and cost associated with the work. The District will, within 45 days in writing, notify Contractor with permission to proceed or, alternatively at no charge, to stipulate that the Guaranteed Savings for the existing Premises in question be used for the purpose of calculating the Verified Savings. If Contractor does not receive written notice within 45 days, the Guaranteed Savings for the existing Premises in question will be used as Projected Savings until such time that the District approves the work, as long as the scope of the work has not changed.

13. The District agrees that Contractor shall have the right, with 24 hours prior written notice, to inspect the Premises to determine if the District is in compliance with its obligations as set forth herein. In the event that any inspection discloses that the District has failed on the date of the inspection to be in compliance with any items set forth herein, then the Guaranteed Savings shall be assumed to have been achieved for and with respect to the portion of the Performance Year during which such failure shall have existed.

Forest Grove Elementary	None	None	7:00 AM – 3:00 PM	7:00 AM – 3:00 PM	7:00 AM – 3:00 PM	7:00 AM – 3:00 PM	None
Robert Down Elementary	Events only	None	7:00 AM – 3:00 PM	7:00 AM – 3:00 PM	7:00 AM – 3:00 PM	7:00 AM – 3:00 PM	None
District Office	Events only	None	8:00 AM – 5:00 PM	8:00 AM – 5:00 PM	8:00 AM – 5:00 PM	8:00 AM – 5:00 PM	None

Table 2. Lighting Parameters by Burn Group

Burn Hour Group	Burn Hour Group	Existing Burn Hours
Exterior	Exit/Em	8,760
24/7	Exterior	4,368
Classrooms	Gym	1,000
Office	Exit/Em	8,760
District Office	Exterior	4,368
Low Run Hour	Pool	1,000
Restrooms	Ballfield	1,000
Hallways	Exterior	4,368
Gymnasium	Ballfield	1,000

Industry averages and utility bill reconciliation were used to determine each Facilities' operating hours for HVAC systems. The hours are respective to individual equipment and are detailed in the energy savings calculation spreadsheets used to determine the Energy Unit Savings.

4. Post-Installation Operating Parameters

During any school holidays, and any other building closure, the facilities shall be set back to unoccupied setpoints as defined in the Building Standard of Comfort above.

These operating hours are generally applicable to each facility as a whole. However, there may be cases where individual rooms or spaces are utilized less than these hours. In such cases, ABM will schedule the HVAC system to match the space usage, utilizing the occupied and unoccupied space temperature setpoints stated above.

It is important to note savings are based on the occupancy schedules and setpoints stated above. In order to maximize the actual utility bill savings, sites should be kept at these schedules and setpoints.

Exhibit G-4

Baseline Parameters and Annual Guaranteed Savings

1. Annual Baseline Energy Use

Table 3. Baseline Annual Energy Use

Facility	Sq. Ft.	Electric Demand (kW / Yr.)	Electric Use (kWh)	Electric Cost (\$)	Fuel Use (MMBtu)	Fuel Cost (\$)	Water Use (kGal)	Water Cost (\$)
Adult School	25,536	*	55,748	\$15,909	282	\$5,657	350	\$13,171
Community High School	30,919	*	62,931	\$17,447	579	\$10,716	568	\$21,966
District Office/Maintenance	16,550	*	44,672	\$13,767	248	\$5,541	2,271	\$85,661
Forest Grove ES	39,257	903	186,638	\$51,859	1,503	\$29,731	1,499	\$57,584
High School	95,338	2,306	528,634	\$143,526	7,164	\$125,811	2,854	\$104,833
Middle School	65,136	835	234,673	\$59,559	1,360	\$26,929	443	\$17,009
Robert Down ES	47,153	690	157,297	\$39,639	795	\$15,086	1,596	\$60,414

*These utility consumption and/or cost values were not available because the utility is not paid by PGUSD, the facility does not use that utility type, the utility type is not metered, or the applicable account could not be identified by PGUSD. For these utilities, there were no energy savings calculated at those facilities. However, if data becomes available, ABM reserves the right to calculate these savings and include them in the Energy Unit Savings for the applicable year.

2. Energy Rates

Table 4 below includes the Initial Baseline Energy Rates that will be used to calculate Year 1 Savings. These rates will be escalated annually by 9% for purposes of calculating Savings starting with Year 2 of the term. Savings shall be calculated using the escalated Initial Baseline Energy Rates or Performance Year (Actual) energy rates for each location, whichever results in greater Savings. Actual energy and utility rates may be calculated at the end of each Agreement year if utility billing information is provided for the Performance Year using the same methodology as was employed to determine the Baseline energy rate in the Comprehensive Energy Analysis Report.

Table 4. Initial Baseline Energy Rates

Facility	\$/kW	\$/kWh	\$/MMBtu	\$/kGal
Adult School	*	\$0.285	\$20.066	\$37.653
Community High School	*	\$0.277	\$18.518	\$38.687
District Office/Maintenance	*	\$0.308	\$22.377	\$37.725
Forest Grove ES	\$17.182	\$0.195	\$19.785	\$38.418
High School	\$17.249	\$0.196	\$17.563	\$36.728
Middle School	\$17.306	\$0.192	\$19.795	\$38.439
Robert Down ES	\$17.302	\$0.176	\$18.979	\$37.854

3. Projected Annual Consumption and Demand Savings

ABM estimates the following annual reduction of utility and energy demand and consumption. These figures have been used to calculate total Energy & Utility Cost Avoidance (Savings).

Table 5. Projected Annual Energy Use Savings

kW	kWh	MMBtu	kGal
431.6	160,588	1,187	594

4. Guaranteed Savings Summary

Using the above Baseline Energy Rates, the savings from Energy and Operational Cost Avoidance for Performance Year One is **\$367,802**.

The breakdown is as follows:

Energy Cost Avoidance: \$85,688

Operation and Maintenance Cost Avoidance: \$21,450

Capital Cost Avoidance: \$260,664

The Operation and Maintenance (O&M) and Capital Cost Avoidance combined as "Operational Cost Avoidance" dollar savings values have been agreed to by both parties to occur as a result of the installation of the project. The sum of these savings values for each guaranteed year will be added to the Energy Cost

Avoidance for each specific year as noted and will therefore be deemed achieved upon execution of this Agreement.

5. **Annual Guarantee Escalation Rates:**

The Guaranteed Savings amounts will be escalated annually starting with Year 2 of the term as follows:

Energy Cost Avoidance:	9%
Operation and Maintenance Cost Avoidance:	9%
Capital Cost Avoidance:	0%

Exhibit G-5 Measurement & Verification

ABM and the District agree the Verified Savings by ECM or utility type will be determined using the following Measurement & Verification (“M&V”) plans further described in this section. Through this plan, the guaranteed savings generated by the ECMs installed in the Facilities will be validated. The M&V methodologies proposed for these ECMs are based on industry standard Measurement and Verification Guidelines.

During the term of the Agreement, Contractor may adjust Savings due to changes in the standards and comforts as described in Exhibit G-3, building occupancy, weather data, and utility rate schedules, etc. The unit costs of energy will be applied to the Savings calculated by this M&V plan.

The following is a brief overview of the M&V methodologies applicable to the Improvement Measures set forth below. Contractor shall apply these methodologies, as more fully detailed in the guidelines and standards of the International Measurement and Verification Protocol (IPMVP) in connection with the provision of M&V Services hereunder.

Selected M&V Methodology Description:

Retrofit Isolation Option A: Key Parameter Measurement

Measured Project Benefits are determined by partial field measurement or verification of key parameters of the energy use of the system(s) to which an Improvement Measure was applied separate from the energy use of the rest of the facility. Measurements will be short-term with annual or one-time measurements before and after the Installation Period or as outlined in the M&V descriptions below.

Partial measurement or verification means that some but not all parameters will be measured or verified. Careful review of the design and installation of Improvement Measures is intended to demonstrate that the stipulated values fairly represent the probable actual values. Agreed-upon values will be shown in the measurement and verification plan, along with analysis of the significance of the error they may introduce. Engineering calculations using short-term pre and post-retrofit measured and stipulated parameters are used to calculate Savings for the duration of the Performance Term.

The M&V Plan for this Project does not include a utility bill comparison (known as Option C or Whole Facility monitoring). In this case, Option C would not be cost-effective, requiring extensive ongoing review of equipment not impacted by this project. The ECM's within this Project will generate Savings that are expected to have minimal variation, so Retrofit Isolation will provide the appropriate level of cost/benefit to the Agency.

Annually during the Reporting Term, site inspections will be performed to verify equipment remains in place and in proper condition to produce the expected savings.

Table 6. Project-Specific Savings Measurement & Verification Plan

Measure	M&V Description
Lighting M&V Approach: Option A	Baseline: Existing fixture wattages will be measured using a statistically valid sample size. Existing fixture wattages are used in the individual fixture calculations on a room-by-room basis, and multiplied by the stipulated burn hours in Exhibit C.
	Post-Installation: Measure a similar statistically valid sample size of new fixture wattages. These wattages will be used in the same calculation methodology as the baseline above.
	Ongoing: Annual visual inspection (during Reporting Term) of a sample of fixtures to ensure fixtures have not been replaced with higher wattage fixtures.
Building Automation System M&V Approach: Option A	Baseline: For buildings with an existing building automation system, run hours were verified using existing control system and additional hours were identified to setback temperatures during unoccupied hours. For buildings without an existing building automation system, run hours were verified by building staff and checking existing thermostats. In both cases, equipment data was gathered, and engineering design standards were used to determine existing operating conditions of systems.
	Post-Installation: Verify proper programming of schedules, set points, and other general energy-saving controls strategies. Post-installation energy use will be determined with engineering methods using measured set points and trending data, where available. Savings will be stipulated for the term of the guarantee.
	Ongoing: Annual EMS inspection and trending review to verify HVAC control sequence of operation, temperature setbacks, and unit operating schedules.
HVAC Equipment Replacements M&V Approach: Agreed Upon	Baseline: Engineering methods used to calculate savings for the upgrade of HVAC equipment and AHUs. Existing name plate efficiency (EER/COP for HVAC equipment and fan motor efficiency) adjusted for equipment age and condition used for baseline conditions, typically a 1 SEER reduction in efficiency per 10 years of age of equipment.
	Post-Installation: Verification of proper installation and new name plate equipment efficiencies (EER/COP for HVAC equipment and fan motor efficiency) and operation during construction phase to verify savings. Savings will be re-calculated based on as-built conditions. No further calculations will be performed.
	Ongoing: Annual visual inspection (during Reporting Term) of a sample of scope items.
Building Envelope M&V Approach: Agreed Upon	Baseline: Building Envelope was inspected during baseline activities and air gaps and other deficiencies were noted and measured. Data was then incorporated into engineering methods to determine the existing conditions and potential savings.
	Post-Installation: As-built documentation will be compared to the contractual scope of work and visually inspected for proper installation. Savings will be re-calculated based on as-built conditions. No further calculations will be performed.
	Ongoing: Annual visual inspection (during Reporting Term) of a sample of scope items.

Measure	M&V Description
Water Conservation M&V Approach: Option A	Baseline: existing fixtures and water heater(s) were audited and engineering methods were used to calculate energy and water savings. A statistically valid sample of fixtures will be measured for flow rate (gallons per minute) or flush volume (gallons per flush) to verify baseline calculations. Occupancy and usage are stipulated.
	Post-Installation: Measure a similar statistically valid sample size of new fixtures for flow rate or flush volume. Savings will be re-calculated based on as-built conditions. No further calculations will be performed.
	Ongoing: Annual visual inspection (during Reporting Term) of all scope items.

Exhibit G-6 Savings Calculations

Lighting Upgrade

The existing lighting kW baseline is calculated by counting and recording each individual fixture on a room by room, area by area basis and recording their individual wattage. The existing fixture wattages are then multiplied by the number of fixtures and tabulated to determine the KW connected load. This will serve as the existing baseline for lighting connected load and lighting consumption. After determining a list of proposed ECMs the same calculations are conducted for the proposed lighting. Each proposed upgrade is counted and recorded, and each individual retrofit type will be allocated the new wattage to determine the new KW; the annual run hours are applied to determine the new annual kWh consumption. HOBO Lighting and Occupancy loggers/ personnel interviews were used to get the lighting runtime. The runtime for lighting will be included on space by space basis in the lighting audit included in the appendix.

The total lighting system kW demand savings is calculated by taking the existing system kW demand less the proposed system kW demand. The total kWh savings is also calculated by taking the existing kWh less the proposed kWh. The calculation is represented by the following equation:

$$\text{Existing kWh} = \sum (\text{Existing Fixture kW} * \text{Annual Run Hours})$$

$$\text{Proposed kWh} = \sum (\text{Proposed Fixture kW} * \text{Annual Run Hours})$$

$$\text{Total kWh Savings} = \sum (\text{Existing kWh} - \text{Proposed kWh})$$

$$\text{Total kWh Dollar Savings} = \sum (\text{kWh Savings} * \text{kWh Utility Rate})$$

Lighting Heating Penalty and Cooling Savings were calculated to account for the HVAC /Lighting interaction and the appropriate Cooling COPs and heating efficiencies were used to account for the reduction in cooling load and heating penalty as shown below:

HVAC Equipment Upgrades and Building Automation (Equipment Scheduling)

Temp/RH loggers were used along with Outdoor Air Temps to determine the runtime and set points of the equipment.

The equipment load is assumed to vary linearly with OAT (Outdoor Air Temp) with Balance Point (BP) being the temp at which the building is in equilibrium with no heating or cooling need. Based on this relationship using the bin-hours, % Loading is calculated for each bin with equipment being 100% loaded at design load and no load at the assumed balance point

EER /COP for the equipment used in the calculation is obtained from the cut sheet (where name plate data was available) and adjusted for equipment in poor condition.

Building Schedule was obtained from the customer and is specific to each building. Difference between the existing equipment schedule and actual (or proposed) schedule results in these savings. Difference between the existing and proposed annual bin hours are used to come up with the annual unoccupied hours (shutdown period in the formula below) used to calculate the scheduling savings.

$$\text{Cooling/Heating Ratio} = (\text{Bin Temp} - \text{CBP}) / (\text{Peak Bin Temp} - \text{CBP})$$

$$\text{Cooling Load} = \text{Cooling Ratio} * \text{ECL} * \text{SCHEDULED}$$

$$\text{EER} = \text{Cooling Ratio} * (\text{EERHIGH} - \text{EERLOW}) + \text{EERLOW}$$

$$\text{SEER} = \text{Weighted average calc of EER BINs}$$

$$\text{Cooling Efficiency} = 12 / \text{EER}$$

$$\text{Cooling Energy Usage} = \text{Cooling Efficiency} * \text{Cooling Load} * \text{Bin Hours}$$

$$\text{Heating Load} = \text{Heating Ratio} * \text{EHL} * \text{SCHEDULED}$$

$$\text{COP} = \text{Heating Ratio} * (\text{COPHIGH} - \text{COPLOW}) + \text{COPLOW}$$

$$\text{HSPF} = \text{Weighted average calc of COP Bins} * (3.412 \text{ Btu/W})$$

$$\text{Elec. Heating Energy Usage} = \text{Elec. Heating Load} / \text{COP} / (3.412 \text{ Btu/W}) * \text{Bin Hours} / (1000 \text{ W/kW})$$

$$\text{Natural Gas Heating Energy Usage} = \text{Gas Heating Load} / \text{GASEFF} * \text{Bin Hours} / (102800 \text{ Btu/CCF})$$

$$\text{Electricity Savings} = (\text{Existing Cooling Energy Usage} + \text{Existing Elec. Heating Energy Usage}) - (\text{Proposed Cooling Energy Usage} + \text{Proposed Elec. Heating Energy Usage})$$

$$\text{Natural Gas Savings} = \text{Existing Natural Gas Heating Energy Usage} - \text{Proposed Natural Gas Heating Energy Usage}$$

$$\text{Dollar Savings} = \text{Electricity Savings} * \text{ECOST} + \text{Natural Gas Savings} * \text{NGCOST}$$

Outdoor Air Adjustment

The amount of outdoor air 'required' was calculated based on the local code requirements

The difference between the design OA and the required OA was the savings. Cooling savings were calculated using the 'Ventilation Preconditioning Bins' from BinMaker Pro software. Ton-hr./scfm of cooling or MBTU/scfm of heating energy was calculated the energy required to bring in a scfm of OA to indoor cooling and heating set points

Calculation Methodology

Average Winter Outdoor Temperature (below balance point temperature) = AWO

Annual Hours Below Balance Point Temperature (from Bin or Hourly Data) = AHB

Average Space Set Point Temperature = ASST

Pre-Retrofit CFM = Excess OA CFM to AHUs

Post-Retrofit CFM = 0 Excess OA

Savings (CFM) = (Pre-Retrofit CFM – Post-Retrofit CFM)

Total Annual BTUs Saved = CFM Savings x 1.08 x (ASST – AWO) x AHB

Total Annual Gas Saved = Annual BTUs Saved / (100,000 x Heating Efficiency)

$$\text{Cooling Savings}[kWh] = \text{Ton} - \text{hr} / \text{cfm} \times \Delta \text{cfm} \times \text{kw} / \text{Ton}$$

$$\text{Heating Savings}[MMBTU] = \frac{\text{BTU} / \text{cfm} \times \Delta \text{cfm}}{1,000,000 \times \left(\frac{\text{boiler}}{\text{eff.}} \right)}$$

Building Envelope Upgrades

From the ASHRAE fundamentals handbook, the equation for heat transfer estimation is:

$$q = 1.08 * Q * \Delta T$$

Where:

q = heat loss/gain, measured in Btu/hr.

1.08 is a conversion factor accounting for the density of air (~ 0.075 lb./ft³ at sea level), the specific heat of air (0.24 Btu/lb./°F) and a conversion from minutes to hours (60)

ΔT is the temperature difference between the outdoors and the building set point.

Q is the rate of airflow rate

Airflow rate is calculated as:

$$Q = A \cdot \sqrt{C_s \Delta T + C_w \cdot V^2}$$

Where:

Q is the airflow rate

A is the gap area (as recorded in the survey)

C_s is the stack coefficient

C_w is the wind coefficient

V is the average wind speed

The stack and wind coefficients are dependent on building height and are available as table lookups provided from ASHRAE. Average wind speed is obtained from NOAA comparative climactic data for locations throughout the U.S. Temperature bin data, obtained from a software package called BinMaker Pro which utilizes climactic design data obtained from ASHRAE. For each temperature bin, the heat loss/gain equation is applied and the

summation of outputs from these equations provides an estimate of the heat transfer characteristics for a building.

Exhibit H-1

**DELIVERY AND ACCEPTANCE CERTIFICATE
UPON SUBSTANTIAL COMPLETION**

District hereby acknowledges receipt of the Energy Conservation Measure(s) (the "ECM(s)") described below as Substantially Complete in accordance with the terms of the Bundled Energy Solutions Agreement between the Parties. District hereby accepts the ECM(s) listed hereto after full inspection thereof as satisfactory, subject to terms and conditions set forth in the Agreement.

Substantial Completion Date:

ECM(s):

Date Accepted by District: _____

Accepted for: **District**

Accepted by: _____

Name: _____

Title: _____

Note: ECM(s) to which this Delivery and Acceptance Certificate relates is/are attached hereto.

Exhibit H-2

FINAL DELIVERY AND ACCEPTANCE CERTIFICATE

FINAL ACCEPTANCE OF PROJECT

District hereby acknowledges Final Acceptance of all Energy Conservation Measures (the "ECMs") described below in accordance with the Bundled Energy Solutions Agreement between the Parties. District hereby accepts the ECMs listed hereto after full inspection thereof as satisfactory for all purposes of the Agreement. District agrees to make the required payment(s) to Contractor as set forth in the Agreement.

Date Accepted by District: _____

Guarantee Commencement Date: _____

Accepted for: **District**

Accepted by: _____

Name: _____

Title: _____

Note: ECMs to which this Delivery and Acceptance Certificate relates are attached hereto.

Exhibit I

On-Going Services

[Insert Ongoing Post-Installation Scope and Duration If Any]

Exhibit J

Prevailing Wage Schedule

To the extent required by California Labor Code §1771 or other applicable law, all employees of Contractor and Contractor's subcontractors performing Work under this Agreement will be paid the per diem prevailing wages for the employee's job classification in the locality in which the Work is performed. In accordance with California Labor Code §§1773 and 1773.2, District will obtain from the Director of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work, in the locality in which the Work is to be performed, for each craft, classification or type of worker needed to execute the Work and will cause copies of such determinations to be kept on file at its principal office and posted at each Site. District will promptly notify Contractor of any changes to any such prevailing wage determination.

**Exhibit K
Change Order Form**

This form will be modified to fit the specific change(s) being requested.

District	
Change Order No.	
Change Order Title	

Scope Location	Original Scope Description

Scope Location	Proposed Change to Scope Description

Cost Impact:

Schedule Impact:

Savings Impact:

Requires Change to Guaranteed Savings:	Y or N
Requires Change to M&V Methodology:	Y or N
Effective Date:	MM/DD/YYYY
Effective Years:	Years # to #
Utility Type and Units:	
Utility Savings (\$):	

Changes to the original scope can be addressed either by revising the Guaranteed Savings, or by applying a Savings Adjustment to the Reported Savings. This Change Order will address the impact as follows:

(Description will be added here.)

Approvals

ABM BUILDING SOLUTIONS, LLC**District**

Signature (Authorized Representative)	Signature (Authorized Representative)
Name	
Title:	Title:
Date:	Date:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Student Learning and Achievement | <input type="checkbox"/> Consent |
| <input checked="" type="checkbox"/> Health and Safety of Students and Schools | <input checked="" type="checkbox"/> Action/Discussion |
| <input checked="" type="checkbox"/> Credibility and Communication | <input type="checkbox"/> Information/Discussion |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: Adoption of Resolution No. 1101 Proclaiming March 2024 as Women’s History Month

DATE: February 8, 2024

PERSON RESPONSIBLE: Dr. Linda Adamson, Superintendent

RECOMMENDATION:

The Administration recommends that the Board of Education adopt Resolution No. 1101 Proclaiming March 2024 as Women’s History Month.

BACKGROUND:

The Board of Education requested this resolution, based upon Santa Clara County Office of Education sample.

INFORMATION:

Women of every race, class, and ethnic background have made significant and historic contributions to the growth and strength of our society in countless recorded and unrecorded ways. Women have been leaders, not only in securing their own rights of suffrage and equal opportunity but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, which create a more fair and just society for all. Despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching, labor, business and in study of history.

FISCAL IMPACT:

None.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 1101

Resolution Proclaiming March 2024 as Women's History Month

WHEREAS, The advocacy efforts of the National Women's History Project led to an annual observance of Women's History Month, which highlights the contributions of women to events in history and contemporary society and is celebrated during March in the United States;

WHEREAS, Women of every race, class, and ethnic background have made significant and historic contributions to the growth and strength of our society in countless recorded and unrecorded ways;

WHEREAS, the leadership of women in elected office including the contributions of our own Board of Education trustees serves as an example of community and civic engagement for girls and women in our city;

WHEREAS, Women have been leaders, not only in securing their own rights of suffrage and equal opportunity but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, which create a more fair and just society for all;

WHEREAS, Despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching, labor, business and in study of history; and

WHEREAS, the Pacific Grove Unified School District provides opportunities for students to learn about the contributions of women in history through our civics initiative;

WHEREAS, the Pacific Grove Unified School District has encouraged pathways for girls to pursue Science, Technology, Engineering, Arts and Mathematics (STEAM) careers and the under-representation of women in non-traditional careers by supporting teachers through professional development; and

WHEREAS, additional education is needed to increase the knowledge of all citizens relative to the contributions of women and opportunities for girls and women to develop their leadership skills and to eliminate bias in education and the workforce;

THEREFORE BE IT RESOLVED that the Pacific Grove Unified School District Board of Education honors the contributions that women have made throughout history and commit to support efforts to improve opportunities for girls and women.

PASSED AND ADOPTED by the Board of Education of the Pacific Grove Unified School District
this 8th day of February, 2024 by the following vote:

AYES: NOES: ABSENT:

Brian Swanson, President

Jennifer McNary, Board Member

Elliott Hazen, Clerk

Laura Ottmar, Board Member

Carolyn Swanson, Board Member

Dr. Linda Adamson, Superintendent

- | | |
|--|---|
| <input checked="" type="checkbox"/> Student Learning and Achievement | <input type="checkbox"/> Consent |
| <input type="checkbox"/> Health and Safety of Students and Schools | <input checked="" type="checkbox"/> Action/Discussion |
| <input type="checkbox"/> Credibility and Communication | <input type="checkbox"/> Information/Discussion |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: PGTA-PGUSD Memorandum of Understanding – Transfers & Assignments

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Buck Roggeman, Director of Curriculum and Special Projects

RECOMMENDATION:

The District Administration recommends the Board review and approve this memorandum of understanding (MOU) between the Pacific Grove Teachers Association (PGTA) and Pacific Grove Unified School District (PGUSD) to expedite the process for advertising job vacancies.

BACKGROUND:

The process by which Pacific Grove Unified School District advertises vacancies for PGTA jobs is regulated by the collective bargaining agreement. This MOU will adjust the process, so vacancies can be advertised internally and externally as soon as a vacancy occurs.

INFORMATION:

The collective bargaining agreement currently requires vacancies to be resolved at the site level first, meaning that unit members working at the site have the right to interview for the position before it is advertised at the district level and externally. This MOU will expedite the hiring process by allowing job vacancies to be advertised internally and externally simultaneously. Unit members will still be interviewed and informed of the District's hiring decision before outside candidates may be considered.

FISCAL IMPACT:

There is no cost associated with this item.

**Memorandum Of Understanding
Between Pacific Grove Teachers' Association (PGTA)
And Pacific Grove Unified School District (PGUSD)**

To respond to the vacancies created by the Supplemental Early Retirement Program (SERP), the Pacific Grove Teachers Association (PGTA) and the Pacific Grove Unified School District (“District”) agree to modify the language contained in Article VI, Transfers/Assignments, Section C - Vacancy Announcements to allow for the following:

Effective March 1, 2024, the District may post vacancies internally and externally simultaneously. In the event that the vacancy is due to the non-reelection of a bargaining unit member, the resulting vacancy will not be posted until the unit member has been notified of the release. External candidates will not be offered interviews until all qualified internal candidates have been interviewed and notified of the hiring decision.

This MOU does not alter any other provisions of Article VI, Transfers/Assignments in the collective bargaining agreement between the PGUSD and PGTA. The provisions of this MOU shall be in effect upon ratification of the PGTA membership and PGUSD Board approval. Unless extended in writing by mutual agreement, this MOU shall expire June 30, 2024.

Pacific Grove Teachers Association		Pacific Grove Unified School District	
DocuSigned by: <i>Margaret Anne Rice</i> 92325EBB50744D9...	1/29/2024	DocuSigned by: <i>Linda Adamson</i> 73E990B8F7904E3...	1/29/2024
DocuSigned by: <i>Mary Guindmil</i> C69B3C059D7A466...	1/29/2024	DocuSigned by: <i>Josh Joru</i> 5C92D734B41142C...	1/29/2024
DocuSigned by: <i>Susan Chavez</i> D485CF0BF7614F6...	1/29/2024	DocuSigned by: <i>Buck Rogeman</i> 5DCCEB0A2E594AE...	1/29/2024
DocuSigned by: <i>Sally Richmond</i> A43D37BF06594C1...	1/29/2024	DocuSigned by: <i>Louis T Lozano</i> ED24186DE114466...	1/29/2024
DocuSigned by: <i>Lauren Davis</i> 2F48665D330D4F3...			

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

SUBJECT: Proposed Board Calendar/Future Meetings (August 2024-December 2024)

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Dr. Linda Adamson, Superintendent

RECOMMENDATION:

The District Administration recommends the Board review and possibly modify meeting dates on the attached calendar and determine, given information from the Administration, whether additional Board dates or modifications need to be established.

BACKGROUND:

The Board has approved Bylaw 9320, which states that regular Board meetings be held on the first and third Thursday of each month, from August through June. At the annual organizational meeting held in December, Trustees approve the meeting calendar as presented. The calendar is reviewed at each Board meeting.

INFORMATION:

Changes to the Board meeting dates must be approved by a majority vote of the Trustees.

Board Meeting Calendar August-December 2024

Closed Session times vary

Open Session begins at 6:30 PM

Thursday, August 8	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ Quarterly Facilities Project Updates* ✓ Review of Legal Services Costs ✓ Student Enrollment Update ✓ Property Tax Report
Thursday, August 22	<p>Special Board Meeting</p> <ul style="list-style-type: none"> ✓ TBD
Thursday, September 5	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ Quarterly District Safety Update* (Superintendent Report) ✓ CSBA Policy Update ✓ Cultural Proficiency/Equity Presentation ✓ Unaudited Actuals* ✓ Board Goals Discussion ✓ Williams Uniform Complaint Report (Quarterly)
Thursday, September 19	<p>Special Board Meeting</p> <ul style="list-style-type: none"> ✓ TBD
Thursday, October 3	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ Week of the School Administrator ✓ Board Goals check-in ✓ Resolution for the GANN Limit for 2024-2025 ✓ Quarterly District Safety Update (Superintendent Report) ✓ FY 2024-2025 Budget Revision #1 ✓ CAASPP/ELPAC Review of Data
Thursday, October 24	<p>Special Board Meeting</p> <ul style="list-style-type: none"> ✓ TBD
Thursday, November 7	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ Intent Form Due (to serve as Board President/Clerk) ✓ Review of Special Education Contracts ✓ PGHS Course Bulletin Information/Discussion ✓ CSBA Policy Update
Thursday, November 21	<p>Special Board Meeting</p> <ul style="list-style-type: none"> ✓ TBD
Thursday, December 5	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ District Goals Update ✓ Annual Cultural Proficiency Implementation Plan ✓ Quarterly Facilities Project Updates ✓ First Interim Report

	✓ CSBA Board Comments
Tuesday, December 12	Special Board Meeting ✓ Board Governance and Self-evaluation
Thursday, December 19	Regular Board Meeting ✓ Election of 2024-2025 Board President and Clerk ✓ PGHS Course Bulletin Action/Discussion ✓ Williams Uniform Complaint Report (Quarterly) ✓ CSBA Policy Update

- | | |
|---|---|
| <input checked="" type="checkbox"/> Student Learning and Achievement | <input type="checkbox"/> Consent |
| <input checked="" type="checkbox"/> Health and Safety of Students and Schools | <input checked="" type="checkbox"/> Action/Discussion |
| <input checked="" type="checkbox"/> Credibility and Communication | <input type="checkbox"/> Information/Discussion |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: Board Calendar/Future Meetings

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Dr. Linda Adamson, Superintendent

RECOMMENDATION:

The Administration recommends that the Board review and possibly modify the schedule of meeting dates on the attached calendar and determine, given information from the Administration, whether additional Board dates or modifications need to be established.

BACKGROUND:

The Board has approved Bylaw 9320, which states that regular Board meetings be held on the first and third Thursday of each month, from August through June. At the annual organizational meeting held in December, Trustees approve the meeting calendar as presented. The calendar is reviewed at each Board meeting.

INFORMATION:

Changes to the Board meeting dates must be approved by a majority vote of the Trustees.

Board Meeting Calendar August-December 2023

Closed Session times vary

Open Session begins at 6:30 PM

Thursday, August 3	Regular Board Meeting ✓ Quarterly Facilities Project Updates* ✓ Review of Legal Services Costs
Thursday, August 17	Regular Board Meeting ✓ Student Enrollment Update ✓ Property Tax Report
Thursday, September 7	Regular Board Meeting ✓ Quarterly District Safety Update* (Superintendent Report) ✓ CSBA Policy Update ✓ Cultural Proficiency/Equity Presentation
Thursday, September 14 <i>Closed Session: 5:30 PM</i>	Special Board Meeting ✓ Unaudited Actuals ✓ Board Goals Discussion
Thursday, September 21 <i>Closed Session: 5:30 PM</i> <i>Open Session: 6:30 PM</i>	Regular Board Meeting ✓ Williams Uniform Complaint Report ✓ Resolution for the GANN Limit for 2023-2024
Monday, October 2 <i>Closed Session: 5:30 PM</i> <i>No Open Session</i>	Special Board Meeting- Closed Session ✓ Candidate selection- Superintendent
Thursday, October 5 <i>Closed Session: 5:30 PM</i> <i>Open Session: 6:30 PM</i>	Regular Board Meeting ✓ Week of the School Administrator ✓ Board Goals check-in
Tuesday, October 10 <i>Closed Session: 9 AM-5PM</i> <i>No open Session</i>	Special Board Meeting- Closed Session ✓ Candidate interviews- Superintendent
Thursday, October 12 <i>Closed Session: 5:30PM</i> <i>Open Session: 6:30 PM</i>	Special Board Meeting- Closed Session ✓ Negotiations- Superintendent
Thursday, October 26 <i>Closed Session: 5:30 PM</i> <i>Open Session: 6:30 PM</i>	Regular Board Meeting ✓ Quarterly District Safety Update (Superintendent Report) ✓ Budget Revision #1 on 2023-24 working budget (preliminary First Interim) ✓ CAASPP/ELPAC Review of Data
Thursday, November 2 <i>Closed Session: 5:30 PM</i> <i>Open Session: 6:30 PM</i>	Regular Board Meeting ✓ TBD
Thursday, November 16 <i>Closed Session: 5:30 PM</i>	Regular Board Meeting ✓ Intent Form Due (to serve as Board President/Clerk)

<i>Open Session: 6:30 PM</i>	<ul style="list-style-type: none"> ✓ Review of Special Education Contracts ✓ PGHS Course Bulletin Information/Discussion ✓ CSBA Policy Update
<p>Thursday, December 7</p> <p><i>Closed Session: 5:30 PM</i></p> <p><i>Open Session: 6:30 PM</i></p>	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ District Goals Update ✓ Annual Cultural Proficiency Implementation Plan ✓ Quarterly Facilities Project Updates
Tuesday, December 12	<p>Special Board Meeting – Closed Session</p> <p>Board Governance and self-evaluation</p>
Thursday, December 14	<p>Organizational Meeting</p> <ul style="list-style-type: none"> ✓ Election of 2023-24 Board President and Clerk ✓ First Interim Report ✓ PGHS Course Bulletin Action/Discussion ✓ Williams Uniform Complaint Report ✓ CSBA Board Comments ✓ Employee Recognition ✓ CSBA Policy Update

Board Meeting Calendar January-June 2024

Closed Session times vary

Open Session begins at 6:30 PM

Thursday, January 11	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ Superintendent Goals- midyear check-in ✓ Preliminary Enrollment Projection for 2024-25 ✓ Property Tax Update ✓ Resolution recognizing February as Black History Month ✓ School Accountability Report Cards
Thursday, January 25	<p>Special Board Meeting</p> <ul style="list-style-type: none"> ✓ Board NCBI Training ✓ School Accountability Report Card ✓ HR SSC Report Plan
Thursday, February 8	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ Report on Governor's Budget Proposal ✓ Budget Development Calendar ✓ Approve Aug.- Dec. 2024-25 Board Meeting Calendar ✓ Quarterly Facilities Project Updates* ✓ Resolution recognizing March as Women's History Month ✓ LCAP 2023-2024 Midyear Report ✓ CSBA Policy Update ✓ ABM Building Solution, LLC Construction Agreement: Public Hearing and Contract Approval
Monday, March 4 4:00-8:00 PM	<p>Special Board Meeting</p> <ul style="list-style-type: none"> ✓ Board Governance Training
Thursday, March 7	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ Second Interim ✓ TRAN Resolution ✓ Williams/Valenzuela Uniform Complaint Report ✓ Possible Personnel Action Presented as Information (RIF) ✓ <i>Non-reelects Solution</i> ✓ Board considers legislative action at local and state levels ✓ Board Goals Study Session ✓ School Resource Officer Contract ✓ Cultural Proficiency Implementation Plan Presentation ✓ M.C. Kimball & Associates Inc. Safety Report Presentation ✓ <i>2023-24 Audit Report</i>
Thursday, March 21	<p>Special Board Meeting (TBD)</p>

	<ul style="list-style-type: none"> ✓ TBD
Thursday, April 4	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ Review of Strategic Plan and LCAP (as needed) ✓ Quarterly District Safety Update (Superintendent Report) ✓ District Goals Update ✓ Begin Superintendent Evaluation ✓ CSBA Policy Update ✓ Resolution recognizing May as Asian American Pacific Islander Heritage Month ✓ <i>Preliminary Review of Site Master Schedules</i>
Thursday, April 18	<p>Special Board Meeting (TBD)</p> <ul style="list-style-type: none"> ✓ TBD
Thursday, May 9	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ Continue Superintendent Evaluation ✓ Board Goals for 2024-25 ✓ Review of Site Master Schedules ✓ California Day of the Teacher ✓ Week of the CSEA Employee ✓ Retiree Recognition
Thursday, May 23	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ Complete Superintendent's Evaluation ✓ 2024-25 Board Goals ✓ Review Governor's Revised Budget ✓ Suspensions/Expulsions Annual Report ✓ 2024-25 Budget Public Hearing ✓ LCAP Public Hearing ✓ Resolution recognizing June as LGBTQ+ Month
Thursday, June 6	<p>Regular Board Meeting</p> <ul style="list-style-type: none"> ✓ Williams/Valenzuela Uniform Complaint Report ✓ 2024-25 Budget Public Adoption ✓ LCAP and Local Indicators Adoption ✓ Approval of Contracts and Purchase Orders for 2024-25 ✓ The Declaration of Need for Highly Qualified Educators ✓ Resolution recognizing Juneteenth ✓ Declaration of Need for Highly Qualified Educators

- | | |
|---|--|
| <input checked="" type="checkbox"/> Student Learning and Achievement | <input type="checkbox"/> Consent |
| <input checked="" type="checkbox"/> Health and Safety of Students and Schools | <input type="checkbox"/> Action/Discussion |
| <input checked="" type="checkbox"/> Credibility and Communication | <input checked="" type="checkbox"/> Information/Discussion |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: Administration Cultural Proficiency & Bias Incident Response Training

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Buck Roggeman, Director of Curriculum and Special Projects

RECOMMENDATION:

The District Administration recommends the Board review and receive information about cultural proficiency and bias incident response training.

BACKGROUND:

In response to community input led by the National Association for the Advancement of Colored People (NAACP), the district has identified a need to review and improve bias incident response protocols. The district's definition of bias includes all incidents of racism and hate. At the Oct. 5 PGUSD Board Meeting, trustees directed staff to redesign the original professional development plan to include community partners who specialize in diversity training. This plan includes extensive training with our community partners and the legal team at Lozano-Smith to provide well-rounded guidance for the professional development series.

INFORMATION:

Pacific Grove Unified School District is partnering with the National Coalition Building Institute (NCBI) and the Black Leaders and Allies Collaborative (BLAAC) to develop a series of professional development sessions for our administrative team. These training sessions will combine the invaluable diversity training expertise of NCBI and BLAAC with the legal expertise of Lozano-Smith. The end product of this combined effort will be a consistent framework for preventing and responding to bias incidents in our schools. This framework will be implemented by administrators who have undergone the intensive work needed to understand the impact that bias and bias incidents have on those who have been targeted. Once this framework has been developed, the goal is for all staff at all sites to be familiar with its components and understand how to properly respond to bias incidents in our schools.

The format of the professional development series will be alternating 90-minute sessions. First, the team will receive training from NCBI/BLAAC to help them understand how racism and bias influence and shape our society with a specific focus on the framework topics that will be covered by Lozano-Smith. NCBI/BLAAC will be invited to participate in the framework development sessions with Lozano-Smith. As its guidebook for this work, PGUSD will use the Anti-Defamation League's [*Responding to Bias Incidents in Middle and High Schools: Resources and Best Practices for School Administrators & Educators*](#).

The framework consists of six elements:

- **Prevention and Preparation** – Building an inclusive school community should be a continuous, year-round priority. Preparation is key so that you can act quickly when an incident takes place.

- **School Policies and Response Protocols** – Having clear policies and protocols when an incident occurs will make your response swift and effective.
- **Reporting** – Building a culture of reporting incidents as a responsibility and contribution to a positive climate (instead of a culture of fear about reporting incidents because it may make things worse)
- **Communication** – Prompt, intentional and specific communication with the school community makes a big difference. Statements from leadership set the tone for the community.
- **Education and Healing** – Make sure you are teaching students (in age appropriate ways) about bias, its harmful effects and how to challenge it throughout the school year. Don't wait for an incident to occur to talk about these important issues.
- **Assessing and Adjusting** – Reviewing each incident and response and recognizing the details, the impact, the outcomes and adjusting where needed.

FISCAL IMPACT:

The contracts for services already approved by the Board for NCBI and BLAAC include these training sessions. The district will pay Lozano-Smith their legal fees for preparation and delivery of the training.



Administrative Training

Cultural Proficiency and Bias Incident Response

Community Partners



Legal Guidance



Format

**Combine diversity training expertise of NCBI and BLAAC
with
Framework development with Lozano-Smith**

Foundation for Framework

Responding to Bias Incidents in Middle and High Schools

Anti-Defamation League

Format

- 1. Relevant diversity training from NCBI/BLAAC**
- 2. Framework development with Lozano-Smith
(NCBI/BLAAC invited to participate/observe)**

Components of the Framework

Prevention and Preparation

Building an environment where all students feel they belong

School Policies and Response Protocols

Ensuring our policies and practices are culturally responsive

Components of the Framework

Reporting

Building a culture where students are comfortable reporting bias incidents

Responding

Responding to bias incidents in a manner that respects the confidentiality of everyone involved

Components of the Framework

Communication

Effectively communicating with educational partners when a bias incident occurs

Education and Healing

Supporting targets of bias and applying restorative practices when appropriate

Components of the Framework

Assess and Adjust

Continually assessing our response to bias incident and adjusting based on the lessons learned

- | | |
|---|--|
| <input checked="" type="checkbox"/> Student Learning and Achievement | <input type="checkbox"/> Consent |
| <input checked="" type="checkbox"/> Health and Safety of Students and Schools | <input type="checkbox"/> Action/Discussion |
| <input checked="" type="checkbox"/> Credibility and Communication | <input checked="" type="checkbox"/> Information/Discussion |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: Local Control and Accountability Plan Midyear Update

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Buck Roggeman, Director of Curriculum and Special Projects

RECOMMENDATION:

The District Administration recommends the Board review and receive information about the Pacific Grove Unified School District Local Control and Accountability Plan Midyear Report for 2023-2024.

BACKGROUND:

California requires all local education agencies to deliver a Local Control and Accountability Plan (LCAP) midyear update annually by February 28 to the governing board. The report must include an update of all available metrics identified in the current year's LCAP and all available midyear expenditure and implementation data.

INFORMATION:

The purpose of the midyear LCAP is to update the public on the implementation of the current year's plan. Now that we have this updated information, we will use this data to inform our planning for the next year's LCAP and adjust our goals accordingly.

The midyear update is organized by each of the district's three LCAP goals for 2023-2024. All of the metrics reflect the most current data for each of the goals. Following the metrics section is a list of the actions that support each goal, their implementation level, the amount budgeted for each action, and the amount spent. The midyear LCAP information was the primary topic of our first LCAP Parent Advisory Group where we received feedback on areas to emphasize.

FISCAL IMPACT:

There is no fiscal impact related to this update. The amounts listed in the actions have all been budgeted.



Monitoring Goals, Actions, and Resources for the 2023-24 Local Control and Accountability Plan (LCAP)

This template is intended for internal monitoring purposes only. The 2023-24 LCAP template and instructions should be consulted when completing required documents.

(6) (A) The superintendent of the school district shall present a report on the annual update to the local control and accountability plan and the local control funding formula budget overview for parents on or before February 28 of each year at a regularly scheduled meeting of the governing board of the school district. (B) The report shall include both of the following: (i) All available midyear outcome data related to metrics identified in the current year’s local control and accountability plan. (ii) All available midyear expenditure and implementation data on all actions identified in the current year’s local control and accountability plan.

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
Pacific Grove Unified School District	Buck Roggeman Director of Curriculum & Special Projects	broggeman@pgusd.org 831 646-6526

Goal 1

Goal Description

Pacific Grove Unified, in partnership with students, parents, staff, and the community, will challenge all students by providing a quality instructional program in a positive, safe and stimulating environment, providing differentiated pathways for all students to be college ready and/or complete a career technical education pathway.

Expected Annual Measurable Objectives

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
State Priority 1 A: Degree to which teachers are appropriately assigned and fully credentialed.	100% in 2020-2021 Source: SARC	100% in 2021-2022 Source: SARC	100% in 2022-2023 Source: SARC	100% in 2023-2024 Source: PGUSD HR dept.	100%
State Priority 1 B: Degree to which students have standards-aligned instructional materials.	100% in 2020-2021 Source: SARC	100% in 2021-2022 Source: SARC	100% in 2022-2023 Source: SARC	100% in 2023-2024 Source: SARC	100%
State Priority 1 C: FIT Rating for school facilities in good repair.	Overall Rating: GOOD Source: SARC/FIT	Overall Rating: GOOD Source: SARC/FIT	Overall Rating: GOOD Source: SARC/FIT	Overall Rating: Good Source: SARC/FIT	GOOD overall Rating
State Priority 2. The implementation of academic content and performance standards for all students.	100% of teachers are implementing CA State Standards. Source: Administrator to observe implementation of CA Standards and record during observations log.	100% of teachers are implementing CA State Standards. Source: Administrator to observe implementation of CA Standards and record during observations log.	100% of teachers are implementing CA State Standards. Source: Administrator to observe implementation of CA Standards and record during observations log.	100% of teachers are implementing CA State Standards. Source: Administrator to observe implementation of CA Standards and record during observations log.	100%
State Priority 4 A: The percentage of pupils that have successfully completed A-G requirements The percentage of pupils that have successfully completed CTE pathways	76.4 % completed either A-G or CTE pathways 73.6% Met A-G 22.9% Completed CTE Pathways Source: Illuminate SIS/Calpads 2019-2020	2020-2021 59% graduated A to G eligible 2021-2022 65.2% graduated A to G eligible 23.7% completed CTE Pathways 78.5% completed either CTE or A to G eligible	2022-2023 41.7% graduated A to G eligible 11.4% completed a CTE pathway	Expected June 2024	80% meet A-G 29% Complete CTE pathways
State Priority 4 B: The percentage of students who have passed an AP exam with a score of 3 or higher	2019-2020 73% Source: College Board	2021-2022 75%	2022-2023 76.6%	Expected June 2024	79% Pass AP with a 3 or higher
State Priority 4 C: The percentage of pupils who participate in, and demonstrate college preparedness in the EAP.	2019-2020 79.2% prepared in ELA 64.2% prepared in Math	No CAASP Data for 2020-2021 as SBAC was not administered 2021-2022 80.17% Prepared in ELA 60.13% Prepared in Math	2022-2023 76% Prepared in ELA 46% Prepared in Math	Expected June 2024	85% prepared in ELA 70% prepared in Math

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
State Priority 5 E: High School graduation rate	95.3% Source: Calpads 2019-2020	2020-2021 Graduation rate PGHS/CHS 93.9% 2021-2022 Graduation rate PGHS/CHS 93.6%	2022-2023 Graduation rate PGHS/CHS 85.9% Calpads four-year cohort model.	Expected June 2024	100% graduation rate
State Priority 2 B: The degree to which programs/services enable English Learners to access the CSS and the ELD standards	All curriculum materials. in English Language Arts offer both the Integrated and Designated component. For all other content areas, teachers are incorporating integrated components in support of English learners within the context of the subject area. Designated ELD teachers at each site collaborate with content area teachers in support of EL students in their classrooms.	All curriculum materials. in English Language Arts offer both the Integrated and Designated component. For all other content areas, teachers are incorporating integrated components in support of English learners within the context of the subject area. Designated ELD teachers at each site collaborate with content area teachers in support of EL students in their classrooms.	All curriculum materials. in English Language Arts offer both the Integrated and Designated component. For all other content areas, teachers are incorporating integrated components in support of English learners within the context of the subject area. Designated ELD teachers at each site collaborate with content area teachers in support of EL students in their classrooms. New curriculum adoptions must include ELD supports.	All curriculum materials. in English Language Arts offer both the Integrated and Designated component. For all other content areas, teachers are incorporating integrated components in support of English learners within the context of the subject area. Designated ELD teachers at each site collaborate with content area teachers in support of EL students in their classrooms. New curriculum adoptions must include ELD supports.	100%
State Priority 7 A: Broad course of study	Students have access and are enrolled in all required areas of study as monitored through CALPADS & Illuminate. Students have access and are enrolled in a broad course of study including Health, PE, VAPA, World Languages, CTE, AP, Dual Enrollment, Computers, and other elective offerings as monitored through CalPads and Illuminate. The district provides access to Advanced Placement, Dual Enrollment, and CTE pathways, as well as a robust set of elective	Students have access and are enrolled in all required areas of study as monitored through CALPADS & Illuminate. Students have access and are enrolled in a broad course of study including Health, PE, VAPA, World Languages, CTE, AP, Dual Enrollment, Computers, and other elective offerings as monitored through CalPads and Illuminate. The district provides access to Advanced Placement, Dual Enrollment, and CTE pathways, as well as a robust set of elective	Students have access and are enrolled in all required areas of study as monitored through CALPADS & Illuminate. Students have access and are enrolled in a broad course of study including Health, PE, VAPA, World Languages, CTE, AP, Dual Enrollment, Computers, and other elective offerings as monitored through CalPads and Illuminate. The district provides access to Advanced Placement, Dual Enrollment, and CTE pathways, as well as a robust set of elective	Students have access and are enrolled in all required areas of study as monitored through CALPADS & Illuminate. Students have access and are enrolled in a broad course of study including Health, PE, VAPA, World Languages, CTE, AP, Dual Enrollment, Computers, and other elective offerings as monitored through CALPADS and Illuminate. The district provides access to Advanced Placement, Dual Enrollment, and CTE pathways, as well as a robust set of elective	100%

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
	offerings across the district.	offerings across the district.	offerings across the district.	offerings across the district.	

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
1.1	<p>Certificated Teachers, Classified Staff and Administrators All teachers (1100-1900) and administrators (1300) are highly qualified to provide support to students in attaining access to a comprehensive education. (1000 object code) Classified staff and administrators in each job alike support student learning, health, and safety. (2100-2900) object code) - Fund 01 Resource 0000</p>	No	Fully Implemented	100%		\$26,018,753.23	\$11,550,714.26
1.2	<p>Instructional Materials and Resources Instructional delivery of all core content areas with standards aligned instructional materials. Teachers and support staff are trained on instructional materials to support students during small group instruction. All newly adopted instructional materials are analyzed to ensure that diverse populations are represented in the content to support culturally responsive lesson planning. (4000 object code)</p>	No	Fully Implemented	100%		\$1,563,295.33	\$795,957.37

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	197/528 Mid-Year Expenditures
1.3	High School Outreach Counselor The High School Outreach Counselor position was created to provide support to at-risk and special populations. At-risk students include students who are struggling academically, social-emotionally, or may have other barriers to their success. Special populations of students include our students with a Section 504 accommodation plan, socio-economically disadvantaged, foster youth and English Language Learners. Support includes teaching coping skills, strategies to overcome a variety of obstacles, regular meetings, Student Study Team meetings, crisis intervention, and collaboration with the teachers and staff to support the students.	Yes	Fully Implemented	100%		\$131,550.92	\$61,952.23
1.4	Career Technical Education By identifying our populations of English Language Learners, low income, and students in special education, our academic counseling department works to ensure that the benefits of our CTE pathways are understood by both parents/guardians and students. CTE teachers also provide material outlining the benefits of their courses to incoming eighth-graders as well as new students to the district.	Yes	Partially Implemented	Counselors and teachers share the availability and benefits of CTE pathways with students.		\$0.00	\$0.00

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	198/528 Mid-Year Expenditures
1.5	<p>Broad Course of Study The High School will pursue expanding our offerings of dual-enrolled classes. We plan to achieve this by continuing our relationship with Monterey Peninsula College and staying up to date with our College and Career Pathways (CCAP) Agreement. Currently, we offer 11 dual enrolled courses through our culinary, photography, and computer science pathways. There are plans to add more dual enrolled courses in the future. We will expand enrollment of freshmen and sophomores in a Career Technical Education pathway with a long-term goal of increasing the amount of CTE completers by 5% in 2022-23 and 2023-2024. Additionally, to promote CTE pathways to incoming freshmen, there will be frequent academic counseling meetings, CTE teacher presentations outlining the benefits of the pathways, and providing continued funding via CTEIG and Perkins Grants to increase the number of course offerings.</p>	No	Partially Implemented		Two more teachers have met the qualifications to increase the number of dual-enrolled classes next year by up to five. English 1A English 1B Psych 1 Psych 3 Possibly 2 sections of MPC DE Culinary 2	\$0.00	\$0.00
1.6	Technology Infrastructure	No	Partially Implemented		Flat panel display screen	\$600,000.00	\$346,009.71

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	199/528 Mid-Year Expenditures
	<p>Here are PGTech's priorities for 2023-2024</p> <p>Promote and support the use of Synergy SIS, including assessment and analytics implementation, building end-user capacity/proficiency in the use of data to improve student achievement.</p> <p>Continue with classroom hardware upgrades to reach standard classroom configuration - elementary, middle school, and high school. This includes moving to interactive panels, integrated audio, and laptops as teachers' primary devices.</p> <p>Upgrade and enhance the district's security camera system on each campus and fortify the district's cybersecurity infrastructure.</p>				have been installed in all of the elementary classes.		
1.7	<p>High School Credit Recovery class</p> <p>We will continue to offer a Credit Recovery section where students will be monitored by a credentialed teacher and do coursework via Edmentum. These classes will be retakes for students who received a D or F, making them eligible for A to G college entrance to the UC and CSU systems. Sections are created to ensure priority access for Foster Youth, ELs, and SED.</p>	Yes	Fully Implemented	The class is being offered throughout the entire school year. There were 20 courses completed during the Fall of 2023.		\$25,311.26	\$18,711.66

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	200/528 Mid-Year Expenditures
1.9	<p>Increased professional learning community meeting time at Pacific Grove High School. Pacific Grove High School has redesigned its bell schedule to accommodate an eight period day. The format designs a Professional Learning Community period to be designated into each department's master schedule. Teachers will meet to identify the most important standards to teach, build learning tasks for students, review student work, and adjust instructional strategies. This schedule will double the amount of weekly minutes currently devoted to professional learning community meetings. The additional time will support English Learners, SWD, Homeless, and all students through a focus on best instructional practices that can be used in the classroom.</p>	Yes	Fully Implemented	The schedule change at Pacific Grove High School resulted in 40 minutes more PLC time per department and was implemented at the beginning of the 2023-2024 school year.		\$0.00	\$0.00
1.10	<p>Adjust facilities projects to prioritize repairs at the campus most in need of repairs. The district maintenance department will prioritize projects, so the campuses most in need of repair are addressed before those less pressing needs. PGUSD adjusted it's summer work schedule to focus efforts on Pacific Grove High School and Forest Grove</p>	No	Fully Implemented	PGUSD's director of maintenance and transportation adjusted the work schedule to prioritize projects that were most in demand during the summer of 2023.		\$0.00	\$0.00

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	201/528 Mid-Year Expenditures
	Elementary after it was determined that these two campuses were most in need of repair. Needs at other schools will also be addressed by the maintenance department.						

Goal 2

Goal Description

Advance educational equity and excellence by focusing on the social, emotional, and mental health of our school community by creating a safe and affirming school environment and culture that supports and encourages school connectedness and resiliency.

Expected Annual Measurable Objectives

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
State Priority 3 A: Demonstration of the efforts the school district makes to seek parent input in making decisions for the school district and school sites.	86% Strongly Agree and Agree that "school allows input and welcomes parent contributions". 2019-2020 CHKS 82% of parents Strongly Agree and Agree that "parents feel welcome to participate at school". CHKS 2020-21	CHKS 2021-2022 68% (parents) Strongly Agree/Agree that "school actively seeks the input of parents before making important decisions." 78% (parents) Strongly Agree/Agree that "parents feel welcome to participate at school."	CHKS 2022-2023 68% Strongly Agree/Agree that "school actively seeks the input of parents before making important decisions." 77% Strongly Agree/Agree that "parents feel welcome to participate at school."	Expected March 2024	95% Strongly Agree and Agree that "school allows input and welcomes parent contributions". 2019-2020 CHKS 95% of parents Strongly Agree and Agree that "parents feel welcome to participate at school".
State Priority 3 B: Demonstration of how the school district will promote parental participation in programs for unduplicated. (number of meetings, number of participants)	80% (2019-20 CHKS) & 87% (2020-21 CHKS) "Strongly Agree and Agree that "school encourages me to be an active partner".	CHKS 2021-2022 83% (parents) Strongly Agree and Agree that "school encourages me to be an active partner."	CHKS 2022-2023 89% (parents) Strongly Agree/Agree "school encourages me to be an active partner."	Expected March 2024	95% "Strongly Agree and Agree that "school encourages me to be an active partner".

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
<p>State Priority 3 C: Demonstration of how the school district will promote parental participation in programs for students with exceptional needs. (number of meetings, number of participants)</p>	<p>260 SPED Students SELPA opportunities multiple time per year 504 Annual Meetings IEP Meetings 1-2 times per year Orientation at start of each school year Orientation at transition from Elem to MS, and MS to HS</p>	<ul style="list-style-type: none"> • 265 SPED Students • SELPA opportunities multiple time per year • 504 Annual Meetings • IEP Meetings 1-2 times per year • Orientation at start of each school year • Orientation at transition from Elem to MS, and MS to HS 	<ul style="list-style-type: none"> • 240 SPED students • SELPA opportunities multiple times per year • 504 Annual Meetings • IEP meetings 1-2 times per year • Orientation at start of each school year • Orientation at transition from Elementary to MS and MS to HS 	<ul style="list-style-type: none"> • 271 SPED students • SELPA opportunities multiple times per year • 504 Annual Meetings • IEP meetings 1-2 times per year • Orientation at start of each school year • Orientation at transition from Elementary to MS and MS to HS 	<p>Continue with documentation</p>
<p>State Priority 5 A: School Attendance Rate</p>	<p>District Wide: 94.1% Forest Grove 96.8% Robert Down: 97.3% PGMS: 97.2% PGHS: 96.8% CHS: 82.4% Source: Calpads</p>	<p>91.2% District Wide 21-22 Data Source: Synergy Forest Grove 89.6% Robert Down 91.2% PGMS 94.7% PGHS 94.2% CHS 84%</p>	<p>District Wide: 91.6% Forest Grove: 88.6% Robert Down: 90.3% PGMS: 93.6% PGHS: 93.5% CHS: 77.6%</p> <p>Source: Calpads, Synergy SIS</p>	<p>District Wide: 93.1% Forest Grove: 90.3% Robert Down: 92.2% PGMS: 94.3% PGHS: 95.2% CHS: 79.1%</p> <p>Synergy SIS</p>	<p>All attendance rates maintain or improve and Community HS improves by 3 percentage points</p>
<p>State Priority 5 B: Chronic Absenteeism rates</p>	<p>7.6% 2019-2020 Dashboard Data Files</p>	<p>District Wide 10.8% Forest Grove 18.2% Robert Down 10.8% PGMS 16.4% PGHS 14.5% CHS 45.0%</p> <p>Source: Synergy & Dashboard Data Files 2021-2022</p>	<p>District Wide: 17.0% Forest Grove: 21.6% Robert Down: 14.2% PGMS: 8.8% PGHS: 16.2% CHS: 63.3%</p> <p>Source: Calpads, Synergy SIS</p>	<p>Expected June 2024</p>	<p>5% or less Chronic Absenteeism rates</p>
<p>State Priority 5 C:</p>	<p>0% dropout</p>	<p>0% dropout</p>	<p>0% dropout</p>	<p>Expected June 2024</p>	<p>Maintain 0% dropout</p>

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
Middle School dropout rates	2019-2020 Source: Calpads	2021-2022 Source: Calpads	2022-2023 Source: Calpads, Synergy SIS		
State Priority 5 D: High School dropout rates	1.4% (2 students) 2019-2020 Source Calpads	0% dropout 2021-2022 Source: Calpads	1.6% (2 students - PGHS) 0% (0 students - CHS) Source: Calpads, Synergy SIS	Expected June 2024	0% dropout
State Priority 6 A: Pupil Suspension rates	2019-2020 1.6% Source: Calpads	2021-2022 Source: Synergy or SWIS, Dashboard reports 0.43% District-Wide Forest Grove .68% Robert Down .43% PGMS 1.7% PGHS 2.2% CHS 5%	2022-2023 Source: Calpads, Synergy SIS Forest Grove: 0.5% Robert Down: 0.2% PGMS: 1.6% PGHS: 2.5% CHS: 22.7%	Expected June 2024	Decrease suspension rate to 1%
State Priority 6 B: Pupil expulsion	2019-2020 0% Source Calpads	PGHS 0.33% (2 students) 0% All other sites Source: Synergy or SWIS, Dashboard reports 2021-2022	0% Source: Calpads, Synergy SIS 2022-2023	Expected June 2024	maintain 0% expulsion rate
State Priority 6 C: Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness	95% (2019-20 CHKS) & 99% (2020-21) of Parents Strongly Agree and Agree that "school is a safe place for students" 79% (2019-20 CHKS) & 80% (2020-21 CHKS) of Elementary Students Strongly Agree and Agree that they "feel connected with their school" 82% (2019-20 CHKS) & 81% (2020-2 CHKS) of Elementary Students Strongly Agree and Agree that they "feel safe at school".	CHKS 2021-22 Strongly Agree or Agree Parents: 95% "school is a safe place for my child." Elementary Students: 82% "feel connected with their school." Elementary Students: 79% "feel safe at school." Secondary Students: 61% "feel connected with their school."	CHKS 2022-2023 Strongly Agree or Agree Parents: 92% "school is a safe place for students." Elementary Students: 76% "feel connected with their school" Elementary Students: 77% "feel safe at school" Secondary Students: 51% "feel connected with their school"	CHKS 2023-2024 Strongly Agree or Agree Parents: Expected March 2024 Elementary Students: 74% "feel connected with their school" Elementary Students: 74% "feel safe at school" Secondary Students: 58% "feel connected with their school"	100% of Parents Strongly Agree and Agree that "school is a safe place for students" 90% of Elementary Students Strongly Agree and Agree that they "feel connected with their school" 90%Elementary Students Strongly Agree and Agree that they "feel safe at school". 90% Secondary Students Strongly Agree and Agree

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
	<p>66% (2019-20 CHKS) & 80% (2020-21 CHKS) of Secondary Students Strongly Agree and Agree that they "feel connected with their school".</p> <p>76.5%(2019-20 CHKS) & 60% (2020-21 CHKS) of Secondary Students Strongly Agree and Agree that they "perceive school as safe or very safe".</p>	Secondary Students: 66% "perceive school as safe or very safe."	Secondary Students: 66% "perceive school as safe or very safe"	Secondary Students: 64% "perceive school as safe or very safe"	<p>that they "feel connected with their school".</p> <p>85% of Secondary Students Strongly Agree and Agree that they "perceive school as safe or very safe".</p>

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
2.1	<p>Counseling Services Counseling services are offered at the elementary, middle, and high school level. An orderly, caring, and positive educational and social environment enhances student learning. The district's goal is for all students to feel safe and proud of their school and achievements.</p> <p>Positive relationships among students and staff are promoted through a variety of social/emotional supports and programs at each of the sites. The elementary school counselors work collaboratively with classroom teachers to implement the Toolbox social emotional learning curriculum. The Middle School counselors support the Character Strong program to promote positive mental health, and the high school</p>	No	Fully Implemented			\$800,686.08	\$360,847.24

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	205/528 Mid-Year Expenditures
	uses Restorative Practices to build a caring environment for our students.						
2.2	Social Emotional Learning resources Elementary schools will continue to implement Toolbox, the Middle School will continue to use Character Strong, and the High School will move forward with Restorative Practices training for staff to support students in building resiliency and learning positive approaches to challenges.	No	Fully Implemented			\$0.00	\$0.00
2.3	Parent Engagement & Student Success Based on parent feedback, the district will hire a parent liaison for the parent education student success program. A stipend will be paid out of the Adult School Fund to provide outreach and programs to parents, so they can help their children thrive academically, socially, and emotionally.	No	Not Implementing			\$0.00	\$0.00
2.5	Mental Health Professional Development - All Levels	No	Fully Implemented			\$0.00	\$0.00

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	206/528 Mid-Year Expenditures
	PGUSD's Behavioral Mental Health Counselors will facilitate professional development for our sites focused on (1) identifying the most critical areas of concern for our student population at all levels, (2) providing specific tools for all staff to help address these areas of concern, and (3) reflecting on current practice to identify ways to create and maintain healthy learning environments for students.						
2.6	Sustained Mental Health Training The Behavioral Mental Health therapists will train the staff on Trauma-Informed practices which changes the lens from what is "wrong" with this student to "what happened" to this student. Professional Development will be offered during early release times and staff meetings, teachers do not have to be out of the classroom.	No	Partially Implemented		The district's mental health therapists provided professional development for staff in August 2023. The continually consult regarding student mental health practices and concerns.	\$0.00	\$0.00
2.7	Restorative Practices Provide professional development for High School Staff on Restorative Practices to support students with a focus on how to improve and repair relationships between people and communities. The purpose is to build healthy communities and increase social capital, while decreasing crime/antisocial behavior, repairing harm, and	No	Planned		Restorative practices training will be an integral part of our bias incident response protocols.	\$0.00	\$0.00

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	207/528 Mid-Year Expenditures
	restoring relationships. The foundation of Restorative Practices is the 5 R's: Relationship, Respect, Responsibility, Repair, and Reintegration. The High School Principal with the Behavioral Mental Health Counselor will lead this professional development during designated times.						
2.8	<p>Digital Citizenship and Literacy Students in grades 4, 5, 7, and 9 participate in an integrated digital citizenship/tech safety program to improve awareness and to learn to better engage with online communities in a safe, positive, and responsible manner. These are the steps to accomplishing this action for 2023-2024.</p> <ol style="list-style-type: none"> 1. Implement the internet safety practices contained in the Smart Social program. 2. Schedule and deliver “mini monthly-PD” events for teachers/staff that focus on grade-level specific digital citizenship/safety topics. 3. Students sign a Digital Safety Agreement indicating their commitment to maintaining a respectful and safe online presence. 	No	Fully Implemented			\$4,000.00	\$0.00

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	208/528 Mid-Year Expenditures
2.9	Parent Ed Tech Nights Two Parent Ed Tech nights are scheduled each year to provide practical strategies, information, and resources on technology tools and safety/digital citizenship topics, including a Smart Social VIP membership for all PGUSD families.	No	Planned			\$4,000.00	\$0.00
2.10	Middle School Student Advisory Period A student advisory period will continue at the Middle School. The purpose will be to support students socially and emotionally throughout the school year.	No	Fully Implemented			\$0.00	\$0.00
2.11	Vector Training Student Safety & Wellness Courses Grades 6-12 The Vector Solutions curriculum covers essential safety and wellness topics that are age appropriate for students in grades 6-8 and 9-12. Students at PGMS and PGHS will access these online lessons in their physical education classes. The PE teachers will facilitate discussions related to the lesson content. Topics covered include: Alcohol, Drug, & Vaping Prevention, Bullying & Cyberbullying, Digital Citizenship, Sexual Harassment, Youth Suicide Awareness, Stress & Anxiety, Depression, Good Decision Making,	No	Planned			\$6,045.00	\$5,607.00

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	209/528 Mid-Year Expenditures
	Healthy Relationships, and Resolving Disagreements.						
2.12	<p>High School Licensed Mental Health Therapist The Licensed Mental Health Therapist position will be continued at PGHS. The therapist provides direct mental health services including counseling, consultation, mental health evaluations, treatment, mental health assessments, and case management. The therapist's intent is to help students develop skills and strategies for coping with anxiety, depression, trauma, substance abuse, suicide, grief, family discord or any issues contributing functional impairments in school and achievement.</p> <p>The Licensed Mental Health Therapist also acts as a resource to teachers and staff by communicating and collaborating with them to effectively support student progress. Additionally, the therapist will provide professional development to staff in the area of youth social-emotional health. The cost of this position is being funded by the ESSER 3 Grant and the Educator Effectiveness Grant.</p>	No	Fully Implemented			\$176,869.46	\$89,939.24

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	210/528 Mid-Year Expenditures
2.13	<p>Elementary Licensed Mental Health Therapist This full time position will be split between Forest Grove and Robert Down elementary schools and be paid for with ESSER 3 and Educator Effectiveness Grant funding. The therapist will identify student mental health needs and provide staff professional development develop strategies to support our students.</p>	No	Fully Implemented			\$155,411.54	\$84,830.25
2.14	<p>Middle School Social Emotional Supports The CalHope Grant activities will expand to have a parent outreach component in 2023-2024. The Middle School will also continue the core grant activities including assemblies that feature topics such as anxiety, being an Upstander, and race.</p>	No	Fully Implemented			\$3,000.00	\$601.80
2.15	<p>Equity and Cultural Proficiency PGUSD will roll out and implement the Equity Action Plans that were developed by each site during the 10-day Cultural Proficiency certification through Praxis. The initial roll out will occur during the Aug. 4 professional development day.</p> <p>PGUSD will continue to support actions identified in the plan</p>	No	Partially Implemented			\$9,000.00	\$10,251.38

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	211/528 Mid-Year Expenditures
	designed to allow greater access to programs, activities, and opportunities to traditionally underserved student groups.						

Goal 3

Goal Description

All English Learners (EL), Socioeconomically Disadvantaged Students (SED), Foster Youth (FY), Students With Disabilities (SWD), and Hispanic will show a measurable increase in achieving grade level standards in mathematics and English language arts each year as measured by the California Assessment of Student Performance and Progress (CAASPP) and local valid assessments.

Expected Annual Measurable Objectives

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
State Priority 4 A English Language Arts Statewide Assessments: ELA	78.67% Met/exceeded standards 68.1 points above standard (blue) Dashboard data 2019-2020	No CAASPP Data for 2020-2021 as SBAC was not administered ELA CaASPP data 2021-2022 74.54% Met/Exceeded standard. 52.9 points above the standard.	ELA CaASPP data 2022-2023 70.03% Met/Exceeded standard.	Expected June 2024	90% Meet or exceed state standards
State Priority 4 B Statewide Assessment: Math	65.02% Met/exceeded standards 33.5 points above standard (green) Dashboard data 2019-2020	No CAASPP Data for 2020-2021 as SBAC was not administered Math CaSPP data 2021-2022	Math CaASPP data 2022-2023 56.88% Met/Exceeded standard.	Expected June 2024	80% Meet or exceed state standards

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
		57.45% Met/Exceeded standard. 10.5 points above the standard.			
State Priority 4 C Statewide Assessments: CAA	Student data is not reported due to small numbers of students for 2019-2020	No CaASPP Data for 2020-2021 as SBAC was not administered 11 PGUSD students took the CAA in 2021-2022 for ELA and Mathematics. The number is too small to report performance levels.	8 PGUSD students took the CAA in 2022-2023 for ELA and Mathematics. The number is too small to report performance levels.	Expected June 2024	
State Priority 4 D Percent of ELs who make progress toward English proficiency as measured by the ELPAC	71.4% make progress Dashboard data 2019-2020	No CAASPP Data for 2020-2021 as SBAC was not administered 48.1% made progress Dashboard Data 2021-2022	54% made progress Preliminary Dashboard Data 2022-2023	Expected June 2024	85% make progress towards English Proficiency
State Priority 4 E: English learner reclassification rate Calpads	22.6% EL Reclassification rate Calpads 2019-2020	11.3% EL Reclassification Rate Calpads 2020-2021 8.0% EL Reclassification Rate Calpads 2021-2022	16.7% Source: Calpads, Synergy SIS 2022-2023	Expected June 2024	30% reclassification rate
State Priority 4 F: Map testing ELA in lieu of state testing Spring 2021	Map Testing results for grades 3-11 ELA Grade 3: 8.6% Not met ,17.2% Nearly Met 74.2% Met/exceeded Grade 4: 17.3% Not met, 15.3 Nearly Met, 67.3% Met/exceeded Grade 5: 13.8% Not met, 19.8% Nearly Met, 66.4% Met/exceeded	Map Testing results Spring 2022 The following scores are Map growth norm-referenced FG Grade K: 31% Low, 19% Low Average, 16% Average, ,14% High Average, 20% High RD Grade K: 5% Low, 10% Low Average, 13% Average, 23% High Average, 49% High	MAP Testing results Spring 2023 The following scores are Map growth norm-referenced FG Grade K: 13% Low, 28% Low Average, 18% Average, 23% High Average, 18% High RD Grade K: 14% Low, 10% Low Average, 19% Average, 14% High Average, 42% High	MAP Testing results Winter 2024 The following scores are Map growth norm-referenced FG Grade K: 13% Low, 5% Low Average, 26% Average, 21% High Average, 36% High RD Grade K: 0% Low, 11% Low Average, 16% Average, 29% High Average, 44% High	10% of students in the met and nearly met move over to the Met/exceeded category in all grade levels. 10% of students in the not met move over to the nearly met/met category

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
	<p>Grade 6: 12.4% Not met, 12.4% Nearly Met, 75.2% Met/exceeded</p> <p>Grade 7: 14.3% Not met, 17% Nearly Met, 68.8% Met/exceeded</p> <p>Grade 8: 6.6% Not Met, 18.2% Nearly Met, 75.2 Met/exceeded</p> <p>Grade 11: 9.9% Not Met, 19.8% Nearly Met, 70.4% Met/exceeded</p>	<p>FG Grade 1: 18% Low, 8% Low Average, 13% Average, 33% High Average, 28% High</p> <p>RD Grade 1: 10% Low, 2% Low Average, 25% Average, 17% High Average, 46% High</p> <p>FG Grade 2: 3% Low, 5% Low Average, 14% Average, 29% High Average, 49% High</p> <p>RD Grade 2: 4% Low, 4% Low Average, 7% Average, 26% High Average, 59% High</p> <p>Grade 9: 4% Low, 10% Low Average, 22% Average, 34% High Average, 31% High</p> <p>Grade 10: 9% Low, 17% Low Average, 24% Average, 30% High Average, 21% High</p> <p>The following scores are CaASPP results from Spring 2022 Elementary Grade 3: 14.73% Not Met, 14.73% Nearly Met, 24.81% Met, 45.74% Exceeded</p> <p>Elementary Grade 4: 10.07% Not Met 16.55% Nearly Met, 23.74% Met, 49.64% Exceeded</p>	<p>FG Grade 1: 39% Low, 24% Low Average, 14% Average, 14% High Average, 9% High</p> <p>RD Grade 1: 19% Low, 15% Low Average, 19% Average, 22% High Average, 25% High</p> <p>FG Grade 2: 8% Low, 20% Low Average, 19% Average, 24% High Average, 29% High</p> <p>RD Grade 2: 9% Low, 10% Low Average, 21% Average, 34% High Average, 26% High</p> <p>Grade 9: 19% Low, 19% Low Average, 25% Average, 17% High Average, 20% High</p> <p>Grade 10: 17% Low, 27% Low Average, 23% Average, 21% High Average, 12% High</p> <p>The following scores are CaASPP results from Spring 2023 Elementary Grade 3: 11% Not Met, 21% Nearly Met, 25% Met, 40% Exceeded</p> <p>Elementary Grade 4: 22% Not Met 9% Nearly Met, 27% Met, 40% Exceeded</p>	<p>FG Grade 1: 19% Low, 19% Low Average, 28% Average, 17% High Average, 17% High</p> <p>RD Grade 1: 8% Low, 14% Low Average, 19% Average, 22% High Average, 38% High</p> <p>FG Grade 2: 23% Low, 13% Low Average, 20% Average, 25% High Average, 20% High</p> <p>RD Grade 2: 9% Low, 10% Low Average, 21% Average, 34% High Average, 26% High</p> <p>Grade 9: 11% Low, 16% Low Average, 21% Average, 32% High Average, 20% High</p> <p>Grade 10: 15% Low, 24% Low Average, 25% Average, 19% High Average, 18% High</p> <p>CAASPP results expected August 2024</p>	<p>215,328</p>

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
		<p>Elementary Grade 5: 9.72% Not Met, 13.19% Nearly Met, 36.81% Met, 40.28% Exceeded</p> <p>Grade 6: 9.77% Not met, 22.56% Nearly Met, 41.35% Met, 26.32% Exceeded</p> <p>Grade 7: 5.88% Not met, 16.91% Nearly Met, 47.06% Met, 30.15% Exceeded</p> <p>Grade 8: 8.13% Not met, 14.63% Nearly Met, 41.46% Met, 35.77% Exceeded</p> <p>Grade 11: 9.76% Not met, 11.38% Nearly Met, 30.08% Met, 48.78% Exceeded</p>	<p>Elementary Grade 5: 13% Not Met, 15% Nearly Met, 32% Met, 39% Exceeded</p> <p>Grade 6: 4% Not met, 23% Nearly Met, 32% Met, 39% Exceeded</p> <p>Grade 7: 11% Not met, 21% Nearly Met, 41% Met, 26% Exceeded</p> <p>Grade 8: 7% Not met, 23% Nearly Met, 41% Met, 27% Exceeded</p> <p>Grade 11: 6% Not met, 17% Nearly Met, 35% Met, 40% Exceeded</p>		
<p>State Priority 4 G:Map testing Math in lieu of state testing Spring 2021</p>	<p>Map Testing results for grades 3-11 Math</p> <p>Grade 3: 16.4% Not met, 25% Nearly met, 58.6% Met/exceeded</p> <p>Grade 4: 19.6% Not met, 30.7% Nearly Met, 49.7% Met/exceeded</p> <p>Grade 5: 28.4% Not met, 31% Nearly Met, 40.5% Met/exceeded</p>	<p>Map Testing Results Spring 2022</p> <p>The following scores are Map growth norm-referenced</p> <p>FG Grade K: 24% Low, 14% Low Average, 16% Average, 24% High Average, 22% High</p> <p>RD Grade K: 5% Low, 5% Low Average, 11%</p>	<p>MAP Testing results Spring 2023</p> <p>The following scores are Map growth norm-referenced</p> <p>FG Grade K: 10% Low, 29% Low Average, 24% Average, 24% High Average, 13% High</p> <p>RD Grade K: 12% Low, 8% Low Average, 7%</p>	<p>MAP Testing results Winter 2024</p> <p>The following scores are Map growth norm-referenced</p> <p>FG Grade K: 10% Low, 15% Low Average, 8% Average, 31% High Average, 36% High</p> <p>RD Grade K: 2% Low, 11% Low Average, 11%</p>	<p>10% of students in the met and nearly met move over to the Met/exceeded category in all grade levels.</p> <p>10% of students in the not met move over to the nearly met/met category</p>

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
	<p>Grade 6: 26.8% Not met, 26.1% Nearly Met, 47.2% Met/exceeded</p> <p>Grade 7: 20.9% Not met, 33.9% Nearly Met, 45.2% Met/exceeded</p> <p>Grade 8: 21.9% Not met, 24.5% Nearly Met, 53.6% Met/exceeded</p> <p>Grade 11: 29.6% Not met, 26.5% Nearly Met, 43.9% Met/exceeded</p>	<p>Average, 37% High Average, 42% High</p> <p>FG Grade 1: 16% Low, 17% Low Average, 24% Average, 17% High Average, 26% High</p> <p>RD Grade 1: 11% Low, 6% Low Average, 19% Average, 39% High Average, 25% High</p> <p>FG Grade 2: 6%, 14% Low Average, 27% Average, 26% High Average, 27% High</p> <p>RD Grade 2: 4% Low, 7% Low Average, 19% Average, 32% High Average, 38% High</p> <p>Grade 9: 4% Low, 17% Low Average, 20% Average, 24% High Average, 36% High</p> <p>Grade10: 6% Low, 15% Low Average, 18% Average, 26% High Average, 36% High</p> <p>The following scores are CaASPP results from Spring 2022</p> <p>Elementary Grade 3: 10.08% Not Met, 17.83% Nearly Met, 34.88% Met, 37.21% Exceeded</p> <p>Elementary Grade 4: 9.35% Not Met, 25.90%</p>	<p>Average, 41% High Average, 32% High</p> <p>FG Grade 1: 47% Low, 15% Low Average, 11% Average, 19% High Average, 8% High</p> <p>RD Grade 1: 25% Low, 15% Low Average, 19% Average, 20% High Average, 21% High</p> <p>FG Grade 2: 12% Low, 11% Low Average, 23% Average, 33% High Average, 21% High</p> <p>RD Grade 2: 17% Low, 5% Low Average, 24% Average, 40% High Average, 14% High</p> <p>Grade 9: 14% Low, 15% Low Average, 25% Average, 26% High Average, 20% High</p> <p>Grade 10: 9% Low, 21% Low Average, 17% Average, 15% High Average, 38% High</p> <p>The following scores are CaASPP results from Spring 2023</p> <p>Due Fall 2023 Elementary Grade 3: 11% Not Met, 11% Nearly Met, 41% Met, 35% Exceeded</p>	<p>Average, 31% High Average, 44% High</p> <p>FG Grade 1: 11% Low, 31% Low Average, 19% Average, 22% High Average, 17% High</p> <p>RD Grade 1: 2% Low, 19% Low Average, 25% Average, 28% High Average, 27% High</p> <p>FG Grade 2: 20% Low, 20% Low Average, 16% Average, 16% High Average, 28% High</p> <p>RD Grade 2: 13% Low, 8% Low Average, 13% Average, 29% High Average, 27% High</p> <p>Grade 9: 8% Low, 12% Low Average, 27% Average, 13% High Average, 37% High</p> <p>Grade 10: 6% Low, 13% Low Average, 23% Average, 20% High Average, 38% High</p> <p>CaASPP results due Fall 2024</p> <p>Elementary Grade 3:</p> <p>Elementary Grade 4:</p> <p>Elementary Grade 5:</p> <p>Grade 6:</p>	

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
		<p>Nearly Met, 35.25% Met, 29.50% Exceeded</p> <p>Elementary Grade 5: 20.14% Not Met, 27.08% Nearly Met, 26.39% Met, 26.39% Exceeded</p> <p>Grade 6: 19.55% Not met, 32.33% Nearly Met, 21.80% Met, 26.32% Exceeded</p> <p>Grade 7: 20.15% Not met, 26.87% Nearly Met, 24.63% Met, 28.36% Exceeded</p> <p>Grade 8: 20.33% Not met, 26.83% Nearly Met, 21.14% Met, 31.71% Exceeded</p> <p>Grade 11: 24.19% Not met, 16.94% Nearly Met, 28.23% Met, 30.65% Exceeded</p>	<p>Elementary Grade 4: 10% Not Met 27% Nearly Met, 30% Met, 31% Exceeded</p> <p>Elementary Grade 5: 22% Not Met, 27% Nearly Met, 21% Met, 28% Exceeded</p> <p>Grade 6: 15% Not met, 24% Nearly Met, 26% Met, 33% Exceeded</p> <p>Grade 7: 21% Not met, 26% Nearly Met, 24% Met, 27% Exceeded</p> <p>Grade 8: 33% Not met, 20% Nearly Met, 17% Met, 28% Exceeded</p> <p>Grade 11: 31% Not met, 21% Nearly Met, 23% Met, 22% Exceeded</p>	<p>Grade 7:</p> <p>Grade 11:</p>	<p>216,328</p>
<p>State Priority 7B: Programs and services developed and provided to unduplicated pupils</p>	<p>Academic counselors and site administration keep track of student enrollment by demographic to ensure there is equitable access to all courses offered districtwide.</p> <p>Students have access and are enrolled in all required areas of study as monitored through CalPads and Illuminate. The district also provides</p>	<p>Continuing: Academic counselors and site administration keep track of student enrollment by demographic to ensure there is equitable access to all courses offered districtwide.</p> <p>Students have access and are enrolled in all required areas of study as monitored through CalPads and Illuminate.</p>	<p>Continuing: Academic counselors and site administration keep track of student enrollment by demographic to ensure there is equitable access to all courses offered districtwide.</p> <p>Students have access and are enrolled in all required areas of study as monitored through CalPads and Illuminate.</p>	<p>Continuing: Academic counselors and site administration keep track of student enrollment by demographic to ensure there is equitable access to all courses offered districtwide.</p> <p>Students have access and are enrolled in all required areas of study as monitored through CalPads and Illuminate.</p>	<p>Maintain services for unduplicated pupils</p>

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
	<p>English Language Development instruction and operates a push in model (Co-teaching) for English learners with designated support.</p> <p>Academic counselors and site administration keep track of student enrollment by demographic to ensure there is equitable access to all courses offered districtwide.</p>	<p>The district also provides English Language Development instruction and operates a push in model (Co-teaching) for English learners with designated support.</p> <p>Academic counselors and site administration keep track of student enrollment by demographic to ensure there is equitable access to all courses offered districtwide.</p>	<p>The district also provides English Language Development instruction and operates a push in model (Co-teaching) for English learners with designated support.</p> <p>Academic counselors and site administration keep track of student enrollment by demographic to ensure there is equitable access to all courses.</p>	<p>The district also provides English Language Development instruction and operates a push in model (Co-teaching) for English learners with designated support.</p> <p>Academic counselors and site administration keep track of student enrollment by demographic to ensure there is equitable access to all courses offered districtwide.</p>	
<p>State Priority 7C: Programs and services developed and provided to pupils with exceptional needs</p>	<p>Academic counselors, administration and Director of Student Services works with site teams to ensure equitable access and opportunity to all course offering. The district also provided an inclusion model for students with disabilities as monitored through Calpads and Siras.</p>	<p>Continuing: Academic counselors, administration and Director of Student Services works with site teams to ensure equitable access and opportunity to all course offerings. The district also provided an inclusion model for students with disabilities as monitored through Calpads and Siras.</p>	<p>Continuing: Academic counselors, administration and Director of Student Services works with site teams to ensure equitable access and opportunity to all course offerings. The district also provided an inclusion model for students with disabilities as monitored through Calpads and Siras.</p>	<p>Continuing: Academic counselors, administration and Director of Student Services works with site teams to ensure equitable access and opportunity to all course offerings. The district also provided an inclusion model for students with disabilities as monitored through Calpads and Siras.</p>	<p>Maintain services for pupils with exceptional needs</p>
<p>State Priority 8: Pupil Outcomes</p>	<p>DIBELS Assessments Spring 2021 Robert Down Elementary & Forest Grove Elementary Schools combined data:</p> <p>Kindergarten: Intensive: 26% Strategic: 13% Proficient: 28% Advanced: 33%</p> <p>First Grade: Intensive: 7%</p>	<p>DIBELS Assessments Spring 2022 Robert Down Elementary & Forest Grove Elementary Schools combined data:</p> <p>Kindergarten: Intensive: 23% Strategic: 9% Proficient: 30% Advanced: 37%</p> <p>First Grade:</p>	<p>DIBELS Assessments Spring 2023 Robert Down Elementary & Forest Grove Elementary Schools combined data:</p> <p>Kindergarten: Intensive: 22% Strategic: 13% Proficient: 28% Advanced: 37%</p> <p>First Grade:</p>	<p>DIBELS Assessment Winter 2023 Robert Down Elementary & Forest Grove Elementary Schools Combined data:</p> <p>Kindergarten: Intensive: 28% Strategic: 16% Proficient: 24% Advanced: 33%</p> <p>First Grade:</p>	<p>Increase proficient and/or advanced status for each grade level by 10% points.</p>

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
	<p>Strategic: 9% Proficient: 43% Advanced: 41%</p> <p>Second Grade: Intensive: 7% Strategic: 8% Proficient: 50% Advanced: 34%</p> <p>Third Grade: Intensive: 5% Strategic: 8% Proficient: 28% Advanced: 58%</p> <p>Fourth Grade: Intensive: 6% Strategic: 7% Proficient: 55% Advanced: 32%</p> <p>Fifth Grade: Intensive: 15% Strategic: 5% Proficient: 45% Advanced: 35%</p>	<p>Intensive: 3% Strategic: 14% Proficient: 34% Advanced: 49%</p> <p>Second Grade: Intensive: 7% Strategic: 7% Proficient: 33% Advanced: 54%</p> <p>Third Grade: Intensive: 7% Strategic: 15% Proficient: 20% Advanced: 59%</p> <p>Fourth Grade: Intensive: 10% Strategic: 19% Proficient: 35% Advanced: 35%</p> <p>Fifth Grade: Intensive: 20% Strategic: 8% Proficient: 23% Advanced: 49%</p>	<p>Intensive: 15% Strategic: 14% Proficient: 30% Advanced: 41%</p> <p>Second Grade: Intensive: 9% Strategic: 14% Proficient: 31% Advanced: 47%</p> <p>Third Grade: Intensive: 9% Strategic: 9% Proficient: 28% Advanced: 55%</p> <p>Fourth Grade: Intensive: 11% Strategic: 19% Proficient: 31% Advanced: 39%</p> <p>Fifth Grade: Intensive: 18% Strategic: 9% Proficient: 21% Advanced: 52%</p>	<p>Intensive: 14% Strategic: 22% Proficient: 29% Advanced: 34%</p> <p>Second Grade: Intensive: 18% Strategic: 12% Proficient: 31% Advanced: 40%</p> <p>Third Grade: Intensive: 15% Strategic: 8% Proficient: 32% Advanced: 45%</p> <p>Fourth Grade: Intensive: 7% Strategic: 13% Proficient: 30% Advanced: 51%</p> <p>Fifth Grade: Intensive: 13% Strategic: 16% Proficient: 33% Advanced: 38%</p>	
State Priority 8: Pupil Outcomes	<p>CaASPP ELA testing data 2019 for specific student groups</p> <p>General population: Exceeded - 46.27% Met - 32.40% Nearly Met - 14.55% Not Met - 6.79%</p> <p>Socioeconomically Disadvantaged Youth: Exceeded - 25.89% Met - 36.16% Nearly Met - 26.34% Not Met - 11.61%</p>	<p>CaASPP test not administered in 2020 and 2021</p> <p>CaASPP ELA testing data 2022 for specific student groups</p> <p>General population: Exceeded - 39.48% Met - 35.06% Nearly Met - 15.75% Not Met - 9.71%</p>	<p>CaASPP ELA testing data 2023 for specific student groups</p> <p>General population: Exceeded - 36.33% Met - 33.70% Nearly Met - 18.99% Not Met - 10.98%</p> <p>Socioeconomically Disadvantaged Youth: Exceeded - 19.48% Met - 34.42% Nearly Met - 27.92%</p>	Expected August 2024	All groups will exceed 2019 (pre-pandemic) levels.

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
	<p>English Learners: Exceeded - 12.12% Met - 21.21% Nearly Met - 30.30% Not Met - 36.36%</p> <p>Hispanic: Exceeded - 32.45% Met - 34.75% Nearly Met - 21.81% Not Met - 11.17%</p> <p>Students with Disabilities Exceeded - 11.21% Met - 22.41% Nearly Met - 37.07% Not Met - 29.31%</p>	<p>Socioeconomically Disadvantaged Youth: Exceeded - 19.62% Met - 31.01% Nearly Met - 31.65% Not Met - 17.72%</p> <p>English Learners: Exceeded - 4.76% Met - 23.81% Nearly Met - 35.71% Not Met - 35.71%</p> <p>Hispanic: Exceeded - 27.87% Met - 33.33% Nearly Met - 24.04% Not Met - 14.75%</p> <p>Students with Disabilities Exceeded - 11.94% Met - 23.13% Nearly Met - 35.07% Not Met - 29.85%</p>	<p>Not Met - 18.18%</p> <p>English Learners: Exceeded - 2.94% Met - 5.88% Nearly Met - 50.00% Not Met - 41.18%</p> <p>Hispanic: Exceeded - 26.09% Met - 37.68% Nearly Met - 30.43% Not Met - 5.80%</p> <p>Students with Disabilities Exceeded - 11.38% Met - 11.38% Nearly Met - 39.84% Not Met - 37.40%</p>		
State Priority 8: Pupil Outcomes	<p>CaASPP Math testing data 2019 for specific student groups</p> <p>General population: Exceeded - 37.80% Met - 27.42% Nearly Met - 23.38% Not Met - 12.60%</p> <p>Socioeconomically Disadvantaged Youth: Exceeded - 16.07% Met - 20.09% Nearly Met - 39.73% Not Met - 24.11%</p> <p>English Learners: Exceeded - 19.44% Met - 11.11%</p>	<p>CaASPP test not administered in 2020 and 2021</p> <p>CaASPP Math testing data 2022 for specific student groups</p> <p>General population: Exceeded - 29.91% Met - 27.54% Nearly Met - 24.95% Not Met - 17.60%</p> <p>Socioeconomically Disadvantaged Youth: Exceeded - 11.32% Met - 20.75% Nearly Met - 29.56%</p>	<p>CaASPP Math testing data 2023 for specific student groups</p> <p>General population: Exceeded - 30.02% Met - 26.86% Nearly Met - 22.93% Not Met - 20.20%</p> <p>Socioeconomically Disadvantaged Youth: Exceeded - 14.01% Met - 22.93% Nearly Met - 23.57%</p>	Expected August 2024	All groups will exceed 2019 (pre-pandemic) levels.

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24
	Nearly Met - 33.33% Not Met - 36.11% Hispanic: Exceeded - 20.86% Met - 24.06% Nearly Met - 36.36% Not Met - 18.72% Students with Disabilities Exceeded - 8.70% Met - 13.04% Nearly Met - 32.17% Not Met - 46.09%	Not Met - 38.36% English Learners: Exceeded - 21.43% Met - 9.52% Nearly Met - 26.19% Not Met - 42.86% Hispanic: Exceeded - 14.67% Met - 23.37% Nearly Met - 28.80% Not Met - 33.15% Students with Disabilities Exceeded - 6.72% Met - 16.42% Nearly Met - 21.64% Not Met - 55.22%	Not Met - 39.49% English Learners: Exceeded - 8.11% Met - 32.43% Nearly Met - 13.51% Not Met - 45.95% Hispanic: Exceeded - 22.54% Met - 28.17% Nearly Met - 25.35% Not Met - 23.94% Students with Disabilities Exceeded - 8.06% Met - 13.71% Nearly Met - 21.77% Not Met - 56.45%		

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
3.1	Site Based Professional Learning Teams All Instructional Leadership teams (ILT) teams will continue to support the PLC (Professional Learning Community) work at the sites focusing on targeted instruction based on data analysis of common formative assessments and other local measures. All sites have PLC time scheduled into their work week. Continuing to implement the Cycles of Professional Learning, teachers will share and implement best practices to meet the needs of identified student groups and	No	Partially Implemented			\$28,000.00	\$753.38

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	221/528 Mid-Year Expenditures
	determine their success based on student data.						
3.2	<p>AVID Classes at PGHS and PGMS Advancement Via Individual Determination (AVID) is an academic program that provides support and guidance to students in grades 6-12 who are traditionally underrepresented in higher education. The AVID program will increase unduplicated students' access to college preparation. The strategies learned would not typically be attained independently without additional support. This model will also give Low-Income students access to college and career planning. This is needed to help them visualize their future by exposing them to colleges meeting their personal goals and college application support.</p> <p>AVID has very specific requirements for the class, and there are rigorous steps each student must complete to participate. AVID has been described as "Wonderful for all, but necessary for some."</p> <p>The middle school will offer two sections for grades 7 and 8, and the high school will have two sections, one serving grades 9 and 10, the</p>	Yes	Fully Implemented			\$121,145.26	\$89,800.87

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	222/528 Mid-Year Expenditures
	other serving grades 11-12. The Avid District Director is also allotted one section as part of their teaching assignment.						
3.3	<p>English Language Arts Support Classes</p> <p>Students who struggle in English language arts will receive multiple levels of support at the middle school. Students two or more grade levels behind will be scheduled in general education Read 180 courses and students will also have a transitions English class to support them with general education English classes.</p>	Yes	Fully Implemented			\$48,129.90	\$15,903.40
3.4	<p>Elementary Schools English Language Arts Intervention</p> <p>Elementary ELA programs will incorporate certificated teachers, instructional assistants, and materials needed to support grade level interventions such as Read 180, targeted foundational reading instruction, and designated English language development support.</p> <p>Students who are designated as below grade level will receive support in the classroom and with intervention staff. Instructional aides and the intervention teacher will also support teachers in the</p>	Yes	Fully Implemented			\$730,340.04	\$325,122.73

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	223/528 Mid-Year Expenditures
	<p>classroom with small group instruction.</p> <p>Designated English Language Development teachers will work with students to provide support to students who are emerging, expanding, and bridging proficiency levels of English language acquisition focusing on how English works. Designated ELD teachers will work closely with the classroom teacher to support students with current curriculum in the classroom.(Object codes 1000, 2000)</p> <p>An additional certificated 1.5 FTE will continue to support the elementary intervention program at Forest Grove and Robert Down. Increased instructional aide support will continue to support the intervention program and classroom teachers. These additional positions are funded by the Expanded Learning Opportunities Grant, Esser 3, and the Educator Effectiveness Grant.</p>						
3.5	<p>Language Review Teams Designated English language development teachers collaborate with general education teachers to ensure English Learners access core programs. Language Review teams meet twice a year to discuss English learners' and reclassified fluent English learners' individual</p>	Yes	Fully Implemented			\$1,000.00	\$1,144.20

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	224/528 Mid-Year Expenditures
	strengths, areas of growth, reclassification criteria, and designated support for CaASPP tests. The expenditure is for the cost of substitutes for teachers and English language development teachers to attend the Language Review Team day.						
3.6	<p>Math Intervention Programs Elementary teachers will support students through leveled targeted interventions in the classroom using small group instruction as well as grade level flexible grouping.</p> <p>In the Middle School, students two or more grade levels behind will be enrolled in Math 180 courses beginning in grade six. There are two sections - one general education and one special education. The Middle School will offer a 6th grade math support class where identified students are concurrently enrolled in the grade level math class. The support class offers a differentiated approach focusing on conceptual learning of mathematics and its application.</p> <p>At the high school, two math support classes serve students in Integrated Math 1 and 2. Students will be concurrently enrolled in the support class and the grade-level math class. The support classes offer a differentiated approach focusing on conceptual learning of</p>	Yes	Fully Implemented			\$163,082.52	\$55,867.49

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	225/528 Mid-Year Expenditures
	mathematics and its application. (Object code 1000)						
3.7	High School Productive Study Class Based on a needs assessment, there will be a total of five sections for Math/ELA Independent Productive Study: Grades 9, 10, 11, and 12. This class is for completing unfinished classwork, homework assignments/projects, and studying for upcoming tests/quizzes. (object code 1000)	Yes	Fully Implemented			\$161,912.64	\$83,797.47
3.8	ELD Afterschool Homework Club In response to feedback from the site and district English Learner Advisory Committees, an Afterschool Homework Club operates at Forest Grove. The club provides access to the support and technology necessary to complete classwork. The program also provides a positive social environment and a comfortable place for students to learn English.	No	Partially Implemented			\$7,000.00	\$1,179.21
3.9	Peer-to-Peer Tutoring and Mentoring PGUSD will implement a peer tutoring program where our older	Yes	Not Implementing			\$0.00	

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	226/528 Mid-Year Expenditures
	students work with our younger students under the supervision of our staff. Based on our campuses' close proximity to each other, the middle school and high school students will tutor elementary students. The district will look for additional ways to implement this model to build relationships between schools and allow our older students to serve as positive examples for our elementary population.						

Goal 4

Goal Description

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Expected Annual Measurable Objectives

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures

Goal 5

Goal Description

Expected Annual Measurable Objectives

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2023-24

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures



Local Control and Accountability Plan Midyear Update 2023-2024

Buck Roggeman
Director of Curriculum and Special Projects
broggeman@pgusd.org

Purpose

Update

Adjust

Inform

Update

230/528

Provide the public with an update on the implementation of the current LCAP

Adjust

231/528

Plan for changes that may need to be made based on revised estimates of revenue, budgeted expenditures, and/or student performance

Inform

232/528

Inform the development of subsequent LCAPs

Legal Requirements

- *February 28*
- *Midyear outcome data*
- *Midyear expenditure and implementation data*

Goal 1

234/528

Quality instructional program

Goal 1 Metrics - Overall program

235/528

100%

- *Teachers properly assigned*
- *Students have standards aligned materials*
- *FIT rating of “good” for facilities*
- *Teachers implementing state standards*

Goal 1 Metrics - Dashboard Data

236/528

Bright Spots

- *76% AP pass rate of 3 or higher*
- *ELA and Mathematics rating*
- *EL progress increased*
- *College/Career readiness rated “high”*

Goal 1 Metrics - Dashboard Data

237/528

Areas of Focus

- *41.7% (67%) 2023 A-G completion rate*
- *15.8% (-3.3) Chronic Absenteeism*
- *85.7% (-7.7) Graduation rate*

Goal 1 Expenditures

Through December 2023

- *\$12.7m of \$28.3m spent*
- *Certificated, Classified, Admin \$11.6m*
- *Instructional materials \$800,000*
- *Technology infrastructure \$346,000*

Goal 2

239/528

*Social, emotional, and mental health of our
school community*

Goal 2 Metrics

- *271 special education students*
- *School attendance rate shows an increase of 1-2% across the district through Dec.*

Goal 2 Metrics

241/528

Elementary CHKS Data

- *74% (-2) feel connected with their school*
- *74% (-3) feel safe at school*

Goal 2 Metrics

242/528

Secondary CHKS Data

- *58% (+7) feel connected with their school*
- *64% (-2) feel safe at school*

Goal 2 Metrics - 2024

243/528

Data Expected in June 2024

- *HS/MS dropout rates*
- *Pupil suspension/expulsion rates*
- *Chronic absenteeism rates*

Goal 2 Expenditures

Through December 2023

- *\$556,000 of \$1.2m spent*
- *Counselors, Mental Health Therapists
\$535,000*
- *Cultural Proficiency \$10,000*

Goal 3

245/528

Specified student groups will show a measurable increase in ELA and math

Goal 3 Metrics

- *Midyear MAP testing results for grades that are not taking the CAASPP test*
- *Midyear results show grade levels improving from Spring 2023 scores*

Goal 3 Metrics

Expected June 2024

- *Met or exceeded CAASPP ELA/Math*
- *California Alternative Assessment*
- *EL students made progress*
- *EL reclassification rate*

Goal 3 Expenditures

Through December 2023

- *\$574,000 of \$1.25m spent*
- *Elementary Intervention & Support \$*
- *Secondary Intervention & Support \$245,000*

Next Steps

- *Develop LCAP for next three years*
- *Hold extensive advisory committee meetings*
- *Send student, staff, and community surveys*

- Student Learning and Achievement
 Health and Safety of Students and Schools
 Credibility and Communication
 Fiscal Solvency, Accountability and Integrity

- Consent
 Action/Discussion
 Information/Discussion
 Public Hearing

SUBJECT: Board Policy Updates

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Dr. Linda Adamson, Superintendent

RECOMMENDATION:

The District Administration recommends the Board review the Board Policy, Administrative Regulation, and Board Bylaw updates recently reviewed by the Board Policy Committee on January 24, 2024.

BACKGROUND:

The Board Policy Committee contains two Trustees (Carolyn Swanson and Jennifer McNary) who meet with Administrators responsible for whatever policies are up for review/discussion. The Board Policy Committee reviews the updates provided by CSBA (explanation below) as well as any Board requested policies or Administrative recommendations. The following updates will be reviewed as Action/Discussion, and will return to the subsequent meeting as Consent for final Board approval.

CSBA employs several full-time staff to keep its sample policy manual updated. It updates approximately 100 policies every year to stay up to date with changes in the law and publishes these updates in four bundles called “policy update packets.” These are issued four times a year: March, June, September, and December, as well as any special updates as needed. Subscribers to GAMUT Policy Plus receive announcements every time CSBA issues a policy update packet and can access the packet by logging into their proprietary site.

CSBA encourages districts to review each update packet once it’s issued to see which policies the district may need to update. Districts can review a “guide sheet” that lists the changes that CSBA has made as well as the text in the policies themselves to determine which policies they want to update. Once they determine this, they can prepare drafts of the new policies to send to their board for review and adoption. By reviewing each CSBA policy update packet and taking action accordingly, districts can ensure that the policy manual is always accurate and up-to-date. CSBA encourages districts to establish a consistent process for reviewing, processing, and approving update packets so that they never fall behind on their policies.

INFORMATION:

At the January 24, 2024 Board Policy Committee meeting, the committee reviewed the CSBA policy updates from December 2023, as well as Board requested and Administrative recommended updates.

DECEMBER 2023 CSBA POLICY UPDATES

Board Policy 0460 – Local Control and Accountability Plan

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman
- No recommended changes

Administrative Regulation 0460 – Local Control and Accountability Plan

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman
- No recommended changes

Board Policy 0500 – Accountability

- Reviewed by Director of Special Education/Student Services Yolanda Cork-Anthony and Principal Lito Garcia
- No recommended changes

Board Policy 0520 – Intervention in Underperforming Schools

- Reviewed by Director of Special Education/Student Services Yolanda Cork-Anthony and Director of Curriculum and Special Projects Buck Roggeman
- No recommended changes

Administrative Regulation 1220 – Citizen Advisory Committees

- Reviewed by Superintendent Dr. Linda Adamson
- Recommendation: Change “Governing Board” wording to “Board of Trustees”

Board Policy 1431 – Waivers

- Reviewed by Assistant Superintendent Josh Jorn
- No recommended changes

Board Policy 3400 – Management of District Assets/Accounts

- Reviewed by Assistant Superintendent Josh Jorn
- No recommended changes

Administrative Regulation 3400 – Management of District Assets/Accounts

- Reviewed by Assistant Superintendent Josh Jorn
- No recommended changes

Board Policy 5116.2 – Involuntary Student Transfers

- Reviewed by Director of Special Education/Student Services Yolanda Cork-Anthony and Principal Lito Garcia
- No recommended changes

Board Policy 5131.2 – Bullying

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman and Superintendent Dr. Linda Adamson
- No recommended changes

Administrative Regulation 5131.2 – Bullying

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman and Superintendent Dr. Linda Adamson

- No recommended changes

Administrative Regulation 5141.21 – Administering Medication and Monitoring Health Conditions

- Reviewed by Director of Special Education/Student Services Yolanda Cork-Anthony
- No recommended changes

Board Policy 5148.3 – Preschool/ Early Childhood Education

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman
- No recommended changes

Administrative Regulation 5148.3 – Preschool/ Early Childhood Education

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman
- No recommended changes

Board Policy 6142.8 – Comprehensive Health Education

- Reviewed by Director of Special Education/Student Services Yolanda Cork-Anthony
- No recommended changes

Administrative Regulation 6142.8 – Comprehensive Health Education

- Reviewed by Director of Special Education/Student Services Yolanda Cork-Anthony
- No recommended changes

Board Policy 6146.1 – High School Graduation Requirements

- Reviewed by Principal Lito Garcia
- No recommended changes

Board Policy 6170.1 – Transitional Kindergarten

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman
- Recommendation: Do not include optional paragraph stating, “Additionally, the district may enroll an early enrollment child in TK whose fourth birthday...”

Administrative Regulation 6173.3 – Education for Juvenile Court School Students

- Reviewed by Director of Special Education/Student Services Yolanda Cork-Anthony
- An AR will be developed and brought forward in April/May
- No recommended changes

Board Bylaw 9321 – Closed Session

- Reviewed by Superintendent Dr. Linda Adamson
- No recommended changes

Exhibit(1) 9321 – Closed Session

- Reviewed by Superintendent Dr. Linda Adamson
- No recommended changes

Exhibit(2) 9321 – Closed Session

- Reviewed by Superintendent Dr. Linda Adamson
- No recommended changes

ADDITIONAL POLICIES FOR REVIEW

Board Policy 4117.2 – Resignation

- Reviewed by Director II of Human Resources Claudia Arellano
- Recommendation: Add second paragraph text to policy –

“The Board authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.”

Board Policy 4217.2 – Resignation

- Reviewed by Director II of Human Resources Claudia Arellano
- Recommendation: Add second paragraph text to policy –

“The Board authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.”

Board Policy 4317.2 – Resignation

- Reviewed by Director II of Human Resources Claudia Arellano
- Recommendation: Add second paragraph text to policy –

“The Board authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.”

Policy 0460: Local Control And Accountability Plan

Status: ADOPTED

Original Adopted Date: 10/01/2017 | **Last Revised Date:** 12/01/2022~~2023~~ | **Last Reviewed Date:** 12/01/2022~~2023~~

CSBA NOTE: Education Codes ~~Code~~ 52060-52077 require the Governing Board to adopt and annually update, on or before July 1, a local control and accountability plan (LCAP), an annual update to the LCAP, and a local control funding formula (LCFF) budget overview for parents/guardians. Pursuant to Education Code 52060, the LCAP must include goals and actions aligned with eight state priorities related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-based instructional materials, and facilities are maintained in good repair; (2) implementation of and student access to state academic content and performance standards; (3) parent/guardian involvement and family engagement; (4) student achievement; (5) student engagement; (6) school climate; (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of supplemental and concentration grants under the local control funding formula (LCFF)); LCFF, and (8) student outcomes in the specified course of study. Education Code 52060 provides that, in addition to addressing the state priorities in the LCAP, the district may establish and address local priorities and goals. ~~Examples include priorities for student wellness and other conditions of children, professional development, community involvement, effective governance and leadership, and environmental literacy.~~ See the accompanying administrative regulation for further information about the required content of the LCAP.

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

CSBA NOTE: Pursuant to Education Code 52064, the State Board of Education (SBE) has adopted a template that districts must use to complete the LCAP. And the annual update, which, as amended by SB 114 (Ch. 48, Statutes of 2023), provides for numerous changes which are required to be adopted by SBE for use in the 2024-25 school year. Districts should ensure that they are using the most up-to-date template, an electronic version of the ~~template~~ which is available on the California Department of Education's (CDE) ~~web site~~ website.

The Board shall adopt a districtwide local control and accountability plan (LCAP), and an annual update to the LCAP, based on the most up-to-date template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP and the annual update shall be adopted or updated, as required, on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and two subsequent fiscal years. (Education Code 52060, 52064; 5 CCR 15494-15497)

CSBA NOTE: Education Code 52060 requires that the LCAP include annual goals to be achieved for all students and for each numerically significant student subgroup as defined in Education Code 52052. In addition, several state priorities address programs and services for "unduplicated students," as defined in Education Code 42238.01-42238.02.

The LCAP and the annual update shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup

that is at risk of or is underperforming. ([Education Code 52060, 52064](#))

Unduplicated students include students An “unduplicated student” is a student who are is eligible for free or reduced-price meals, [who is an English learners, and learner, or who is a foster youth](#), as defined in Education Code 42238.01 for purposes of the local control funding formula (LCFF). (Education Code 42238.02)

[CSBA NOTE: Education Code 52052, as amended by SB 114, has been expanded to include long-term English learners as a numerically significant subgroup, separate from English learners. Pursuant to Education Code 52052, as amended by SB 141 \(Ch. 194, Statutes of 2023\), a “long-term English learner” is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner.](#)

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, [long-term English learners](#), students with disabilities, foster youth, and ~~homeless~~ students [experiencing homelessness](#), when there are at least 30 students in the subgroup or at least 15 foster youth ~~or homeless~~ students: [experiencing homelessness, or long-term English learners](#). (Education Code 52052)

CSBA NOTE: Pursuant to Education Code 52064.3, as added by ~~AB 181 (Ch. 52, Statutes of 2022)~~, by January 31, 2025, an Individuals with Disabilities Education Act (IDEA) Addendum adopted by SBE relating to improvements in services for students with disabilities is required to be completed by districts that are identified by CDE as needing an improvement plan pursuant to 34 CFR 300.600-300.647. Such identified districts must comply with the requirements specified in the following paragraph.

Beginning July 1, 2025, if the district is identified by the California Department of Education (CDE) as needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, 2025, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, 2028, whichever occurs first. The IDEA addendum shall be developed, reviewed, and approved in conjunction with and in the same manner as the LCAP and the annual update ~~to the LCAP~~, and shall be submitted to CDE within 15 days of adoption by the Board. (Education Code 52064.3)

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

[CSBA NOTE: Except for the IDEA Addendum, the LCFF budget overview for parents/guardians, and the school plan for student achievement, districts are not required to align the LCAP with any other district strategic documents \(e.g., District Strategic Plan, English Learner Master Plan, or Facilities Master Plan\). However, districts are encouraged to align their LCAPs with other district strategic documents to ensure consistent implementation.](#)

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

CSBA NOTE: Pursuant to Education Code 52064.1, districts are required to develop an LCFF budget overview for parents/guardians in conjunction with, and attached as a cover to, the LCAP and ~~the~~ annual update ~~to the LCAP~~. The budget overview is subject to the requirements of

Education Code 52062 and 52070 pertaining to the adoption, review, and approval of the LCAP and the annual update.

As part of the LCAP adoption of the LCAP and the annual update to the LCAP, the Board shall separately adopt an LCFFa local control funding formula budget overview for parents/guardians, based on the template developed by SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52064.1)

Plan Development

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures

Advisory Committees

CSBA NOTE: Education Code 52060 requires consultation on plan development with all of the groups listed below:

5 CCR 15495 defines what it means to consult with students, including unduplicated students and other numerically significant student subgroups, and gives examples of methods that may be used for this consultation. State regulations do not provide examples of consultation with groups other than students, but consultations might include surveys, the establishment of an advisory committee consisting of representatives of all the specified groups, solicitation of feedback from the groups after a draft plan is available, discussion of the LCAP at staff meetings, and communication with parent organizations, student councils, school site councils, or other established committees or organizations. The district may expand the following paragraph to reflect district practice:

CSBA NOTE: Pursuant to Education Code 52063 and 5 CCR 15495, the Board is required to establish a parent advisory committee and, if district enrollment includes at least 15 percent English learners, an English learner parent advisory committee to review and comment on the LCAP and the annual update. The district may use existing parent advisory committees for these purposes if the committee composition complies with Education Code 52063 and 5 CCR 15945. However, the district should consider whether such opportunities need to be expanded to achieve significant levels of stakeholder involvement in the planning process as intended by law.

Education Code 52063 requires the LCAP parent advisory committee to include parents/guardians of currently enrolled students with disabilities.

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

Public Review and Input

CSBA NOTE: Pursuant to Education Code 52063 and 5 CCR 15495, the Board is required to establish a parent advisory committee and, if district enrollment includes at least 15 percent English learners, an English learner parent advisory committee to review and comment on the LCAP. The district may use existing parent advisory committees for these purposes if the committee composition complies with Education Code 52063 and 5 CCR 15495. However, the district should consider whether such opportunities need to be expanded to achieve significant levels of stakeholder involvement in the planning process as intended by law.

Education Code 52063, as amended by AB 181, requires the LCAP parent advisory committee to include parents/guardians of currently enrolled students with disabilities.

The Board shall establish a parent advisory committee to provide advice on the LCAP. The committee, which shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students as defined above and ~~parents/guardians of students with disabilities.~~ and parents/guardians of students with disabilities. (Education Code 52063; 5 CCR 15495)

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

CSBA NOTE: The following paragraph is for districts serving middle and/or high school students. Education Code 52063, as amended by SB 997 (Ch. 922, Statutes of 2022), requires, beginning July 1, 2024, districts serving middle or high school students to include two students as full members of the existing parent advisory committee or establish a student advisory committee to provide advice to the Board and the Superintendent or designee. Student members of the parent advisory committee or the student advisory committee shall represent the diversity of the district's students, as described below. Districts that do not serve middle or high school students may delete the following paragraphs relating to student advisory members.

Beginning July 1, 2024, unless a student advisory committee is established to provide advice to the Board and Superintendent, two students shall be included as full members of the parent advisory committee. The students shall serve for a renewable term of one full school year. (Education Code 52063)

Student members of the parent advisory committee or the student advisory committee shall represent the diversity of the district's students, including geographical, socioeconomic, cultural, physical, and educational diversity, and particular effort shall be made to reach out to at-risk or disadvantaged students to serve as members of such committees. (Education Code 52063)

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

CSBA NOTE: The following paragraph is required in relation to parent advisory committees, pursuant to Education Code 52062. For consistency, it is recommended that the same treatment be afforded a student advisory committee established to advise the Board and Superintendent.

The Superintendent or designee shall present the LCAP to the and the annual update to each of these committee(s) before it is they are submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s).

LCAP Development and Consultation

The Superintendent or designee shall gather data and information needed for effective and meaningful development of the LCAP and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

CSBA NOTE: Education Code 5206252060 requires notification to the public consultation on LCAP development with all of the groups listed below. The Board may delegate responsibility for arranging meetings and other input opportunities to the Superintendent or designee. opportunity

5 CCR 15495 defines what it means to submit written comments on the proposed LCAP consult with students, including notification in unduplicated students and other numerically significant student subgroups, and gives examples of methods that may be used for this consultation. State regulations do not provide examples of consultation with groups other than students, but consultations might include surveys, the use of existing advisory committees, solicitation of feedback from the primary language of parents/guardians when required by Education Code 48985. Pursuant to Education Code 48985, whenever 15 percent or more groups after drafts of the students in a LCAP and annual update are available, discussion of the LCAP and the annual update at staff meetings, and communication with parent organizations, student councils, school speak a single primary language other than English, notifications sent to parents/guardians of such students must be written in the primary language as well as in English; see BP 5145.6 - Parental Notifications site councils, or other established committees or organizations. The district may expand the list with whom the district seeks consultation.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP and the annual update. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums and committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495) The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP.

CSBA NOTE: Pursuant to Education Code 305, the LCAP parent/guardian and community engagement process must include solicitation of input on language acquisition programs. See BP/AR 6174 - Education for English Learners for further information regarding the types of language acquisition programs that may be offered.

All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985.

CSBA NOTE: Pursuant to Education Code 305, the LCAP parent/guardian and community engagement process must include solicitation of input on language acquisition programs. See BP/AR 6174 - Education for English Learners for further information regarding the types of language acquisition programs that may be offered.

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing

language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code 52062)

CSBA NOTE: Pursuant to Education Code 42127, the Board must not adopt a district budget until the LCAP is in place for the budget year; see BP 3100 - Budget. The budget must include the expenditures necessary to implement the plan that will be effective during the subsequent fiscal year. If it does not, the County Superintendent of Schools will disapprove the district's budget.

CSBA NOTE: Education Code 52062 requires notification to the public of the opportunity to submit written comments on the proposed LCAP and the annual update, including notification in the primary language of parents/guardians when required by Education Code 48985. Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students must be written in the primary language as well as in English; see BP 5145.6 - Parental Notifications.

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

CSBA NOTE: Pursuant to Education Code 42127, the Board must not adopt a district budget until the LCAP is in place for the budget year; see BP 3100 - Budget. The budget must include the expenditures necessary to implement the plan that will be effective during the subsequent fiscal year. If it does not, the County Superintendent of Schools will disapprove the district's budget.

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

Adoption of the Plan and Submission

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

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

Submission of Plan to County Superintendent of Schools

CSBA NOTE: Education Code 52070 requires the district to submit the LCAP and the annual update to the County Superintendent, who may seek written clarification of the contents of the plan and may submit recommendations for amendments as provided below. The County Superintendent is required to approve the LCAP and the annual update on or before October 8 if it is determined that (1) the LCAP adheres and the annual update adhere to the template adopted by SBE and follows any SBE instructions or directions for completing the template; (2) the district budget includes expenditures sufficient to implement the specific actions and strategies in the LCAP; and (3) the LCAP adheres to supplemental and concentration grant expenditure requirements specified in Education Code 42238.07 for unduplicated students. In determining whether the district has fully demonstrated that it will use supplemental and concentration funds to increase or improve services for unduplicated students, 5 CCR 15497 requires the County Superintendent to review any descriptions of districtwide or schoolwide services provided.

Education Code 52064.1 requires the district to file the LCFF budget overview for parents/guardians with the County Superintendent to be reviewed for adherence with the template adopted by the SPI. If the budget overview is not approved, the County Superintendent will withhold approval of the LCAP and will provide technical assistance pursuant to Education Code 52071.

Not later than five days after adoption of the LCAP, the annual update, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the annual update, the budget, and the budget overview with the County Superintendent of Schools. (Education Code 42127, 52064.1, 52070)

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

If the County Superintendent does not approve the district's district's LCAP and the annual update, the Board shall accept technical assistance from the County Superintendent focused on revising the plan so that it can be approved. (Education Code 52071) LCAP and the annual update so that they can be approved. (Education Code 52071)

Monitoring Progress Revisions

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

Monitoring Progress and Complaints

CSBA NOTE: The following optional paragraph may be revised to reflect the district's district's timeline for reviewing the progress and effectiveness of strategies included in the LCAP. Reports should be provided to the Board in sufficient time to allow for any necessary changes in the annual update to the LCAP by July 1 of each year, as required by Education Code 52060-52061. The California School Dashboard provides a tool to assist in evaluation of district and school performance and includes all of the state priorities for the LCAP described in Education Code 52060.

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the

district's ~~district's~~ progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance reported on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

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

Technical Assistance

CSBA NOTE: Pursuant to Education Code 52071, ~~when a school or a numerically significant student subgroup is not making sufficient progress toward its LCAP goals,~~ if the County Superintendent may be required to provide does not approve a district's LCAP and annual update, including the annual update and the budget overview for parents/guardians, then technical assistance or the Board may request technical assistance. In addition, the Superintendent of Public Instruction may intervene in any school which has been identified as in need of intervention based on criteria specified in Education Code 52072. Pursuant to Education Code 52059.5, CDE has established a unified system of support for districts and schools that meets state requirements as well as federal Title I requirements and ensures consistency between technical assistance is required to be provided under both sets of requirements. For more information regarding intervention and technical assistance, see BP 0500 – Accountability and BP 0520 - Intervention for Underperforming Schools.

The Superintendent or designee shall seek and/or If the district's LCAP and the annual update are not approved, the district shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071 or 52072 ~~when a school or a numerically significant student subgroup is not making sufficient progress toward the goals in the LCAP.~~

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 15494-15497	Local control and accountability plan and spending requirements
Ed. Code 17002	State School Building Lease-Purchase Law, including definition of good repair
Ed. Code 305-306	English language education
Ed. Code 33430-33436	Learning Communities for School Success Program; grants for LCAP implementation
Ed. Code 41020	Requirement for annual audit
Ed. Code 41320-41322	Emergency apportionments

Ed. Code 42127	Public hearing on budget adoption
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 44258.9	County superintendent review of teacher assignment
Ed. Code 47604.33	Submission of reports by charter schools
Ed. Code 47606.5	Charter schools; local control and accountability plan
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52302	Regional occupational centers and programs
Ed. Code 52372.5	Linked learning program
Ed. Code 54692	Partnership academies
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60605.8	California Assessment of Academic Achievement; Academic Content Standards Commission
<u>Ed. Code 60900</u>	<u>California Longitudinal Pupil Achievement Data System</u>
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 99300-99301	Early Assessment Program
W&I Code 300	Dependent child of the court
Federal	Description
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6826	Title III funds; local plans
34 CFR 300.600-300.647	Education of students with disabilities; monitoring, enforcement, confidentiality, and program information
34 USC 300.600	State monitoring and enforcement
Management Resources	Description
CA California Department of Education Publication	California School Accounting Manual
California Department of Education Publication	California Career Technical Education Model Curriculum Standards, 2013
California Department of Education Publication	LCFF Frequently Asked Questions

California Department of Education Publication	Local Control and Accountability Plan and Annual Update (LCAP) Template
California Department of Education Publication	California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013
California Department of Education Publication	California Common Core State Standards: Mathematics, rev. 2013
California Department of Education Publication	California English Language Development Standards, 2012
California Department of Education Publication	California School Dashboard
California Department of Education Publication	Family Engagement Framework: A Tool for California School Districts, 2014
CSBA Publication	The California School Dashboard and Small Districts, October 2018
CSBA Publication	Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016
CSBA Publication	LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016
Website	CSBA District and County Office of Education Legal Services
Website	California School Dashboard
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
0000	Vision
0400	Comprehensive Plans
0415	Equity
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0440	District Technology Plan

0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0500	Accountability
0520	Intervention In Underperforming Schools
0520.1	Comprehensive And Targeted School Improvement
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
2121	Superintendent's Contract
2210	Administrative Discretion Regarding Board Policy
3100	Budget
3100	Budget
3110	Transfer Of Funds
3231	Impact Aid
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3517	Facilities Inspection
3517-E(1)	Facilities Inspection
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals

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4112.2	Certification
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4113	Assignment
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4140	Bargaining Units
4231	Staff Development
4240	Bargaining Units
4315	Evaluation/Supervision
4331	Staff Development
4340	Bargaining Units
5030	Student Wellness
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5137	Positive School Climate
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.9	Hate-Motivated Behavior
5147	Dropout Prevention
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6120	Response To Instruction And Intervention
6141.4	International Baccalaureate Program
6141.5	Advanced Placement

6142.5	Environmental Education
6142.92	Mathematics Instruction
6142.93	Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6151	Class Size
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6159	Individualized Education Program
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children

6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.4	Education For American Indian Students
6174	Education For English Learners
6174	Education For English Learners
6177	Summer Learning Programs
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6178	Career Technical Education
6179	Supplemental Instruction
6184	Continuation Education
6184	Continuation Education
6190	Evaluation Of The Instructional Program
7110	Facilities Master Plan
9230	Orientation
9310	Board Policies
9320	Meetings And Notices

Regulation 0460: Local Control And Accountability Plan

Status: ADOPTED

Original Adopted Date: 10/01/2017 | Last Revised Date: 12/01/2022~~2023~~ | Last Reviewed Date: 12/01/2022~~2023~~

CSBA NOTE: Education Codes ~~Code~~ 52060-52077 require the Governing Board to adopt and annually update, on or before July 1, a three-year local control and accountability plan (LCAP). See the accompanying Board policy for information about ~~plan~~ LCAP development and monitoring.

Goals and Actions Addressing State and Local Priorities

CSBA NOTE: Education Code 52060 requires that the LCAP include annual goals, aligned with specified state priorities, to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052. Pursuant to Education Code 52052, a numerically significant subgroup includes ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and ~~homeless~~ students; experiencing homelessness, and, as amended by SB 114 (Ch. 48, Statutes of 2023), long-term English learners when there are at least 30 students in the subgroup (or at least 15 foster youth ~~or homeless~~, students experiencing homelessness, or long-term English learners) in the school or district.

In addition, several state priorities address programs and services for "unduplicated students." For purposes of supplemental and concentration grants allocated through the local control funding formula (LCFF), "unduplicated students" are defined by Pursuant to Education Code 42238.02 as students eligible for free or reduced-price meals, English learners, and foster youth; see the accompanying Board policy 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner.

The district's local control and accountability plan (LCAP) ~~and annual updates~~ shall include, for the district and each district school: (Education Code 52060)

1. A description of the annual goals established for all students and for each numerically significant subgroup as defined in Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and ~~homeless~~ students: experiencing homelessness. The LCAP shall identify goals for each of the following state priorities:
 - a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002
 - b. Implementation of the academic content and performance standards adopted by the State Board of Education (SBE), including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency

CSBA NOTE: Education Code 52060 provides that family engagement may include, but not be limited to, efforts by the district and schools to apply research-based practices, such as welcoming all families into the school community, engaging in effective two-way communication, supporting student success, and empowering families to advocate for equity and access. It may also include partnering with families to inform, influence, and create practices and programs that support student success and collaboration with families and the broader community, expand student learning opportunities, and promote civic participation.

- c. Parent/guardian involvement and family engagement, including efforts the district makes to seek parent/guardian input in district and school site decision making and how the district will promote parent/guardian participation in programs for unduplicated students, as defined in Education Code 42238.02 and Board policy, and students with disabilities
- d. Student achievement, as measured by all of the following as applicable:
 - i. Statewide assessments of student achievement
 - ii. The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University; have successfully completed career technical education (CTE) sequences or programs of study that align with SBE-approved career technical education standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692; and have successfully completed both college entrance courses and CTE sequences or programs
 - iii. The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency
 - iv. The English learner reclassification rate
 - v. The percentage of students who have passed an Advanced Placement examination with a score of 3 or higher
 - vi. The percentage of students who demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301
- e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable
- f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable
- g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220, as applicable, including the programs and services developed and provided to unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration grant funding pursuant to Education Code 42238.02 and 42238.03

- h. Student outcomes, if available, in the subject areas described in Education Code 270/528 51210 and 51220, as applicable

CSBA NOTE: In addition to goals aligned with the state priorities described in Item #1 above, Education Code 52060 provides that the LCAP may include goals for local priorities established by the Board; see the accompanying Board policy. Optional Item #2 below may be revised to reflect local priorities.

2. Any goals identified for any local priorities established by the Governing Board.
3. A description of the specific actions the district will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in Items #1-2 above. Such actions shall not supersede provisions of existing collective bargaining agreements within the district.

CSBA NOTE: Pursuant to Education Code 52060, in developing goals and actions for the LCAP, the Board may consider qualitative information, including, but not limited to, the results of school quality reviews conducted pursuant to Education Code 52052. Education Code 52052 authorizes the Superintendent of Public Instruction (SPI), with approval of the State Board of Education (SBE) and conditional upon an appropriation in the state budget, to develop and implement a program of school quality reviews that features locally convened panels to visit schools, observe teachers, interview students, and examine student work.

For purposes of the descriptions required by Items #1-3 above, the ~~Board~~ Superintendent or designee may consider qualitative information, including, but not limited to, findings that result from any school quality review conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52060)

For any local priorities addressed in the LCAP, the ~~Board and~~ Superintendent or designee shall identify and include in the LCAP the method for measuring the district's progress toward achieving those goals. (Education Code 52060)

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on the California School Dashboard. (Education Code 52060)

Increase or Improvement in Services for Unduplicated Students

CSBA NOTE: The following section is for use by districts that receive local control funding formula (LCFF) supplemental and/or concentration grant funds. Such districts are required to increase or improve services for unduplicated students in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students; see BP 3100 - Budget. 5 CCR 15494-15496 specify the method for determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students in the fiscal year.

The LCAP shall demonstrate how the district will increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students. (5 CCR 15494-15496)

When the district expends supplemental and/or concentration grant funds on a districtwide or schoolwide basis during the year for which the LCAP is adopted, the district's LCAP shall: (5 CCR 15496)

1. Identify those services that are being funded and provided on a districtwide or schoolwide basis
2. Describe how such services are principally directed towards, and are effective in, meeting the district's goals for unduplicated students in the state priority areas and any local priority areas
3. If the enrollment of unduplicated students is less than 55 percent of district enrollment or less than 40 percent of school enrollment, describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated students in the state priority areas and any local priority areas. The description shall provide the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experiences, or educational theory.

Timeline of the Plan

CSBA NOTE: Education Code 52065 requires the district to prominently post its LCAP, any annual update or revisions to the LCAP, and LCFF budget overview for parents/guardians on the homepage of its web site. In addition, the County Superintendent of Schools is required to post all district LCAPs, or links to those plans, on the county office of education web site and to transmit all such plans to the SPI, who will then post links to all plans on the California Department of Education web site.

Beginning July 1, 2025, if the district is identified by SBE as needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, 2025, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, 2028. CSBA NOTE: Education Code 52061-52065 only establish a limited number of date-specific requirements. For instance, Education Code 52062, as amended by SB 114, requires the Superintendent to annually report to the Board, at a regular meeting, on the annual update and the budget overview for parents/guardians on or before February 28. However, while Education Code 52062 requires that the LCAP and the annual update be presented to specified committees, it does not specify by when this must occur. Similarly, while Education Code 52062 provides these committees with the right to submit comments and requires the Superintendent to respond in writing to such comments, it does not provide any deadlines by which these actions must occur. Education Code 52062 also requires, without a specific deadline, notification to the public of the opportunity to submit written comments on the proposed LCAP, including notification in the primary language of parents/guardians when required by Education Code 48985.

The following paragraphs include both required dates and recommended dates based on best practice. Districts should review the dates below carefully and modify them, as appropriate and permitted by law, to reflect district practice.

By February 28 of each year, the Superintendent or designee shall provide a report to the Board on the annual update and the budget overview for parents/guardians. The report, which shall be presented to the Board at a regular meeting, shall include all available midyear outcome data related to metrics identified in the current year's LCAP and all available midyear expenditure and implementation data on all actions identified in the current year's LCAP. (Education Code 52062)

By May 15, but in no event later than May 31, the Superintendent or designee shall present the drafts of the LCAP and the annual update to the committees listed in the accompanying board policy for review and comment and shall provide each committee with a reasonable date by which each committee shall provide comments on the drafts. The Superintendent or designee shall

respond in writing to comments received from the committee(s) no later than the public hearing on the LCAP and the annual update.

At the same time as the drafts of the LCAP and the annual update are presented to these committees, the Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. The notification shall also provide the deadline by which all written comments must be received, which shall be no later than the deadline for comments from the committee(s). All such written notifications shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

Availability

CSBA NOTE: Education Code 52065 requires the Superintendent to prominently post its LCAP, including any annual update or revisions to the LCAP and the LCFF budget overview for parents/guardians, on the homepage of its website and, as amended by SB 609 (Ch. 494, Statutes 2023), on the performance overview portion of the California School Dashboard.

Beginning July 1, 2025, if the district is identified by SBE as needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, 2025, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, 2028.

The Superintendent or designee shall prominently post the LCAP, any updates or revisions to the LCAP, including the annual update, the IDEA Addendum as applicable, and the LCFF local control funding formula budget overview for parents/guardians on the homepage of the district's web site. Website and the performance overview portion of the Dashboard. (Education Code 52064.1, 52064.3, 52065)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 15494-15497	Local control and accountability plan and spending requirements
Ed. Code 17002	State School Building Lease-Purchase Law, including definition of good repair
Ed. Code 305-306	English language education
Ed. Code 33430-33436	Learning Communities for School Success Program; grants for LCAP implementation
Ed. Code 41020	Requirement for annual audit
Ed. Code 41320-41322	Emergency apportionments

Ed. Code 42127	Public hearing on budget adoption
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 44258.9	County superintendent review of teacher assignment
Ed. Code 47604.33	Submission of reports by charter schools
Ed. Code 47606.5	Charter schools; local control and accountability plan
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52302	Regional occupational centers and programs
Ed. Code 52372.5	Linked learning program
Ed. Code 54692	Partnership academies
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60605.8	California Assessment of Academic Achievement; Academic Content Standards Commission
<u>Ed. Code 60900</u>	<u>California Longitudinal Pupil Achievement Data System</u>
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 99300-99301	Early Assessment Program
W&I Code 300	Dependent child of the court
Federal	Description
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6826	Title III funds; local plans
34 CFR 300.600-300.647	Education of students with disabilities; monitoring, enforcement, confidentiality, and program information
34 USC 300.600	State monitoring and enforcement
Management Resources	Description
CA California Department of Education Publication	California School Accounting Manual
California Department of Education Publication	California Career Technical Education Model Curriculum Standards, 2013
California Department of Education Publication	LCFF Frequently Asked Questions

California Department of Education Publication	Local Control and Accountability Plan and Annual Update (LCAP) Template
California Department of Education Publication	California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013
California Department of Education Publication	California Common Core State Standards: Mathematics, rev. 2013
California Department of Education Publication	California English Language Development Standards, 2012
California Department of Education Publication	California School Dashboard
California Department of Education Publication	Family Engagement Framework: A Tool for California School Districts, 2014
CSBA Publication	The California School Dashboard and Small Districts, October 2018
CSBA Publication	Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016
CSBA Publication	LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016
Website	CSBA District and County Office of Education Legal Services
Website	California School Dashboard
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
0000	Vision
0400	Comprehensive Plans
0415	Equity
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0440	District Technology Plan

0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0500	Accountability
0520	Intervention In Underperforming Schools
0520.1	Comprehensive And Targeted School Improvement
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
2121	Superintendent's Contract
2210	Administrative Discretion Regarding Board Policy
3100	Budget
3100	Budget
3110	Transfer Of Funds
3231	Impact Aid
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3517	Facilities Inspection
3517-E(1)	Facilities Inspection
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals

4112.2	Certification
4112.2	Certification
4113	Assignment
4113	Assignment
4131	Staff Development
4140	Bargaining Units
4231	Staff Development
4240	Bargaining Units
4315	Evaluation/Supervision
4331	Staff Development
4340	Bargaining Units
5030	Student Wellness
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5137	Positive School Climate
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.9	Hate-Motivated Behavior
5147	Dropout Prevention
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6120	Response To Instruction And Intervention
6141.4	International Baccalaureate Program
6141.5	Advanced Placement

6142.5	Environmental Education
6142.92	Mathematics Instruction
6142.93	Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6151	Class Size
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6159	Individualized Education Program
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children

6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.4	Education For American Indian Students
6174	Education For English Learners
6174	Education For English Learners
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6179	Supplemental Instruction
6184	Continuation Education
6184	Continuation Education
6190	Evaluation Of The Instructional Program
7110	Facilities Master Plan
9230	Orientation
9310	Board Policies
9320	Meetings And Notices

Policy 0500: Accountability

Status: ADOPTED

Original Adopted Date: 10/01/2013 | **Last Revised Date:** ~~10/12/01/2017~~2023 | **Last Reviewed Date:** ~~10/12/01/2017~~2023

CSBA NOTE: The following optional policy ~~may~~should be revised to reflect district practice.

The Governing Board recognizes its responsibility to ensure accountability to the public for the performance of the district and each district school. The Board shall regularly review the effectiveness of district programs, personnel, and fiscal operations, with a focus on the capacity to improve student achievement. The Board shall establish appropriate processes and measures to monitor results and to evaluate progress toward accomplishing the district's vision and goals set forth in the local control and accountability plan (LCAP).

CSBA NOTE: California's accountability system, which is based on both state and federal requirements, measures district and school performance on a variety of indicators of school success. 20 USC 6311, as amended by the Every Student Succeeds Act (P.L. 114-95), requires each state to have an accountability system that incorporates multiple measures, including, but not limited to, statewide assessment results for all students as well as numerically significant subgroups. The California Accountability and Continuous Improvement System consists of both state and local indicators to assist districts in identifying strengths and areas in need of improvement in each priority area addressed by the local control and accountability plan (LCAP). The degree to which districts and schools are meeting these criteria is reflected in the California School Dashboard, which is a color-coded chart that includes the status of performance on the indicators as well as the change in performance from year to year. Beginning in the 2018-19 school year, Education Code 52064.5, as amended by SB 114 (Ch. 48, Statutes of 2023), establishes new deadlines for the California School Dashboard, which impacts the timelines associated with district collection and reporting of data through the California Longitudinal Pupil Achievement Data System (CALPADS). The new deadlines can be found on the "CALPADS Calendar," available on the California Department of Education's (CDE) [notify website](#).

CDE notifies schools identified for comprehensive and/or additional targeted support and improvement pursuant to 20 USC 6311. ~~Until then, the CDE encourages schools previously identified for program improvement to utilize the Dashboard to determine areas of improvement in preparation for implementation of support and improvement requirements.~~

Further information about the Accountability and Continuous Improvement System and the Dashboard can be found on the ~~CDE web site~~. CDE's website.

District and school performance shall be annually evaluated based on multiple measures specified in the California Accountability and Continuous Improvement System as reported on the California School Dashboard.

CSBA NOTE: The following paragraph should be revised to reflect the types of alternative schools maintained by the district. Pursuant to Education Code 52052, alternative schools serving high-risk student populations are subject to an alternative accountability system. Commencing in the fall of 2018, alternative accountability indicators will be incorporated into the Dashboard Alternative School Status (DASS) program, as a replacement for the Alternative Schools Accountability Model. The schools described in the following paragraph will automatically qualify

for this alternative status. In addition, schools approved through the former Alternative Schools Accountability Model process between July 1, 2016 and June 30, 2017 are considered active DASS schools. Other schools serving high-risk students may apply to establish eligibility for DASS. Further information regarding the DASS and participation/withdrawal instructions and forms are available on the CDE web site.

The district's alternative schools serving high-risk student populations, including continuation high schools, opportunity schools, community day schools, and nonpublic, nonsectarian schools pursuant to Education Code 56366, shall be subject to an alternative accountability system established by the Superintendent of Public Instruction. (Education Code 52052, 56366)

CBSA NOTE: Education Code 52052, as amended by SB 114, has been expanded to include long-term English learners as a numerically significant subgroup, separate from English learners. Pursuant to Education Code 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner.

The district and each district school shall demonstrate comparable improvement in academic achievement for all numerically significant student subgroups. Numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and ~~homeless~~ students experiencing homelessness, when the subgroup consists of at least 30 students with a valid test score or 15 foster youth, long-term English learners, or ~~homeless~~ students experiencing homelessness. (Education Code 52052)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Providing regular reports to the public and receiving input from the public in regard to school and district progress are key components of accountability.

Education Code 52060 and 52061 require the district to consult with parents/guardians, students, teachers, principals, administrators, other school personnel, and employee bargaining units in the development and annual update of the district's LCAP; see BP 0460 - Local Control and Accountability Plan.

The Superintendent shall provide regular reports to the Board and the public regarding district and school performance. Opportunities for feedback from students, parents/guardians, staff, and community members shall be made available as part of any review and evaluation of district programs and operations and as part of the development or annual update of the LCAP.

CSBA NOTE: Pursuant to Education Code 52071, as amended by AB 1808 (Ch. 32, Statutes of 2018); ~~a district will receive technical assistance whenever~~ if the County Superintendent of Schools does not approve the district's LCAP ~~or~~ , including the annual update to the LCAP; ~~and the budget overview for parents/guardian, or~~ the district fails to meet specified student achievement criteria for numerically significant student subgroups, ~~or the district requests technical assistance.~~ Education Code 52072 then technical assistance is required to be provided. Additionally, Education Code 52071, as amended by SB 114, creates a new basis for technical assistance when a district fails to meet the data submission requirements of Education Code 60900. In this circumstance, technical assistance includes, but is not limited to (1) identifying a district's strengths and weaknesses in regard to state priorities, (2) working collaboratively to secure assistance from academic, programmatic, or fiscal experts to identify and implement effective programs and practices designed to improve performance in any areas of weakness, (3) obtaining timely documentation from the district demonstrating that it has completed the above activities or substantially similar activities, or it has selected another service provider to work with the district

to complete the above activities, (4) requesting that the California Collaborative for Educational Excellence (CCEE) provide advice and assistance to the district, (5) reviewing the district's LCAP to identify areas of strengths and weaknesses in the identified goals, actions, and services, with a particular focus on those areas considered to be contributing toward meeting the increased or improved services requirement and all required goals, and (6) reviewing the district's data management policies and collection and submission processes, including monitoring and oversight of the student information system, to ensure the timely submission of accurate data.

Pursuant to Education Code 52072, as repealed and added by SB 114, if the district meets the performance criteria for assistance and intervention pursuant to Education Code 52064.5 for three or more student subgroups, or all of the district's subgroups if the district has less than three subgroups, in three out of the four consecutive school years, CCEE will consult with the district and any provider of technical assistance to determine if assistance from CCEE is necessary.

Education Code 52072.1, as added by SB 114, provides that, under specified conditions, the Superintendent of Public Instruction may intervene to revise the district's LCAP or budget and/or to stay or rescind any district action, not required by local collective bargaining agreement, that is preventing the district from improving outcomes for all student subgroups. See

The district may also request technical assistance. For information on technical assistance, see BP/AR 0460 - Local Control and Accountability Plan and BP 0520 - Intervention in Underperforming Schools.

Evaluation results may be used as a basis for revising district or school goals, updating the LCAP or other comprehensive plans, identifying and developing strategies to address disparities in achievement among student subgroups, implementing programmatic changes, determining the need for additional support and assistance, awarding incentives or rewards, and establishing other performance-based consequences.

The district shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071 or 52072. If the County Superintendent of Schools is required to provide technical assistance to the district, the district shall accept the technical assistance by providing timely documentation to, and maintaining regular communication with, the County Superintendent. (Education Code 52071)

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Policy Reference Disclaimer:

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State	Description
5 CCR 1068-1074	Alternative schools accountability model; assessments
5 CCR 15440-15464	Standards and criteria for fiscal accountability
Ed. Code 33127	Standards and criteria for local budgets and expenditures
Ed. Code 33400-33407	California Department of Education evaluation of district programs
Ed. Code 44660-44665	Evaluation of certificated employees

Ed. Code 51041	Evaluation of the educational program
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56366	Nonpublic, nonsectarian schools
Ed. Code 60640-60649 <u>60648.5</u>	California Assessment of Student Performance and Progress
<u>Ed. Code 60900</u>	<u>California Longitudinal Pupil Achievement Data System</u>

Federal

20 USC 6311

20 USC 6312

~~34 CFR 200.12-200.24~~~~34 CFR 200.30-200.48~~**Management Resources**

Website

Website

Website

Website

Website

Website

Description

State plan

Local educational agency plan

~~State accountability system~~~~State and LEA report cards and plans~~**Description**

CSBA District and County Office of Education Legal Services

California Department of Education, Accountability

California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS)
[\(https://www.cde.ca.gov/ds/sp/cl/\)](https://www.cde.ca.gov/ds/sp/cl/)

California School Dashboard

CSBA

U.S. Department of Education

Cross References**Code**

0000

0200

0400

0415

0420

0420

0420.41

0420.41-E(1)

0420.42

0420.43

0440

0440

Description

Vision

Goals For The School District

Comprehensive Plans

Equity

School Plans/Site Councils

School Plans/Site Councils

Charter School Oversight

Charter School Oversight

Charter School Renewal

Charter School Revocation

District Technology Plan

District Technology Plan

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
0520	Intervention In Underperforming Schools
0520.1	Comprehensive And Targeted School Improvement
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1240	Volunteer Assistance
1240	Volunteer Assistance
1330.1	Joint Use Agreements
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
2000	Concepts And Roles
2140	Evaluation Of The Superintendent
3000	Concepts And Roles
3230	Federal Grant Funds
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CSBA Sample Manual Site

Policy 0520: Intervention In Underperforming Schools**Status:** ADOPTED

Original Adopted Date: 10/01/2019 | **Last Revised Date:** 12/01/2023 | **Last Reviewed Date:** 10/12/01/2019 2023

CSBA NOTE: Pursuant to Education Code 52059.5, the California Department of Education (CDE) has established a single statewide system of support for districts and schools that meets state requirements as well as federal Title I requirements. The following policy reflects the purposes and requirements of the statewide system and may be revised to reflect district practice.

The Governing Board desires that all district schools provide a high-quality educational program that maximizes the achievement of each district student. The district shall provide assistance to schools to support the continuous improvement of student performance within the priorities identified in the district's local control and accountability plan (LCAP) and to enhance the achievement of low-performing student subgroups.

CSBA NOTE: Pursuant to Education Code 52071, the Governing technical assistance is required to be provided if a numerically significant student subgroup is not making sufficient progress toward its local control and accountability plan (LCAP) goals pursuant to Education Code 52064.5. Technical assistance includes, but is not limited to (1) identifying a district's strengths and weaknesses in regard to state priorities, (2) working collaboratively to secure assistance from academic, programmatic, or fiscal experts to identify and implement effective programs and practices designed to improve performance in any areas of weakness, (3) obtaining timely documentation from the district demonstrating that it has completed the above activities or substantially similar activities, or it has selected another service provider to work with the school district to complete the above activities, and (4) requesting that the California Collaborative for Educational Excellence (CCEE) provide advice and assistance to the district.

Education Code 52071, as amended by SB 114 (Ch. 48, Statutes of 2023), expands technical assistance provided on this basis to include identifying student subgroups that are low performing or experiencing significant disparities from other student subgroups as identified on the California School Dashboard, and reviewing the district's LCAP to identify areas of strengths and weaknesses in the identified goals, actions, and services, with a particular focus on those areas considered to be contributing toward meeting the increased or improved services requirement and all required goals.

Education Code 52071, as amended by SB 114, creates a new basis for technical assistance when a district fails to meet the data submission requirements of Education Code 60900. In this circumstance, technical assistance includes, but is not limited to (1) identifying a district's strengths and weaknesses in regard to state priorities, (2) working collaboratively to secure assistance from academic, programmatic, or fiscal experts to identify and implement effective programs and practices designed to improve performance in any areas of weakness, (3) obtaining timely documentation from the district demonstrating that it has completed the above activities or substantially similar activities, or it has selected another service provider to work with the school district to complete the above activities, (4) requesting that CCEE provide advice and assistance to

the district, (5) reviewing the district's LCAP to identify areas of strengths and weaknesses in the identified goals, actions, and services, with a particular focus on those areas considered to be contributing toward meeting the increased or improved services requirement and all required goals, and (6) reviewing the district's data management policies and collection and submission processes, including monitoring and oversight of the student information system, to ensure the timely submission of accurate data.

In addition to technical assistance as described above, the Board may, at its discretion, request technical assistance from the County Superintendent of Schools as described in items #1-2 below. The County Superintendent, who may charge be required to provide it, but the district may be assessed a fee, not to exceed the cost of the service, when the district has otherwise not .

Education Code 52052, as amended by SB 114, has been identified for technical assistance or state intervention and the service requested would create expanded to include long-term English learners as a numerically significant subgroup, separate from English learners. Pursuant to Education Code 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an unreasonable or untenable cost burden for the County Superintendent English learner.

At its discretion, the Board may submit a request to the County Superintendent of Schools for technical assistance regarding the following: (Education Code 52071)

1. Identifying the district's strengths and weaknesses in regard to state priorities addressed in the LCAP, including collaboration between the district and County Superintendent to review performance data on the state and local indicators included in the California School Dashboard, educator qualifications data, and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness
2. Identifying student subgroups that are low performing or experiencing significant disparities from other subgroups as identified on the California School Dashboard in order to identify and implement effective programs and practices to improve the outcomes and opportunities for these students
- 2.3. Securing assistance from an academic, programmatic, or fiscal expert, or team of experts, to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the district
4. Identifying areas of strengths and weaknesses in the identified goals, actions, and services addressed in the LCAP, with a particular focus on those areas considered to be contributing toward meeting the increased or improved services requirement and all required goals
5. Reviewing the district's data management policies and collection and submission processes, including monitoring and oversight of the student information system, to ensure the submission of accurate data according to the processes and timelines established by the California Department of Education (CDE)

In the event that the County Superintendent requires the district to receive technical assistance based on a determination that one or more numerically significant student subgroups in a district school meet the performance criteria established pursuant Education Code 52064.5, the ~~Board~~ district shall work, for a minimum of two years, maintain regular communication with the

County Superintendent, and shall provide the County Superintendent timely documentation of o, the County Superintendent regarding the district's completion of the activities listed in items Items #1-25 above, or substantially similar activities. (Education Code 52071)

With the approval of the County Superintendent, the The district may, at its own expense, engage another service provider, including, but not limited to, another school district, the county office of education, or a charter school, to act as a partner to the district in filling the district's need for technical assistance. (Education Code 52071)

CSBA NOTE: Pursuant to Education Code 52074, either the County Superintendent or the Superintendent of Public Instruction (SPI) may refer a district to the California Collaborative for Educational Excellence (CCEE) if it is determined to be necessary to help the district accomplish the goals set forth in the district's LCAP. Additionally, if following the provision of technical assistance pursuant to Education Code 52071, the County Superintendent and the geographic lead agency may agree to refer the district to CCEE if it is determined to be necessary to help the district accomplish the goals set forth in the district's LCAP. If a district receives an emergency apportionment pursuant to Education Code 41320-41322, the district shall be deemed to have been referred to CCEE. Pursuant to Education Code 52074, as amended by SB 114, other than the circumstances described above, only a district that is eligible for technical assistance pursuant to Education Code 52071 may request advice and assistance from CCEE.

Education Code 52072, as repealed and added by SB 114, provides that if the district meets the performance criteria for assistance and intervention pursuant to Education Code 52064.5 for three or more student subgroups, or all of the district's subgroups if the district has less than three subgroups, in three out of the four consecutive school years, CCEE will consult with the district and any provider of technical assistance to determine if assistance from CCEE is necessary. When making this determination, primary consideration will be given to the needs of the students in the district. Any resulting technical assistance will be facilitated by CCEE, in collaboration with the County Superintendent, and focus on building the district's capacity to develop and implement actions and services responsive to student and community needs pursuant to Section 52071 in a manner that streamlines improvement efforts for the school district.

If referred to The district shall consider any recommendations from the California Collaborative for Educational Excellence by either the County Superintendent or the Superintendent of Public Instruction (SPI), the district shall implement the recommendations of that agency in order to accomplish the goals set forth in the district's district's LCAP. (Education Code 52071, 52072, 52074)

CSBA NOTE: Education Code 52072.1, as added by SB 114, provides that the SPI, with approval of the State Board of Education (SBE), may intervene when a district meets both of the following criteria: (1) the district did not improve the outcomes for three or more student subgroups is identified by CCEE pursuant to Education Code 52052, or all of the student subgroups if the district has fewer than three subgroups, in regard to more than one state or local priority in three out of four consecutive school years; and (2) the CCEE has provided advice and assistance to the district and submits a finding that the district failed or is 52072 as either (1) failing, or being unable to implement the CCEE's recommendations or that the district's inadequate performance, of CCEE, or (2) based on the California School Dashboard, exhibiting inadequate performance that is so persistent or acute as to require intervention: by the SPI.

For any district identified as needing intervention, the SPI or an academic trustee appointed by the SPI may, with approval of the SBE, take one or more of the actions listed in items #1-3 below.

If the [SPI Superintendent of Public Instruction \(SPI\)](#) identifies the district as needing intervention, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following: (Education Code 52072.1)

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

CSBA NOTE: Pursuant to 20 USC 6311, based on data in the Dashboard, schools that are in the lowest performing five percent statewide of schools receiving federal Title I funding, as well as high schools with a graduation rate lower than ~~67~~68 percent averaged over ~~two~~three years, are identified by [the California Department of Education \(CDE\)](#) for comprehensive support and improvement (CSI). Schools are identified for targeted support and improvement (~~TSI~~) if one or more numerically significant student subgroups meet the criteria for the lowest performing five percent of Title I schools, or for additional targeted support and improvement (~~ATSI~~) if one student group, on its own, meets these criteria. [More information on CSI, including CDE's, "2022 Dashboard Technical Guide: Every Student Succeeds Act School Support," is available on CDE's website.](#) For program requirements, see BP 0520.1 - Comprehensive and Targeted Support and Improvement.

In addition, any school identified by [the California Department of Education CDE](#) for comprehensive support and improvement, targeted support and improvement, or additional targeted support and improvement shall develop and implement a school plan in accordance with 20 USC 6311. Such schools may be required to partner with an external entity, agency, or individual with demonstrated expertise and capacity to identify and implement more rigorous interventions.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 60640- 60649 60648.5	California Assessment of Student Performance and Progress

Ed. Code 64001

School plan for student achievement; consolidated application programs

Federal

20 USC 6311-6322

Description

Improving basic programs for disadvantaged students

Management Resources[California Department of Education Publication](#)**Description**[2022 Dashboard Technical Guide: Every Student Succeeds Act School Support, December 2022](#)
(<https://www.cde.ca.gov/dashboard>)

California Department of Education Publication

California ESSA Consolidated State Plan, ~~2017~~2022
(<https://www.cde.ca.gov/re/es/>)

California Department of Education Publication

~~CSI/TSI/ATSI~~[Comprehensive Support and Improvement](#)
Frequently Asked Questions
(<https://www.cde.ca.gov/sp/sw/t1/csi.asp>)

California Department of Education Publication

California School Dashboard

[California Department of Education Publication](#)[Targeted/Additional Targeted Support & Improvement](#)
[Frequently Asked Questions](#)
(<https://www.cde.ca.gov/sp/sw/t1/tsi.asp>)

US DOE Publications

Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments, ~~2016~~September 2023
(<https://www2.ed.gov/fund/grant/about/discretionary/2023-non-regulatory-guidance-evidence.pdf>)

Website

CSBA District and County Office of Education Legal Services

Website

California School Dashboard

[Website](#)[California Collaborative for Educational Excellence](#)
(<https://ccee-ca.org/>)

Website

U.S. Department of Education

Website

California Department of Education

Website

CSBA

Cross References**Code**

0420

Description

School Plans/Site Councils

0420

School Plans/Site Councils

0460

Local Control And Accountability Plan

0460

Local Control And Accountability Plan

0500

Accountability

0520.1

Comprehensive And Targeted School Improvement

Regulation 1220: Citizen Advisory Committees

Status: ADOPTED

Original Adopted Date: 07/01/2007 | **Last Revised Date:** 12/01/2018~~2023~~ | **Last Reviewed Date:** 12/01/2018~~2023~~

CSBA NOTE: The following optional administrative regulation may be modified to reflect district practice.

Pursuant to Government Code 815.2 and 820.9, members of advisory committees are not liable for injuries caused by the act or omission of the district, a committee, or a committee member acting within the scope of his/~~her~~the member's role as a member of the committee. However, a committee member may be liable for injury caused by his/~~her~~the member's own wrongful conduct.

Committee Charge

CSBA NOTE: Items #1-9 may be modified to reflect district practice. When committees are appointed, committee members shall receive written information which includes, but is not limited to:

1. The committee members' names
2. The procedure to be used in the selection of the committee chairperson and other committee officers
3. The name(s) and contact information of staff member(s) assigned to support the work of the committee
4. The goals and specific charge(s) of the committee, including its topic(s) for study
5. The specific period of time that the committee is expected to serve
6. Legal requirements regarding meeting conduct and public notifications
7. Resources available to help the committee perform its tasks
8. Timelines for progress reports and/or final report
9. Relevant Board policies and administrative regulations

Committees Subject to Brown Act Requirements

CSBA NOTE: Generally, any commission, committee, board, or other body created by formal action of the Governing Board, regardless of whether that body is permanent or temporary, decision-making or advisory, is a "legislative body," as defined in Government Code 54952, and is required to comply with the open meeting laws (Brown Act). However, some committees are by law exempted from the Brown Act. For example, committees specified in Education Code 35147 are not subject to the Brown Act; see "Committees Not Subject to Brown Act Requirements" below. Committees composed solely of Board members who are less than a quorum of the Board may also be exempt

from Brown Act requirements in limited circumstances; see BB 9130 - Board Committees.

Committees listed in ~~items~~Items #1-~~5~~4 below are generally created by formal Board action and thus are subject to the Brown Act. This list should be modified to add any other specific committees in the district created by formal Board action or any committees that the Board has required to follow the Brown Act. This list should be modified to delete any of the committees that were not created by formal Board action (e.g., Superintendent committees) or do not exist within the district. In *Frazer v. Dixon Unified School District*, the court held that the adoption of a Board policy that required the appointment of a committee to advise the Superintendent, and in turn, the Board, was a committee created by "formal Board action" within the meaning of Government Code 54952. Therefore, the committee's meetings were subject to the Brown Act. Districts should consult [CSBA's District and County Office of Education Legal Services or district](#) legal counsel when questions arise regarding the applicability of Brown Act requirements to district or school committees.

Brown Act requirements pertaining to open meetings, notices, and public participation pursuant to Government Code 54950-54963 shall be complied with by any committee created by formal action of the Governing Board, including, but not limited to, the following:

1. ~~Advisory committee established pursuant to Education Code 56190-56194 related to special education~~
2. 1. Advisory committee established pursuant to Education Code 8070 related to career technical education
3. 2. Committee established to assist in development of a student wellness policy pursuant to 42 USC 1758b
4. 3. Committee established pursuant to Education Code 17387-17391 related to the use or disposition of excess real property
5. 4. Citizens' oversight committee established to examine the expenditure of general obligation bond or school facilities improvement bond revenues passed with a 55 percent majority of the voters pursuant to Education Code 15278 and 15359.3

Committees Not Subject to Brown Act Requirements

CSBA NOTE: Pursuant to Education Code 35147, school site councils and some advisory committees, as specified in ~~items~~Items #1-~~6~~7 below, are exempt from the Brown Act but must comply with other, less complex procedural requirements (i.e., the "mini" Brown Act). In addition, the Board may require other specific district committees that are not subject to the Brown Act to follow the requirements of the "mini" Brown Act. Such committees should be added to the list below.

The following committees shall comply with procedural meeting requirements established in Education Code 35147:

1. Parent advisory committee and English learner parent advisory committee established pursuant to Education Code 52063 to review and comment on the local control and accountability plan

CSBA NOTE: Pursuant to Education Code 35147, school site councils are exempt from the Brown Act and are subject to the procedural meeting requirements in Education Code 35147. However, Education Code 35147 has not yet been amended for consistency with AB 716 (Ch. 471, Statutes of 2018), which repealed Education Code 52852 and moved the requirements related to school site councils to Education Code 65000-65001..

2. School site councils established pursuant to Education Code 65000-65001 to develop and approve a school plan for student achievement
3. District or school advisory committees established pursuant to Education Code 52176 related to programs for English learners
4. School advisory committees established pursuant to Education Code 54425(b) related to compensatory education
5. Any district advisory committee established pursuant to Education Code 54444.2 related to migrant education programs
6. School committees established pursuant to Education Code 11503 related to parent involvement

CSBA NOTE: Pursuant to Education Code 35147, as amended by SB 1057 (Ch. 301, Statutes of 2022), special education advisory committees, established pursuant to Education Code 56190-56194, are not required to meet Brown Act requirements pertaining to open meetings, but must comply with "mini" Brown Act requirements described below.

7. Advisory committees established pursuant to Education Code 56190-56194 related to special education

CSBA NOTE: The paragraphs which follow describe the "mini" Brown Act Requirements pursuant to Education Code 35147.

Meetings of the above councils or committees shall be open to the public, and any member of the public shall have the opportunity to address the council or committee during the meeting on any item within its subject matter jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate location accessible ~~location~~ to the public at least 72 hours before the meeting, specifying the date, time, and location of the meeting and containing an agenda that describes each item of business to be discussed or acted upon. (Education Code 35147)

The above councils or committees shall not take action on any item of business not listed on the agenda ~~unless~~ until after all members present vote unanimously ~~find~~ finding that there is a need to take immediate action and that this need came to the council's or committee's attention after the agenda was posted. In addition to addressing items on the agenda, members of the council, committee, or public may ask questions or make brief statements that do not have a significant effect on district students or employees or that can be resolved solely by providing information. (Education Code 35147)

Any council or committee violating the above procedural requirements must, at the demand of any person, reconsider the item at the next meeting, ~~first~~ after allowing for public input on the item. (Education Code 35147)

Any materials provided to a council or committee shall be made available to any member of the public upon request pursuant to the California Public Records Act, Government Code ~~6250-6270~~7920.00-7930.215. (Education Code 35147)

Committees Created by Superintendent

Committees which are created by the Superintendent or designee to advise the administration, that do not report to the Board, and are not specified in Education Code 35147, shall not be subject to the requirements of the Brown Act or Education Code 35147.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 11503	Parent involvement programs in Title I schools
Ed. Code 15278-15282	Citizens' oversight committee
Ed. Code 15359.3	School facilities improvement districts
Ed. Code 17387-17391	Advisory committees for use of excess school facilities
Ed. Code 35147	School site councils and advisory committees
Ed. Code 44032	Travel expense payment
Ed. Code 52060	Local control and accountability plan
Ed. Code 52176	Advisory committees; limited-English proficient students program
Ed. Code 54425	Advisory committees; compensatory education
Ed. Code 54444.1-54444.2	Parent advisory councils; services to migrant children
Ed. Code 56190-56194	Community advisory committee; special education
Ed. Code 62002.5	Continuing parent advisory committees
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 8070	Career technical education advisory committee
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.170 <u>215</u>	California Public Records Act

Gov. Code 810.2	Tort claims act; definition <u>of</u> employee
Gov. Code 810.4	Tort claims act; definition <u>of</u> employment
Gov. Code 815.2	Injuries by employees within scope of employment
Gov. Code 820.9	Members of local public boards not vicariously liable

Federal

42 USC 1758b

Description

Local wellness policy

Management Resources

Court Decision

Description

Frazer v. Dixon Unified School District; (1993) 18 Cal.App.4th 781

Website

CSBA District and County Office of Education Legal Services

Website

California Department of Education

Website

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Cross References**Code**

0000

Description

Vision

0200

Goals For The School District

0400

Comprehensive Plans

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School Plans/Site Councils

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School Plans/Site Councils

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Comprehensive Local Plan For Special Education

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Comprehensive Local Plan For Special Education

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District Technology Plan

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District Technology Plan

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Comprehensive Safety Plan

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Comprehensive Safety Plan

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Local Control And Accountability Plan

0460

Local Control And Accountability Plan

0500

Accountability

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Concepts And Roles

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Communication With The Public

1312.3

Uniform Complaint Procedures

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4356.2	Awards And Recognition
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7150	Site Selection And Development
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Policy 1431: Waivers**Status:** ADOPTED

Original Adopted Date: 07/01/2005 | **Last Revised Date:** ~~10/12/01/2019~~2023 | **Last Reviewed Date:** ~~10/12/01/2019~~2023

CSBA NOTE: The following optional policy covers waiver requests that the State Board of Education (SBE) generally has legal authority to grant (general waivers). In order to provide districts with flexibility without undermining the basic intent of the law, Education Code 33050-33053 permit the Governing Board to request that SBE waive sections of the Education Code and Title 5 of the California Code of Regulations.

Education Code 33050 exempts certain sections of the Education Code from SBE's authority to grant waivers. ~~SB 75 (Ch. 51, Statutes of 2019) amended Education Code 33050 to prohibit~~ prohibits the waiver of specified provisions relating to funding for charter schools. , and, as amended by SB 114 (Ch. 48, Statutes of 2023), prohibits the waiver of transitional kindergarten and kindergarten requirements provided for in Education Code 48000-48003.

This policy does not address waivers expressly authorized by law for specific programs and situations (specific waivers) such as the waiver of Education Code 56101 for students with disabilities, the waiver of specified school site council provisions pursuant to Education Code 65001, waivers that may be granted by the Commission on Teacher Credentialing, or waivers that may be specifically granted by the Superintendent of Public Instruction such as waivers for alternative schools. See BP 6181 - Alternative Schools/Programs of Choice. For any such waiver, the process for obtaining the waiver would be as specified in the provision of law governing the program.

The Governing Board recognizes that circumstances may arise in the operation of the district that require a waiver from state law or regulation. When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state law or regulation which SBE has authority to waive pursuant to Education Code 33050.

CSBA NOTE: The California Department of Education (CDE) ~~web site~~website contains an online waiver request system as well as guidance and Frequently Asked Questions to help expedite the waiver submission process. Prior to submitting a waiver request, the district should confirm that it has gathered all the data required and has complied with all the legal requirements for the request. The district should also review Education Code 33051 which specifies the reasons for which SBE may deny the request.

Any waiver request to be submitted to SBE shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

If the proposed waiver request affects a program that requires the existence of a school site council, the Superintendent or designee shall obtain the school site council's approval of the request before presenting it to the Board. As appropriate, other councils or advisory committees, including bilingual advisory committees, shall be provided adequate opportunity to review a proposed waiver request,

and the request shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

CSBA NOTE: The following optional paragraph is for use by districts with an employee organization certified to represent the district's employees in negotiations with the district.

In addition, the Superintendent or designee shall consult with the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050, 33051)

CSBA NOTE: The following paragraph is for use by districts that participate in a joint powers entity to operate a regional occupational center or program. See BP 6178.2 - Regional Occupational Center/Program.

A request for a waiver related to a regional occupational center or program operated by a joint powers agency shall be submitted as a joint waiver request with other participating school districts upon approval of a unanimous vote of the governing board of the joint powers agency. (Education Code 33050)

CSBA NOTE: Education Code 33050 does not include specific requirements in regard to the public hearing that must be held before the Board submits a waiver request. CDE's ["General Waiver Instructions, Requests"](#), located on its [web site website](#), state that the public hearing must be properly noticed and held during a board meeting.

To receive public testimony on each proposal for a waiver request, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

CSBA NOTE: Education Code 33050 does not specify the length of the advanced notice required for the public hearing described above. However, CSBA believes that the notice must allow sufficient time to enable members of the public adequate opportunity to participate in the waiver request process.

CDE's ["General Waiver Instructions Requests"](#) provide that distribution of the board meeting agenda is insufficient to constitute proper notice for the public hearing. The notice must specifically invite public testimony, and can be advertised by (1) printing a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation, ~~or~~ (2) in small districts, posting a formal notice at each school and three public places in the district: [, or \(3\) publishing a notice on the district's website that includes the time, date, location, and subject of the hearing. Districts should consult CSBA's District and County Office of Education Legal Services or legal counsel prior to advertising the public hearing by another means.](#)

The following optional paragraph may be revised to specify the length of the notice in accordance with district practice, and should be modified appropriately depending on the size of the district.

The notice, which shall state the time, date, location, and subject of the public hearing and invite public testimony, ~~may~~ **shall** be printed in a newspaper of general circulation ~~and/or~~, posted at each school and three public places in the district, [or published on the district's website.](#)

CSBA NOTE: Pursuant to Education Code 33051, any general waiver which has been granted for two consecutive years, or which is initially granted for two years, may be regarded as "permanent" for as long as the information on the waiver request remains current. However, SBE may require updated information for a general waiver whenever it determines that information to be necessary.

SBE may also rescind a waiver if additional information supporting a recession is made available to SBE.

If the district determines that a waiver is needed for more than one year, the Board shall reapply to SBE. When the Board has requested and received the same general waiver from SBE for two consecutive years, the Board does not subsequently need to reapply annually provided that the information contained on the request remains current, except that the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

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State

Ed. Code 33050-33053

[Ed. Code 48000-48003](#)

Ed. Code 48800

Ed. Code 51747.3

Ed. Code 56000-56865

Ed. Code 65000-65001

Description

General waiver authority

[Kindergarten](#)

Attendance at community college

Charter school independent study funding

Special education programs

School site councils

Management Resources

Website

Website

Website

Description

CSBA District and County Office of Education Legal Services

California Department of Education, Waiver Office

Commission on Teacher Credentialing

Cross References

Code

0420

0420

0420.41

0420.41-E(1)

1220

1220

3280

Description

School Plans/Site Councils

School Plans/Site Councils

Charter School Oversight

Charter School Oversight

Citizen Advisory Committees

Citizen Advisory Committees

Sale Or Lease Of District-Owned Real Property

3280	Sale Or Lease Of District-Owned Real Property
4112.23	Special Education Staff
4140	Bargaining Units
4240	Bargaining Units
4340	Bargaining Units
6111	School Calendar
6117	Year-Round Schedules
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6178.2	Regional Occupational Center/Program
9320	Meetings And Notices

CSBA Sample District Policy Manual
CSBA Sample Manual Site

Policy 3400: Management Of District Assets/Accounts**Status:** ADOPTED

Original Adopted Date: 07/01/2001 | **Last Revised Date:** 07/12/01/2007/2023 | **Last Reviewed Date:** 07/12/01/2007/2023

CSBA NOTE: The following policy is optional and should be revised to reflect district practice. Since the management of district assets and accounts is dependent on reliable financial reports, the Governing Board expects that the district's financial reports will adhere to generally accepted financial and accounting standards. The Governmental Accounting Standards Board (GASB) is a nonprofit agency that establishes financial and accounting standards for state and local government agencies, including school districts. By using the California Department of Education's (CDE) standardized account code structure (SACS) software to develop financial reports, the district will be assured of complying with generally accepted accounting principles prescribed by GASB and meeting other state and federal reporting guidelines.

The Governing Board recognizes its fiduciary responsibility to effectively manage and safeguard the district's assets and resources in order to help achieve the district's goals for student learning. The Superintendent or designee shall establish and maintain an accurate, efficient financial management system that enhances the district's ability to meet its fiscal obligations, produces reliable financial reports, and complies with laws, regulations, policies, and procedures. ~~He/she~~The Superintendent or designee shall ensure that the district's accounting system provides ongoing internal controls and meets generally accepted accounting standards: as specified by the California Department of Education and, as appropriate, the Governmental Accounting Standards Board (GASB). When required by law or as directed by the Board, and in accordance with Board Policy and Administrative Regulation 3460 – Financial Reports and Accountability, the Superintendent or designee shall submit to the Board reports of the district's financial status.

Capital Assets

CSBA NOTE: Statement #34 from the Governmental Accounting Standards Board (GASB), the national group responsible for establishing accounting and financial reporting standards for state and local governments, requires that districts determine an appropriate capitalization threshold and identify and value capital assets. The California Department of Education (CDE) ~~CDE~~ recommends, for most districts, a capitalization threshold that includes a unit acquisition cost criterion of at least \$5,000, although a lower threshold may be necessary for small districts and higher threshold for larger districts. For more information regarding Statement #34, see, "FAQs regarding Government Accounting Standards Board (GASB) 34," available on CDE's website. The following optional paragraph establishes a \$5,000 capitalization threshold consistent with the CDE's recommendation. The district should revise the following paragraph if it has established a different threshold.

The Superintendent or designee shall develop a system to accurately identify and value district assets in order to help ensure financial accountability and to minimize the risk of loss or misuse. District assets with a useful life of more than one year and an initial acquisition cost of \$5,000 or more shall be considered capital assets. The Superintendent or designee shall determine the estimated useful life of each capital asset and shall calculate and report the estimated loss of value

or depreciation during each accounting period for all capital assets.

Internal Controls/Fraud Prevention

CSBA NOTE: Internal controls are defined as safeguards that are in place to provide assurance regarding the effectiveness and efficiency of operations, reliability of financial reporting, and compliance with applicable laws and regulations. Internal controls are checks and balances to help prevent fraud, waste, and abuse.

The following section contains recommendations by auditors of internal control policies and procedures and should be modified to reflect district practice.

The Board expects Board members, employees, consultants, vendors, contractors, and other parties maintaining a business relationship with the district to act with integrity and due diligence in dealings involving the district's assets and fiscal resources.

CSBA NOTE: When entering into a contract, a district is required to comply with California's conflict of interest laws, including, but not limited to, Government Code 1090 (financial interest in a contract), Government Code 87100-87500 (Political Reform Act), and Government Code 84308, as amended by SB 1439 (Ch. 848, Statutes of 2022), related to conflict of interest from campaign contributions. Pursuant to Government Code 1090, Board members, district employees, and consultants are prohibited from having a financial interest in any contract made by the Board on behalf of the district. See BP 3312 – Contracts and BB 9270 – Conflicts of Interest.

Board members and district employees involved in the making of contracts on behalf of the district shall comply with the district's conflict of interest policy as specified in Board Bylaw 9270 - Conflict of Interest.

The Superintendent or designee shall develop internal controls which aid in the prevention and detection of fraud, financial impropriety, or irregularity within the district. , assist with effective and efficient operation of the district, produce reliable financial information, and ensure compliance with all applicable laws and regulations. These internal controls may include, but are not limited to, segregating and monitoring employee duties relating to authorization, custody of assets, and recording or reporting of transactions; providing detailed, written job descriptions explaining the segregation of functions; adopting an integrated financial system; developing timely reconciliations of budgets, ledgers, and accounts; conducting background checks on business office employees; and requiring continuous in-service training for business office staff and board members on the importance of fraud prevention, financial management, budget, and governance.

All employees shall be alert for any indication of fraud, financial impropriety, or irregularity within their area of responsibility. Any employee who suspects fraud, impropriety, or irregularity shall immediately report those suspicions to his/her the employee's immediate supervisor and/or the Superintendent or designee. In addition, the Superintendent or designee shall establish a method for employees and outside persons to anonymously report any suspected instances of fraud, impropriety, or irregularity.

The Superintendent or designee shall have primary responsibility for any necessary investigations of suspected fraud, impropriety, or irregularity, in coordination with legal counsel, the district's auditors, the Fiscal Crisis and Management Assistance Team (FCMAT), law enforcement agencies, or other governmental entities, as appropriate.

The Superintendent or designee shall provide regular reports to the Board on the status of the district's internal control procedures and recommend any necessary revisions to related Board policies or administrative regulations.

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State	Description
<u>Ed. Code 1241.5</u>	<u>Audit by county superintendent</u>
Ed. Code 14500-14508	Financial and compliance audits
Ed. Code 35035	Powers and duties of the superintendent; transfer authority
Ed. Code 35250	Duty to keep certain records and reports
Ed. Code 41010-41023	Accounting regulations; budget controls and audits
Ed. Code 42600-42603	Control of expenditures
Ed. Code 42647	Drawing of warrants by district on county treasurer; form; reports, statements, and other data
<u>Gov. Code 1090-1099</u>	<u>Prohibitions applicable to specified officers</u>
Gov. Code 53995-53997	Obligation of contract
<u>Gov. Code 84308</u>	<u>Campaign Disclosure</u>
<u>Gov. Code 87100-87500</u>	<u>Political Reform Act</u>
Management Resources	Description
<u>Governmental Accounting Standards Board Publication</u>	<u>Implementation Guide No. 2023-1, Implementation Guidance Update –2023, June 2023</u> (https://www.gasb.org/page/ShowDocument?path=Implementation%2520Guide%2520No.%25202023-1%E2%80%94Implementation%2520Guidance%2520Update%E2%80%942023.pdf&acceptedDisclaimer=true&title=GASB+IMPLEMENTATION+GUIDE+NO.+2023-1%E2%80%94IMPLEMENTATION+GUIDANCE+UPD)
<u>Governmental Accounting Standards Board Statement</u>	<u>Statement 96, Subscription-Based Information Technology Arrangements, May 2020</u> (www.gasb.org/document/blob?fileName=GASBS%2096.pdf)
<u>Governmental Accounting Standards Board Publication</u>	<u>Implementation Guide No. 2019-3, Leases, August 2019</u> (https://www.gasb.org/page/ShowDocument?path=Implementation%2520Guide%25202019-

[3%CE%93%C3%87%C3%B6Leases.pdf&acceptedDisclaimer=true;le=GASB+IMPLEMENTATION+GUIDE+NO.+2019-3%E2%80%94LEASES&Submit=\)](#)

[Governmental Accounting Standards Board Statement](#) [Statement 87, Leases, June 2017](#)
(www.gasb.org/document/blob?fileName=GASBS87.pdf)

Governmental Accounting Standards Board Statement	Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999 https://gasb.org/page/ShowDocument?path=GASBS%252034.pdf&acceptedDisclaimer=true&title=GASB+STATEMENT+NO.+34%2C+SIC+FINANCIAL+STATEMENTS%E2%80%94AND+MANAGEMENT%27S+DISCUSSION+AND+ANALYSIS%E2%80%94FOR+STATE+LOCAL+GOVERNMENTS&Submit=)
Website	CSBA District and County Office of Education Legal Services
Website	Governmental Accounting Standards Board
Website	California State Controller
Website	California Department of Education, Finance and Grants
Website	CSBA
Website	Fiscal Crisis and Management Assistance Team
Website	California Association of School Business Officials
Website	School Services of California, Inc.

Cross References

Code	Description
3000	Concepts And Roles
3100	Budget
3100	Budget
3110	Transfer Of Funds
3230	Federal Grant Funds
3230	Federal Grant Funds
3300	Expenditures And Purchases
3312	Contracts
3314	Payment For Goods And Services
3314	Payment For Goods And Services
3314.2	Revolving Funds

3430	Investing
3430	Investing
3440	Inventories
3451	Petty Cash Funds
3452	Student Activity Funds
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3470	Debt Issuance And Management
3511	Energy And Water Management
3511	Energy And Water Management
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
4112.6	Personnel Files
4119.1	Civil And Legal Rights
4119.23	Unauthorized Release Of Confidential/Privileged Information
4151	Employee Compensation
4212.6	Personnel Files
4219.1	Civil And Legal Rights
4219.23	Unauthorized Release Of Confidential/Privileged Information
4251	Employee Compensation
4312.6	Personnel Files
4319.1	Civil And Legal Rights
4319.23	Unauthorized Release Of Confidential/Privileged Information
4351	Employee Compensation
5126	Awards For Achievement
5126	Awards For Achievement
9124	Attorney
<u>9270</u>	<u>Conflict of Interest</u>

CSBA Sample District Policy Manual
CSBA Sample Manual Site

Regulation 3400: Management Of District Assets/Accounts

Status: ADOPTED

Original Adopted Date: 10/01/1993 | **Last Revised Date:** 07/12/01/20032023 | **Last Reviewed Date:** 07/12/01/20032023

Accounts

The district's accounting system shall fully comply with the definitions, instructions and procedures set forth in the California Department of Education ([CDE](#)) School Accounting Manual. (Education Code 41010)

CSBA NOTE: Pursuant to the Governmental Accounting Standards Board's (GASB) Statement #87, and GASB's Implementation Guide No. 2019-3, there is only one single model for lease accounting with no distinction between capital and operating leases.

"Subscription-based information technology arrangements" (SBITA) is defined as a contract that conveys control of the right to use another party's (a SBITA vendor's) information technology (IT) software, alone or in combination with tangible capital assets (the underlying IT assets), as specified in the contract for a period of time in an exchange or exchange-like transaction. Such arrangements are covered under GASB Statement #96, "Subscription-Based Information Technology Arrangements," which states that when a district utilizes SBITA, it results in an intangible right-to-use subscription asset and a corresponding subscription liability and requires disclosure. Because of the liability and disclosure requirements, the district should ensure proper accounting of assets based on type, and consult with the district's auditor as necessary.

Additional information about GASB Statements #87 and #96 can be found in GASB's accompanying Implementation Guides, available on GASB's website, and the California Department of Education's (CDE), "Standardized Account Code Structure (SACS) November 2, 2021 meeting minutes," available on CDE's website. For more information on financial reports of the district, see BP/AR 3460 – Financial Reports and Accountability.

The district shall utilize CDE's standardized account code structure (SACS) software to develop financial reports. The district's accounting system shall comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board (GASB) and meet other state and federal reporting guidelines.

The Superintendent or designee shall ensure that funds are encumbered in the district accounting records immediately after an expenditure is committed for subsequent payment.

Fraud Prevention and Investigation Fraud and Misappropriation of Funds

CSBA NOTE: The following optional section may be revised to reflect district practice and definitions.

Fraud, financial improprieties, or irregularities include but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the district
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document
3. Misappropriation of funds, securities, supplies, or other assets
4. Impropriety in the handling of money or reporting of financial transactions
5. Profiteering as a result of insider knowledge of district information or activities
6. Disclosing confidential and/or proprietary information to outside parties
7. Disclosing investment activities engaged in or contemplated by the district
8. Accepting or seeking anything of material value from contractors, vendors, or persons providing services or materials to the district
9. Destroying, removing, or inappropriately using of records, furniture, fixtures, or equipment
10. Failing to provide financial records to authorized state or local entities
11. Overstating income, expenses, or misreporting time
- ~~10.~~12. Failing to report a conflict of interest
- ~~11.~~13. Any other dishonest or fraudulent act

District Investigation

The Superintendent or designee shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Superintendent or designee shall issue a report to appropriate personnel and to the Governing Board. The final disposition of the matter ~~and~~, any decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation ~~shall~~, and discussing or disclosing the result of any investigation shall be made in consultation with legal counsel. ~~The result of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate need to know.~~

County Office of Education Investigation

CSBA NOTE: The Fiscal Crisis and Management Assistance Team (FCMAT) is an independent entity whose primary mission is to help districts identify, prevent, and resolve financial, operational, and data management challenges, including assisting districts to avert fiscal insolvency, providing districts with fiscal management assistance, and creating efficient organizational operations. FCMAT assists with extraordinary audits conducted pursuant to Education Code 1241.5, which permits the County Superintendent of Schools to review or audit a district's expenditures and internal controls if the County Superintendent has reason to believe that fraud, misappropriation of funds, or other

illegal fiscal practices have occurred that merit examination. It is the responsibility of the County Superintendent to report the findings and recommendations to the Governing Board at a regularly scheduled board meeting within 45 days of completing the review, audit, or examination, and then, no later than 15 calendar days after receipt of the report, the district is required to notify the County Superintendent of its proposed actions on the recommendations.

The district shall cooperate with the County Superintendent of Schools, Fiscal Crisis and Management Assistance Team (FCMAT), law enforcement, or other governmental entities that conduct a fraud investigation, in accordance with law. (Education Code 1241.5)

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State

Ed. Code 1241.5

Description

Audit by county superintendent

Ed. Code 14500-14508

Financial and compliance audits

Ed. Code 35035

Powers and duties of the superintendent; transfer authority

Ed. Code 35250

Duty to keep certain records and reports

Ed. Code 41010-41023

Accounting regulations; budget controls and audits

Ed. Code 42600-42603

Control of expenditures

Ed. Code 42647

Drawing of warrants by district on county treasurer; form; reports, statements, and other data

Gov. Code 1090-1099

Prohibitions applicable to specified officers

Gov. Code 53995-53997

Obligation of contract

Gov. Code 84308

Campaign Disclosure

Gov. Code 87100-87500

Political Reform Act

Management Resources

Description

Governmental Accounting Standards Board Publication

Implementation Guide No. 2023-1, Implementation Guidance Update -2023, June 2023

(<https://www.gasb.org/page/ShowDocument?path=Implementation%2520Guide%2520No.%25202023-1%E2%80%94Implementation%2520Guidance%2520Update%E2%80%942023.pdf&acceptedDisclaimer=true&title=GASB+IMPLEMENTATION+GUIDE+NO.+2023-1%E2%80%94IMPLEMENTATION+GUIDANCE+UPD>)

<u>Governmental Accounting Standards Board Statement</u>	<u>Statement 96, Subscription-Based Information Technology Arrangements, May 2020</u> (www.gasb.org/document/blob?fileName=GASBS%2096.pdf)
<u>Governmental Accounting Standards Board Publication</u>	<u>Implementation Guide No. 2019-3, Leases, August 2019</u> (https://www.gasb.org/page/ShowDocument?path=Implementation%202019-3%CE%93%C3%87%C3%B6Leases.pdf&acceptedDisclaimer=true;le=GASB+IMPLEMENTATION+GUIDE+NO.+2019-3%E2%80%94LEASES&Submit=)
<u>Governmental Accounting Standards Board Statement</u>	<u>Statement 87, Leases, June 2017</u> (www.gasb.org/document/blob?fileName=GASBS87.pdf)
Governmental Accounting Standards Board Statement	Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999 (https://gasb.org/page/ShowDocument?path=GASBS%252034.pdf&acceptedDisclaimer=true&title=GASB+STATEMENT+NO.+34%2C+SIC+FINANCIAL+STATEMENTS%E2%80%94AND+MANAGEMENT%27S+DISCUSSION+AND+ANALYSIS%E2%80%94FOR+STATE+AND+LOCAL+GOVERNMENTS&Submit=)
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3314.2	Revolving Funds
3430	Investing
3430	Investing
3440	Inventories
3451	Petty Cash Funds
3452	Student Activity Funds
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3470	Debt Issuance And Management
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4312.6	Personnel Files
4319.1	Civil And Legal Rights
4319.23	Unauthorized Release Of Confidential/Privileged Information
4351	Employee Compensation
5126	Awards For Achievement

5126

Awards For Achievement

9124

Attorney

9270

Conflict of Interest

Policy 5116.2: Involuntary Student Transfers

Status: ADOPTED

Original Adopted Date: 12/01/2016 | Last Revised Date: 12/01/2023 | Last Reviewed Date: 12/01/2016/2023

The Governing Board desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at district schools, and the availability of support services and other resources.

Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

Students Convicted of Violent Felony or Misdemeanor

CSBA NOTE: Education Code 48929, as added by SB 1343 (Ch. 154, Statutes of 2016), authorizes a district to involuntarily transfer a student who has been convicted of a violent felony as defined in Penal Code 667.5(c) (including, but not limited to, attempted murder, rape, assault, kidnapping, and robbery) or a misdemeanor associated with possession of a firearm as specified in Penal Code 29805, whenever the student is enrolled at the same school as a student who was a victim of the crime.

In order to exercise this authority, Education Code 48929 mandates the Governing Board to adopt, at a regularly scheduled meeting, policy that contains the following provisions: (1) a requirement that the student and his/her parent/guardian be notified of the right to request a meeting with the principal or designee; (2) a requirement that the school first attempt to resolve the conflict using restorative justice, counseling, or other services; (3) whether the decision to transfer a student is subject to periodic review and the procedure for conducting the review; and (4) the process to be used by the Board to consider and approve or disapprove the recommendation of the principal or designee to transfer the student. Education Code 48929 also requires the district to provide notice of the policy to parents/guardians as part of the annual parental notification required by Education Code 48980. CSBA NOTE: Pursuant to various provisions of the Education Code, a district may involuntarily transfer a student to another school within the district when specific requirements are met. For instance, in order to involuntarily transfer a student pursuant to Education Code 48929, the Governing Board of the district is required to adopt a policy at a regularly scheduled meeting and include notice of the policy in the annual notification to parents/guardians in accordance with Education Code 48980. Accordingly, it is recommended that this policy be adopted at a regularly scheduled meeting and included in the district's annual notice to parents/guardians. For information regarding annual notifications, see BP/E(1) 5145.6 – Parent/Guardian Notifications.

While the Governing Board desires to enroll students in the district school of their choice, it recognizes that circumstances sometimes necessitate the involuntary transfer of a student to another school or program in the district.

The Superintendent or designee shall develop procedures to facilitate the involuntary transfer of such students.

As applicable and as permitted by law, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at the schools or programs to which the student could be involuntarily transferred, and the availability of support services and other resources.

CSBA NOTE: Education Code 234.1 mandates that districts adopt policy as well as a process for prohibiting discrimination which applies to all acts related to school activity or school attendance occurring within a school or under the authority of the district, including discriminatory harassment, intimidation, and bullying, which, as amended by AB 1078 (Ch. 229, Statutes of 2023), includes all acts of the Board and the Superintendent in enacting policies and procedures that govern the district. See BP 0410 - Nondiscrimination in District Programs and Activities.

For more information regarding the legal requirements and recommended best practices governing voluntary and involuntary transfers, see the California Department of Education's (CDE) September 2023 Memorandum, "Overuse and Improper Use of Voluntary and Involuntary Transfers."

The Superintendent or designee shall ensure that involuntary transfers are made in a non-discriminatory manner as specified in Board Policy 0410 - Nondiscrimination In District Programs And Activities.

Involuntary Transfer of a Student Convicted of Violent Felony or Misdemeanor Related to Possession of Firearms

CSBA NOTE: Education Code 48929 authorizes a district to involuntarily transfer a student who has been convicted of a violent felony as defined in Penal Code 667.5(c) (including, but not limited to, attempted murder, rape, assault, kidnapping, and robbery) or a misdemeanor associated with possession of a firearm as specified in Penal Code 29805, whenever the student is enrolled at the same school as a student who was a victim of the crime. When a student has been convicted of such a violent felony or misdemeanor, a district is likely to pursue expulsion. However, this policy may be used where the student is not expelled or, if applicable, after the student has been readmitted to the district following expulsion and is enrolled in the same school as the victim. For more information regarding expulsion, see BP 5144.1 – Suspension and Expulsion/Due Process.

In order to exercise this authority, Education Code 48929 mandates the Board to adopt, at a regularly scheduled meeting, policy that contains the following provisions: (1) a requirement that the student and the student's parent(s)/guardian(s) be notified of the right to request a meeting with the principal or designee, (2) a requirement that the school first attempt to resolve the conflict using restorative justice, counseling, or other services, (3) the process to be used by the Board to consider and approve or disapprove the recommendation of the principal or designee to transfer the student, and (4) whether the decision to transfer a student is subject to periodic review and the procedure for conducting the review.

Even though the district is required to first attempt to resolve the conflict using restorative justice, counseling, or other services, the district may not require the victim to participate in any conflict resolution program or service or subject the victim to any disciplinary action for their refusal to participate in conflict resolution. Additionally, if the victim agrees to participate in a conflict resolution program or service, the district must permit the victim to stop participating at any time without subjecting the victim to any disciplinary action.

A student may be transferred to another district school if ~~he/she~~the student is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which ~~he/she~~the students was convicted. (Education Code 48929)

~~Before transferring~~However, before recommending such a student~~transfer~~, the Superintendent, the principal, or other designee shall notify the student and the student's parent(s)/guardian(s) of the right to request a meeting with the principal or designee and shall attempt to resolve the conflict using restorative justice, counseling, or other such services. ~~He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee.~~
(Education Code 48929)

Participation of the victim in any conflict resolution program shall be voluntary, and ~~he/she~~the victim shall not be subjected to any disciplinary action for his/her ~~refusal~~refusing to participate in ~~conflict resolution.~~ (Education Code 48929)

CSBA NOTE: The following paragraph may be revised to reflect district practice. As specified above, in order to involuntarily transfer a student, Education Code 48929 mandates that requires the Board to adopt a policy describing that includes, but is not limited to, a description of the process to be used by the Board to ~~consider~~when considering and ~~take~~taking action on the recommendation to transfer a student ~~under this law, but does not prescribe any such,~~ and a description of the process, if any, for periodically reviewing the transfer.

Education Code 35146 provides that the Board must meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from ~~the~~a parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. See BB 9321 -- Closed Session Purposes and Agendas.

~~The~~ If the attempt to resolve the conflict using restorative justice, counseling, or other such services is not successful or the victim elects not to participate, the principal or designee shall ~~may~~ submit to the Superintendent or designee a recommendation as to ~~whether or not~~ that the student should be involuntarily transferred. If the Superintendent or designee ~~determines that a transfer would be in the best interest of the students involved,~~ he/she agrees with the recommendation, the Superintendent shall submit such recommendation to the Board for approval. The Superintendent's recommendation to the Board shall include the date by which the Superintendent or designee will review the involuntary transfer to determine whether to recommend to the Board that the student be permitted to transfer back to the student's original school.

The Board shall, in accordance with Board Bylaw 9321 – Closed Session, deliberate and vote on the recommendation, as well as any subsequent recommendation to permit the student to transfer back to the student's original school, in closed session to maintain the confidentiality of student information, unless ~~the~~a parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's ~~decision~~decisions in these instances shall be final.

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

Other

Involuntary Transfers

Students may be involuntarily transferred under either of the following circumstances: to a Continuation Education Program or Class within the District

CSBA NOTE: Item #1 below This section is for use by districts that maintain high schools. Education Code 48432 requires such districts to establish and maintain continuation education schools or classes whenever there are any high school students residing in the district who are subject to compulsory continuation education. Pursuant For language fulfilling this requirement, see BP/AR 6184 - Continuation Education. If a district seeks to involuntarily transfer a student to a continuation school, Education Code 48432.5; districts that assign students to continuation schools are mandated mandates the Board to adopt rules and regulations governing procedures for involuntary transfer of students to continuation schools. See BP/AR 6184 - Continuation Education for language fulfilling this mandate for doing so and specifies requirements that must be included in those rules and regulations.

1. If a high school The Superintendent or designee may involuntarily transfer a high school student to a continuation education program or class in the district if the student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance; he/she may be transferred to a continuation school. and either of the following conditions are met: (Education Code 48432.5)

1. Other means to improve the student's behavior have failed
2. It is the first time the student committed an act enumerated in Section 48900 and the principal of the student's school determines that the student's presence causes a danger to person(s) or property or threatens to disrupt the instructional process.

CSBA NOTE: Education Code 48660-48666 authorize districts to establish community day schools for expelled students, certain probation-referred students pursuant to Welfare and Institutions Code 300 or 602, and students referred by a school attendance review board or through another formal district process. Pursuant to Education Code 48662; districts establishing a community day school are mandated to adopt policy that provides procedures for the involuntary transfer of students to the school. See BP/AR 6185 - Community Day Schools for language fulfilling this mandate. CSBA NOTE: In order to involuntarily transfer a student to a continuation education program or class, Education Code 48432.5 requires the Board to (1) notify the student and the student's parent(s)/guardian(s) of the right to request a meeting with the Superintendent or designee, (2) provide the student and the student's parent(s)/guardian(s) with the specific facts and reasons for the proposed transfer, including all documents relied upon, (3) allow the student or the student's parent(s)/guardian(s) to question any evidence or witnesses presented, and (4) permit the student and the student's parent(s)/guardian(s) to present evidence, including witnesses, on the student's behalf. The student must also be allowed to bring one or more representatives to the meeting. While Education Code 48432.5 uses the term "meeting," the Court of Appeals in *Nathan G. v. Clovis Unified School District* found that the meeting is an "adversarial hearing grounded in due process." Therefore, districts may want to treat an involuntary transfer to a continuation education program or class in a manner similar to expulsions and are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate. For more information regarding expulsions, see BP 5144.1 – Suspension and Expulsion/Due Process.

Prior any final decision to involuntarily transfer a student, the Superintendent or designee shall notify the student and the student's parent(s)/guardian(s) of the right to request a hearing with the Superintendent or designee. If such a hearing is requested, the Superintendent or designee shall provide the specific facts and reasons for the proposed transfer, including all documents relied upon. At the hearing, the Superintendent or designee shall also allow the student or the student's parent(s)/guardian(s) to question any evidence or witnesses presented and present evidence, including witnesses, on the student's behalf. The student shall be allowed to bring one or more representatives to present at the hearing. (Education Code 48432.5)

If the Superintendent or designee decides to involuntarily transfer the student, the Superintendent or designee shall provide the decision to the student and the student's parent(s)/guardian(s) in writing. The decision shall include the facts and reasons for the decision and whether the decision is subject to periodic review and the periodic review procedure. (Education Code 48432.5)

CSBA NOTE: Education Code 48432.5 prohibits an involuntary transfer to a continuation school to extend beyond the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred unless the Board adopts a procedure for yearly review of the involuntary transfer at the request of the transferred student or the student's parent(s)/guardian(s). In order to minimize the length of involuntary transfers, it is recommended that a district not extend the length of an involuntary transfer pursuant to Education Code 48432.5 beyond the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred. The following paragraph may be revised to reflect district practice.

The decision shall also include the date by which the student may transfer back to the student's original school, which shall be no longer than the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred. (Education Code 48432.5)

The final decision to involuntarily transfer the student may not involve a member of the staff of the school in which the student is enrolled at the time that the decision is made. (Education Code 48432.5)

Involuntary Transfers to a Community Day School within the District

CSBA NOTE: This section is for use by districts that maintain community day schools. Education Code 48660-48666 authorize districts to establish community day schools for expelled students, certain probation-referred students pursuant to Welfare and Institutions Code 300 or 602, and students referred by a school attendance review board or through another formal district process. See BP/AR 6185 - Community Day School. If a district seeks to involuntarily transfer a student to a community day school, Education Code 48662 mandates the Board adopt policy that provides procedures for the involuntary transfer of students to the school.

2. If a student is expelled from school for any reason in accordance with Board Policy 5144.1 - Suspension And Expulsion/Due Process, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, ~~he/she~~the student may be transferred to a district community day school: as specified in Board Policy 6185 - Community Day School. (Education Code 48662)

Notice, Information, and Reports

The Superintendent or designee shall include notice of this policy in the annual notification to parents/guardians in accordance with Education Code 48980. (Education Code 48929)

CSBA NOTE: The following paragraph may be revised to reflect district practice.

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 a parent/guardian in either language. Education Code 48985 requires 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 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 and reports sent to the parent(s)/guardian(s) 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 or reports for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

CSBA NOTE: For purposes of any involuntary transfer, Education Code 48853.5, as amended by AB 740 (Ch. 400, Statutes of 2022), requires that a district provide the same parent/guardian notices, documents, and information to the educational rights holder, attorney, and county social worker of a foster youth, and to the tribal social worker, and if applicable, county social worker of an American Indian student. See AR 6173.1 – Education for Foster Youth and BP 6173.4 – Education for American Indian Students.

When a foster youth or American Indian Student, as defined in Welfare and Institutions Code 224.1, is being considered for an involuntary transfer, all notices, documents, and information that would be provided to parents/guardians shall be provided to the foster youth's educational rights holder, attorney, and county social worker and the American Indian Student's tribal social worker and, if applicable, county social worker. (Education Code 48853.5)

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 234.1

Description

Monitoring, review, and assessment of antidiscrimination, antiharassment, anti-intimidation, and antibullying requirements

Ed. Code 35146

Closed sessions; student matters

Ed. Code 48430-48438

Continuation classes

Ed. Code 48432.5

Involuntary transfer to continuation school

Ed. Code 48660-48666

Community day schools

Ed. Code 48662

Involuntary transfer to community day school

Ed. Code 48853.5	Foster children; notice of educational rights; educational liaison; duties; continuation at school of origin; complaint of noncompliance
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48915	Expulsion
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48981	Timing and method of parent/guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52164	Census of pupils of limited English proficiency
Pen. Code 29805	Misdemeanors involving firearms
Pen. Code 667.5	Definition of violent felony
W&I Code 224.1	Indian child; definition
W&I Code 300	Minors subject to jurisdiction
Management Resources	Description
Court Decision	Nathan G. v. Clovis Unified School District (2014) 224 Cal.App.4th 1393
California Department of Education Memorandum	Overuse and Improper Use of Voluntary and Involuntary Transfers, September 2023
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
3515	Campus Security
3515	Campus Security
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5131.2	Bullying
5131.2	Bullying
5138	Conflict Resolution/Peer Mediation

5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
<u>6173.1</u>	<u>Education for Foster Youth</u>
<u>6173.4</u>	<u>Education for American Indian Students</u>
<u>6184</u>	<u>Continuation Education</u>
<u>6185</u>	<u>Community Day School</u>
<u>9321</u>	<u>Closed Session</u>

Policy 5131.2: Bullying

Status: ADOPTED

Original Adopted Date: 07/01/2015 | **Last Revised Date:** 12/01/2019~~2023~~ | **Last Reviewed Date:** 12/01/2019~~2023~~

CSBA NOTE: Education Code 234.4 **mandates** districts to adopt procedures for preventing acts of bullying, including cyberbullying. The following policy and accompanying administrative regulation contain sample procedures that fulfill this mandate and may be revised to reflect district practice.

In addition, Education Code 234.1 and federal law **mandate** that the Governing Board adopt policy as well as a process for prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and ensuring the protection of complainants from retaliation. Also see Education Code 234.1 requires that the district's nondiscrimination policy include a statement that the policy applies to all acts related to a school activity or school attendance and, as amended by AB 1078 (Ch. 229, Statute of 2023), all acts of the Board and the Superintendent in enacting policies and procedures that govern the district. See BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment for language fulfilling this mandate.

In its The U.S. Department of Education Office for Civil Rights' (OCR) October 2010 Dear Colleague Letter:-, "Harassment and Bullying, the U.S. Department of Education Office for Civil Rights (OCR) clarified," clarifies that misconduct that falls under a district's general anti-bullying policy may also trigger responsibilities under one or more federal or state antidiscrimination laws if the bullying is on the basis of race, color, national origin, sex, sexual orientation, gender identity or expression, age, disability, and/or another legally protected category. Federal law requires the district to take immediate and appropriate action to investigate or otherwise determine what occurred and, if it finds that unlawful discrimination did occur, take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

OCR's October 2014 Dear Colleague Letter:-, "Responding to Bullying of Students with Disabilities points out," explains that any bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education and must be remedied under the federal Individuals with Disabilities Education Act. As necessary, the school may need to convene the student's individualized education program (IEP) team to determine whether the student's needs have changed as a result of the bullying and, if so, revise the IEP to ensure that the student continues to receive appropriate special education and related services.

Thus, while OCR's November 2023 Dear Colleague Letter, "Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics," further states that all students, including students who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, as well as students who come from, or are perceived to come from, all regions of the world, are entitled to a school environment free from discrimination based on race, color, or national origin. Title VI also protects students from discrimination which is based on (1) actual or perceived citizenship or residency in a country with a dominant religion or distinct religious identity, including Jewish, Muslim, Sikh, Hindu, Christian, and Buddhist students, when the discrimination involves racial, ethnic, or ancestral slurs or stereotypes, (2) a student's skin color, physical features, or style of

dress that reflects both ethnic and religious traditions, and (3) where a student came from or is perceived to have come from. Discrimination based on a student's foreign accent, foreign name, or a student speaking a foreign language may also violate Title VI's prohibitions against discrimination.

OCR's May 2023 Dear Colleague Letter, "Addressing Discrimination Against Jewish Students," states that a school violates Title VI when it fails to take adequate steps to address discriminatory harassment, including antisemitic harassment. Such harassment may include ethnic or ancestral slurs, harassment based on appearance, dress, or speech in ways linked to ethnicity or ancestry, or stereotyping based on perceived shared ancestral or ethnic characteristics.

The U.S. Department of Education's June 2023 Toolkit, "Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students," includes examples of policies and practices that schools and districts may consider developing to support lesbian, gay, bisexual, transgender, queer, or intersex students and families, including training and activities to reduce and prevent bullying.

Additionally, CSBA's October 2023 Policy Brief, "School Safety: Bullying and Cyberbullying," provides that a positive, safe, and inclusive school climate helps prevent bullying and harassment, reduce absenteeism, and improve academic achievement, and includes resources to assist districts in building safe and inclusive schools.

While this policy is intended to prevent and address all types of bullying incidents among students, when "discriminatory bullying" is committed and the bullying is sufficiently serious to create a hostile educational environment for the alleged victim or to otherwise deny or limit the student's educational benefits and services, including denial of a free appropriate public education, the alleged victim must be afforded the protections specified under relevant state and/or federal law.

The Governing Board This policy shall apply to all acts constituting bullying related to school activity or to school attendance occurring within a district school, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a welcoming, safe, and supportive school environment that protects students from physical, mental, and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

CSBA NOTE: Because bullying and its effects extend beyond the school environment, collaboration among a variety of community agencies and organizations that serve youth may be helpful in preventing and responding to bullying. For further information about building a collaborative, see CSBA's publications, "Safe Schools: Strategies for Governing Boards to Ensure Student Success," and "Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement."

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

CSBA NOTE: Education Code 32282 encourages districts to include bullying prevention policies and procedures in their comprehensive safety plan; see BP 0450 - Comprehensive Safety Plan. In addition, Education Code 52060-52077 require the Board to adopt and annually update a local control and accountability plan which includes, among other specified state priorities, goals for addressing school climate; see BP/AR 0460 - Local Control and Accountability Plan. Pursuant to Education Code 52060, school climate should be measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable.

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

CSBA NOTE: Pursuant to Education Code 234.1, districts are required to adopt a process for receiving and investigating complaints involving unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) based on specified characteristics. Pursuant to 5 CCR 4600-4633, the uniform complaint procedures (UCP) must be used for this purpose. In addition, federal regulations require districts to adopt procedures providing for prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) on the basis of sex (34 CFR 106.8), disability (~~34 CFR 104.7~~ and 28 CFR 35.107 and 34 CFR 104.7), and age (34 CFR 110.25).

Although some bullying incidents may not fall within the provisions of Education Code 234.1 or federal civil rights regulations, CSBA strongly recommends that districts use the UCP to investigate all bullying incidents (whether discriminatory or nondiscriminatory) to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was bullied because of an actual or perceived membership in a legally protected class. Those bullying incidents found to involve discrimination based on the results of the investigation would then be resolved using the UCP. When a bullying incident is determined to be nondiscriminatory, it should be resolved through the appropriate disciplinary process. Districts that are concerned about the capacity of a single district compliance officer to handle a possible increase in the number of UCP complaints, or that prefer to handle certain incidents at the school site level whenever possible, may designate multiple compliance officers in accordance with AR 1312.3 - Uniform Complaint Procedures.

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR Administrative Regulation 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

CSBA NOTE: Education Code 46600, ~~as amended by AB 1127 (Ch. 781, Statutes of 2019)~~, requires a district to approve an intradistrict transfer request for a victim of bullying. If there is no available school for an intradistrict transfer, the district cannot prohibit the student's interdistrict transfer. See BP/AR 5116.1 - Intradistrict Open Enrollment and AR 5117 - Interdistrict Attendance.

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. -If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

District families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

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State	Description
5 CCR 4600-4670	Uniform complaint procedures
<u>Bus. and Prof. Code 22589-22589.4</u>	<u>Cyberbullying Protection Act</u>
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	<u>School discipline Rules</u> rules
Ed. Code 46600	Student transfers
Ed. Code 48900-48925	Suspension and expulsion
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52060-52077	Local control and accountability plan
Pen. Code 422.55	Definition of hate crime
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 647.7	Use of camera or other instrument to invade person's privacy; punishment
Pen. Code 653.2	Electronic communication devices; threats to safety
Federal	Description
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
47 USC 254	Universal service discounts (E-rate)

Management Resources

Description

CA Office of the Attorney General Publication	Promoting a Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, April 2018 https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf
California Department of Education Publication	Bullying at School, 2003 https://www.cde.ca.gov/ls/ss/se/documents/bullyingatschool.pdf
California Department of Education Publication	Online Bullying Training Module and Bullying Module https://www.cde.ca.gov/ls/ss/se/bullyres.asp
California Department of Education Publication	California's Social and Emotional Learning: -Guiding Principles, 2018 https://www.cde.ca.gov/eo/in/documents/selguidingprinciple_swb.pdf
California Department of Education Publication	Health Education Content Standards for California Public Schools: -Kindergarten Through Grade Twelve, 2008 https://www.cde.ca.gov/be/st/ss/documents/healthstandmar08.pdf
California Department of Education Publication	Social and Emotional Learning in California: -A Guide to Resources, October 2018 https://www.cde.ca.gov/eo/in/documents/selresourcesguide.pdf
Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Court Decision	Lavine v. Blaine School District, (2002) 279 F.3d 719
Court Decision	Wynar v. Douglas County School District, (2013) 728 F.3d 1062
CSBA Publication	Addressing the Conditions of Children: -Focus on Bullying, Governance Brief, December 2012 https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201212GBBullying.ashx?la=en&rev=8033965a0418461488e9c1af7f9a3b0a
CSBA Publication	School Safety: Bullying and Cyberbullying, Policy Brief, October 2023 https://www.csba.org/-/media/CSBA/Files/GovernanceResources/EducationIssues/ConditionsofChildren/BullyingGovBrief-REPD_10-2023.ashx?la=en&rev=d409e63de5f641839230ee2dd9ae9ff9
CSBA Publication	Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009 https://www.csba.org/~media/4D07909373B14A0BB5CA2CCF41F98351.ashx
CSBA Publication	Cyberbullying: -Policy Considerations for Boards, Policy Brief, rev. July 2010

CSBA Publication	<p style="text-align: right;">329/528</p> <p>Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014 https://www.csba.org/~media/E68E16A652D34EADA2BFD CD9668B1C8F.ashx</p>
CSBA Publication	<p>Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</p>
CSBA Publication	<p>Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022 https://www.csba.org/~media/CSBA/Files/Advocacy/Legal-Guidance-Transgender-Legal-10-2022_p1-(1).ashx?la=en&rev=8c8f01b47a1b4e4bbb15a6bd64122a53</p>
CSBA Publication	<p>Final Guidance:- AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014 https://www.csba.org/Advocacy/~media/CSBA/Files/Advocacy/ELA/2014_03_AB1266_FinalGuidance.ashx</p>
U.S. Dept of Health and Human Services Publication	<p>Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023 https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf?cldee=BBbo_C98Ln9rzCMeTJBzPZCOuUOkbn-AOHa_4HvS_q-LBOXReDvSFA36L-k_EsCj&recipientid=)</p>
U.S. Dept of Health and Human Services Publication	<p>Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023 https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf</p>
U.S. DOE Publication	<p>Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023 https://www2.ed.gov/about/offices/list/ocr/docs/lgbtqi-student-resources-toolkit-062023.pdf</p>
U.S. DOE Office for Civil Rights Publication	<p>Guidance to America's Schools: Bullying of Students with Disabilities, October 2014</p>
U.S. DOE, Office for Civil Rights Publication	<p>Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf</p>
U.S. DOE, Office for Civil Rights Publication	<p>Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014 https://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf</p>

U.S. DOE, Office for Civil Rights
Publication

Dear Colleague Letter: Addressing Discrimination Against
Jewish Students, May 2023
(<https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf>)

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~~Dear Colleague Letter: Guidance on Schools' Obligations to
Protect Students from Student-on-Student Harassment on
Basis of Sex, Race, Color, Oct 2010~~

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Publication

Dear Colleague Letter: -Harassment and Bullying, October
2010
(<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>)

Website

CSBA District and County Office of Education Legal Services

Website

National School Safety Center

Website

Partnership for Children and Youth

Website

Center on Great Teachers and Leaders

Website

Collaborative for Academic Social and Emotional Learning

Website

Common Sense Media

Website

California Department of Education, Safe Schools

Website

California Office of the Attorney General

Website

CSBA

Website

U.S. Department of Education

Website

U.S. Department of Health and Human Services, Stop Bullying
(<https://www.stopbullying.gov>)

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CSBA Sample District Policy Manual
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Regulation 5131.2: Bullying**Status:** ADOPTED

Original Adopted Date: 05/01/2019 | **Last Revised Date:** 12/01/2019²⁰²³ | **Last Reviewed Date:** 12/01/2019²⁰²³

CSBA NOTE: Education Code 234.4 **mandates** districts to adopt procedures for preventing acts of bullying, including cyberbullying. The following administrative regulation may be revised to reflect district practice.

Examples of Prohibited Conduct

CSBA NOTE: The following section reflects definitions and examples of bullying and cyberbullying contained in the California Department of Education's (CDE) ["Bullying Module,"](#) and [CSBA's October 2023 Policy Brief, "School Safety: Bullying and Cyberbullying,"](#) and may be revised to reflect district practice.

Education Code 48900 defines "bullying," including bullying via an electronic act, for purposes of establishing grounds for suspension or expulsion. See AR 5144.1 - Suspension and Expulsion/Due Process. In addition, Penal Code 653.2 makes it a crime to distribute another person's personally identifiable information electronically with the intent to place that person in reasonable fear of the person's own or a family member's safety and for the purpose of imminently causing harassment or injury by a third party.

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. ~~Cyberbullying also includes,~~ which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical harm. Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm

3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: An act that occurs on electronic devices such as computers, tablets, or cell phones, such as sending demeaning or hateful text messages, direct messages or public posts on social media apps, gaming forums, or emails, spreading rumors by email or by posting on social networking sites, shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content, or posting or sharing embarrassing photos, videos, ~~web site~~website, or fake profiles

Measures to Prevent Bullying

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

CSBA NOTE: The U.S. Surgeon General's 2023 Advisory, "Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Healing Effects of Social Connection and Community," emphasizes the critical role that social connection plays in individual and societal health and well-being and provides recommendations for addressing the effects of a lack of social connection. Because schools play an important role in facilitating positive social connection, the advisory includes specific actions districts can implement, as listed in Item #1 below. For more information on mental health and health education, see BP 5141.5 – Mental Health and BP 6142.8 – Comprehensive Health Education.

1. Developing a strategic plan for school connectedness and social skills with benchmark tracking, which may include providing regular opportunities and spaces for students to develop social skills and strengthen relationships and promoting adult support from family and school staff, peer-led programs, and partnerships with key community groups, implementing socially based educational techniques such as cooperative learning projects that can improve educational outcomes as well as peer relations, creating a supportive school environment that fosters belonging through equitable classroom management, mentoring, and peer support groups that allow students to lean on each other and learn from each other's experiences, and building social connection into health education courses including information on the consequences of social connection on physical and mental health, key risk and protective factors, and strategies for increasing social connection
2. Ensuring that each school establishes clear rules for student and staff conduct and implements strategies to promote a positive, supportive, and collaborative school climate
3. Providing information to students, through student handbooks, district and school ~~web sites~~websites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
4. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously

- 4.5. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias

CSBA NOTE: Pursuant to Education Code 234.1, the district must adopt a policy requiring school personnel who witness acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against a student to take immediate steps to intervene when it is safe to do so. It is recommended that districts apply this policy equally to all students. Also see AR 5145.3 - Nondiscrimination/Harassment.

- 5.6. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

Staff Development

CSBA NOTE: Education Code 32283.5 requires districts to make available annually, to certificated staff and all other employees who have regular interaction with students, the CDE's online ["Bullying Module,"](#) described below.

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

CSBA NOTE: Pursuant to Education Code 234.7, districts are **mandated** to adopt policy, equivalent to that developed by the Attorney General, which requires the provision of staff training with the components specified below.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Information and Resources

CSBA NOTE: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts to make specified information on bullying and harassment prevention readily accessible on

their web sites beginning in the 2020-21 school year. [websites](#). The following list reflects, but does not reproduce in exact form, all the items specified in Education Code 234.6.

The Superintendent or designee shall post on the district's web site [website](#), in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

CSBA NOTE: Education Code 215 **mandates** that any district serving students in grades 7-12 [districts](#) adopt a policy on student suicide prevention, intervention, and postvention; see BP/AR 5141.52 - Suicide Prevention. As amended by AB 1767 (Ch. 694, Statutes of 2019), Education Code 215 mandates policy on suicide prevention, intervention, and postvention for grades K-6 by 2020-21 school year. Districts that do not maintain any of grades K-6 should modify ~~item~~ [Item](#) #1 accordingly.

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the district's web site [website](#) pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site [website](#) pursuant to Education Code 221.6
4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5-
7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

Student Instruction

CSBA NOTE: California content standards related to student education about bullying and violence prevention (e.g., recognizing the characteristics of bullying, examining the effects of bullying on others, demonstrating what to say and do when witnessing bullying) are addressed within the health education content standards adopted by the State Board of Education.

[The U.S. Surgeon General's advisory, "Social Media and Youth Mental Health," describes the positive and negative impacts of social media on children and adolescents, including the impact on mental health and well-being, and recommends that schools develop, implement, and evaluate digital and media literacy curriculum to provide students and staff with the skills to strengthen digital resilience.](#)

47 USC 254 **mandates** districts that receive e-rate discounts to adopt a policy which addresses educating students about appropriate online behavior, including the interaction with other

individuals on social networking ~~web sites~~websites and in chat rooms, as well as providing information about cyberbullying awareness and response. See BP 6163.4 - Student Use of Technology for language implementing this mandate.

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, digital and media literacy skills, and appropriate online behavior.

CSBA NOTE: Education Code 234.7 requires districts to educate students about the negative impact of bullying based on actual or perceived immigration status or religious beliefs and customs. The following paragraph reflects the California Attorney General's model policy developed pursuant to Education Code 234.7, contained in the Office of the Attorney General's publication, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," and has been expanded to include education about the impact of bullying based on any other individual characteristic.

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

CSBA NOTE: The remainder of this section reflects recommendations in CDE's "Bullying Module," and may be revised to reflect district practice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff ~~shall be~~are responsible for teaching and modeling respectful behavior and building safe and supportive learning environments, and are expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Reporting and Filing of Complaints

CSBA NOTE: The following reporting process may be revised to reflect district practice.

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with ARAdministrative Regulation 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, regardless of whether ~~or not~~ a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, regardless of whether ~~or not~~ the alleged

victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in [AR Administrative Regulation 1312.3](#).

CSBA NOTE: [CSBA NOTE: The following paragraph may be revised to reflect district practice.](#)

Districts have the authority to monitor student use of the district's Internet system and to conduct individual searches of student accounts if there is reasonable suspicion that a user has violated district policy or the law; see BP/AR 5145.12 - Search and Seizure and BP/E 6163.4 - Student Use of Technology.

[Business and Professions Code 22589.1, as added by AB 2879 \(Ch. 700, Statutes of 2022\), requires a social media platform, as defined, to establish a mechanism that allows any individual, regardless of whether that individual has a profile on the internet-based service, to report cyberbullying or any content that violates the existing terms of service. Although not directly applicable to schools, based on this new law, schools may report cyberbullying to social media companies.](#)

~~When the circumstances involve cyberbullying, Any individuals with information about the cyberbullying activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to shall notify a teacher, the principal, or other employee so that the matter may be investigated. When~~ [When an investigation concludes that](#) a student ~~uses~~ [used](#) a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with [report](#) the networking site or service [cyberbullying](#) to suspend the ~~privileges of the student~~ [social media platform](#) and to ~~have~~ [may request](#) the material [be](#) removed.

Discipline/Corrective Actions

CSBA NOTE: Pursuant to Education Code 48900-48900.4, "bullying" is a ground for suspension or expulsion; see AR 5144.1 - Suspension and Expulsion/Due Process.

The courts have generally

[In Wynar v. Douglas County School District and Lavine v. Blaine School District, the Ninth Circuit](#) upheld discipline for off-campus student conduct that poses an identifiable threat to the safety of other students, staff, or school property or presents a risk of substantial disruption of school activities, provided that the district is able to document the impact or disruption that the conduct has, or could be expected to have, on school activities (e.g., [Wynar v. Douglas County School District, Lavine v. Blaine School District](#)). The court in *J.C. v. Beverly Hills Unified School District* found that the district would be able to discipline a student for a video recorded off campus and posted on YouTube, but that the discipline imposed on this particular student was not justified since the district did not present evidence of specific facts that led school officials to predict that the video would cause substantial disruption (e.g., the video was not violent or threatening nor did it lead to any confrontations between the students).

Consistent with these interpretations, Education Code 48900 defines bullying by means of an "electronic act" to include creation or transmission originating on or off the school site. Thus, for purposes of determining whether the conduct may be subject to suspension or expulsion, the act does not necessarily need to have been committed while at school, while coming to or from school, or during a school-sponsored activity. Nevertheless, the act needs to satisfy the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., a severe or pervasive physical or verbal

act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to the student's person or property, causing a substantially detrimental effect on the student's physical or mental health, causing substantial interference with the student's academic performance, or causing substantial interference with the student's ability to participate in or benefit from school services, activities, or privileges).

When the conduct does not rise to the level specified in Education Code 48900, the district may implement interventions other than suspension or expulsion to address the bullying. For further information, see CSBA's policy brief, "[School Safety: Bullying and Cyberbullying: Policy Considerations for Boards.](#)" Also see BP 5131 - Conduct and BP 5145.2 - Freedom of Speech/Expression.

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention, and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to Education Code 48900.5, as amended by AB 1165 (Ch. 22, Statutes of 2023), the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator, in addition to the other measures specified in the following paragraph.

When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

Support Services

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement, [in accordance with Board Policy and Administrative Regulation 5141.52 - Suicide Prevention.](#)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5 CCR 4600-4670

Description

Uniform complaint procedures

[Bus. and Prof. Code 22589-22589.4](#)[Cyberbullying Protection Act](#)

Ed. Code 200-262.4

Prohibition of discrimination

Ed. Code 32280-32289.5

School safety plans

~~Ed. Code 32283.5~~~~Bullying; online training~~

Ed. Code 35181

Governing board authority to set policy on responsibilities of students

Ed. Code 35291-35291.5

[School discipline Rules](#)

Ed. Code 46600

Student transfers

Ed. Code 48900-48925

Suspension and expulsion

Ed. Code 48985

Notices to parents in language other than English

Ed. Code 52060-52077

Local control and accountability plan

Pen. Code 422.55

Definition of hate crime

Pen. Code 647

Use of camera or other instrument to invade person's privacy; misdemeanor

Pen. Code 647.7

Use of camera or other instrument to invade person's privacy; punishment

Pen. Code 653.2

Electronic communication devices; threats to safety

Federal

28 CFR 35.107

Description

Nondiscrimination on basis of disability; complaints

34 CFR 104.7

Section 504; Designation of responsible employee and adoption of grievances procedures

34 CFR 106.8

Designation of coordinator; dissemination of policy, and adoption of grievance procedures

34 CFR 110.25

Notification of nondiscrimination on the basis of age

47 USC 254

Universal service discounts (E-rate)

Management ResourcesCA Office of the Attorney General
Publication**Description**Promoting a Safe & Secure Learning Environment for All:
Guidance & Model Policies to Assist CA K-12 Schools in

	Responding to Immigration Issues, April 2018 https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf
California Department of Education Publication	Bullying at School, 2003 https://www.cde.ca.gov/ls/ss/se/documents/bullyingatschool.pdf
California Department of Education Publication	Online Bullying Training Module and Bullying Module https://www.cde.ca.gov/ls/ss/se/bullyres.asp
California Department of Education Publication	California's Social and Emotional Learning: -Guiding Principles, 2018 https://www.cde.ca.gov/eo/in/documents/selguidingprinciple.swb.pdf
California Department of Education Publication	Health Education Content Standards for California Public Schools: -Kindergarten Through Grade Twelve, 2008 https://www.cde.ca.gov/be/st/ss/documents/healthstandmar08.pdf
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Court Decision	J.C. v. Beverly Hills Unified School District; (2010) 711 F.Supp.2d 1094
Court Decision	Lavine v. Blaine School District; (2002) 279 F.3d 719
Court Decision	Wynar v. Douglas County School District; (2013) 728 F.3d 1062
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CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
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CSBA Publication	Final Guidance:- AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014 https://www.csba.org/Advocacy/~media/CSBA/Files/Advocacy/ELA/2014_03_AB1266_FinalGuidance.ashx
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U.S. DOE Office for Civil Rights Publication	Guidance to America's Schools: -Bullying of Students with Disabilities, October 2014
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf

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Dear Colleague Letter: Responding to Bullying of Students
with Disabilities, October 2014
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Dear Colleague Letter: Addressing Discrimination Against
Jewish Students, May 2023
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~~Dear Colleague Letter: Guidance on Schools' Obligations to
Protect Students from Student-on-Student Harassment on
Basis of Sex, Race, Color, Oct 2010~~

U.S. DOE, Office for Civil Rights
Publication

Dear Colleague Letter: -Harassment and Bullying, October
2010
(<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>)

Website

CSBA District and County Office of Education Legal Services

Website

National School Safety Center

Website

Partnership for Children and Youth

Website

Center on Great Teachers and Leaders

Website

Collaborative for Academic Social and Emotional Learning

Website

Common Sense Media

Website

California Department of Education, Safe Schools

Website

California Office of the Attorney General

Website

CSBA

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U.S. Department of Education

Website

U.S. Department of Health and Human Services, Stop Bullying
(<https://www.stopbullying.gov>)

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Regulation 5141.21: Administering Medication And Monitoring Health Conditions

Status: ADOPTED

Original Adopted Date: 12/01/2013 | **Last Revised Date:** 12/01/2019²⁰²³ | **Last Reviewed Date:** 12/01/2019²⁰²³

CSBA NOTE: The following administrative regulation reflects requirements for the administration of medication to students on a continuing medication regimen or in emergency medical situations at school or a school-related activity. The district should consult [CSBA's District and County Office of Education Legal Services or district](#) legal counsel as necessary to ensure that all legal requirements are met.

[Education Code 49426.5, as added by AB 1722 \(Ch. 853, Statutes of 2023\), authorizes the district to hire a licensed vocational nurse following Governing Board approval that a diligent search was conducted in accordance with Education Code 49426.5. Upon hiring a vocational nurse, the district is required to certify to the California Department of Education \(CDE\) that a search was properly conducted. A hired vocational nurse is required to be supervised by a credentialed school nurse employed as a school nurse at the district or at another local educational agency.](#)

Pursuant to the general authority in Education Code 49423 and 5 CCR 600-611, as interpreted by the California Supreme Court in *American Nurses Association v. Torlakson*, health providers may train unlicensed school personnel to administer medication, ~~including emergency anti-seizure medication.~~ Such administration must be contingent upon a physician's written authorization for unlicensed personnel to administer the medication to the particular student, [unless otherwise authorized by law](#). The district may revise the following regulation to reflect any district requirements related to the administration of such medication.

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Epinephrine auto-injector means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Opioid antagonist means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. (Education Code 49414.3)

Albuterol means a bronchodilator used to open the airways by relaxing the muscles around the bronchial tubes. (Education Code 49414.7)

Inhaler means a device used for the delivery of prescribed asthma medication that is inhaled. (Education Code 49414.7)

Notifications to Parents/Guardians

CSBA NOTE: Pursuant to Education Code 48980, districts must notify parents/guardians, at the beginning of each school year, of their rights and responsibilities (see section "Parent/Guardian Responsibilities" below) under Education Code 49423 pertaining to the administration of medication by school employees and self-administration of epinephrine by students. See "Parent/Guardian Responsibilities" below. Though notification is not required for self-administration of any medication other than epinephrine, it is recommended that the annual notification include other medications to facilitate implementation by school personnel.

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

CSBA NOTE: The following paragraph is optional.

When a student requires medication during the school day in order to participate in the educational program, the Superintendent or designee shall, as appropriate, inform the student's parents/guardians that the student may qualify for services or accommodations pursuant to the

Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794).

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

CSBA NOTE: Education Code 49423 and 5 CCR 600 authorize districts to administer prescribed medication only upon receipt of written statements from the student's authorized health care provider and parent/guardian. Appropriate statements must be received before students are allowed to carry and self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine pursuant to Education Code 49423, or asthma medication pursuant to Education Code 49423.1. Districts may choose to allow students to carry and self-administer other types of medication beyond those authorized by the Education Code. If so, the district should modify the following section accordingly. See the accompanying Board policy.

1. Submitting the parent/guardian written statement and the authorized health care provider's written statement each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600, 626)
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician, and updating the information when needed. (Education Code 49480)

CSBA NOTE: Pursuant to 5 CCR 606, the district is authorized to establish rules for the delivery and storage of medication on a school site.

3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

Parent/Guardian Statement

CSBA NOTE: 5 CCR 603 authorizes the district to establish specific requirements regarding the parent/guardian's written statement. The following list should be modified to reflect the district's requirements.

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with

regard to the medication

3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands the responsibilities to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian understands the right to terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in ~~items~~Items #1-5 above, if a parent/guardian has requested that the student be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in ~~items~~Items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to the student, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

Health Care Provider Statement

CSBA NOTE: Education Code 49423 and 49423.1 and 5 CCR 602 list ~~items~~Items that the authorized health care provider's written statement must contain, as specified in ~~items~~Items #1-5 below. Districts that request additional information in the statement should modify the following list accordingly.

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)
2. The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)

3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)
4. If a parent/guardian has requested that the student be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1; 5 CCR 602)
5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)

CSBA NOTE: Items #6-8 below may be revised to reflect district practice.

6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
7. Possible side effects of the medication
8. Name, address, telephone number, and signature of the student's authorized health care provider

CSBA NOTE: Pursuant to Education Code 49423.1, as amended by AB 743 (Ch. 101, Statutes of 2019), districts must accept a written statement pertaining to inhaled asthma medication from a physician or surgeon who is contracted with a prepaid health plan operating under the laws of Mexico that is licensed as a health care service plan in California pursuant to Health and Safety Code 1351.2.

For self-administration of inhaled asthma medication, the district shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish; and shall include the name and contact information for the physician or surgeon. (Education Code 49423.1)

District Responsibilities

CSBA NOTE: The following section should be modified to reflect district practice.

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt

3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and ~~note~~maintain on the list the type of medication and the times and dosage to be administered

CSBA NOTE: 5 CCR 601 specifies items that districts may, but are not required to, include in the medication log, as provided in ~~item~~Item #4 below.

4. Maintain for each student a medication log which may:
 - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
 - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

CSBA NOTE: 5 CCR 601 specifies items that may be included in the medication record, as detailed below. In addition, 5 CCR 607 authorizes the district to establish policies regarding documentation of medication, including the maintenance of the medication record.

5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained
7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities
8. Report to a student's parent/guardian and the site administrator any refusal by the student to take the medication
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

CSBA NOTE: 5 CCR 609 authorizes the district to establish policies regarding unused, discontinued, or outdated medication.

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances
13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student

should return to class, rest in the school office, or receive further medical assistance

14. Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

Emergency Epinephrine Auto-Injectors and Emergency Albuterol Inhalers

CSBA NOTE: CSBA NOTE: The following section addresses the administration of emergency epinephrine auto-injectors and emergency albuterol inhalers to persons exhibiting life-threatening symptoms of anaphylaxis reaction and respiratory distress. If the district does not make emergency albuterol inhalers available at its schools, all references to it should be deleted from this section.

Education Code 49414 requires districts to provide epinephrine auto-injectors to school nurses or other **employees**trained personnel who volunteer and receive training, which they may use to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction. Pursuant to Education Code 49414, as amended by AB 1651 (Ch. 588, Statutes of 2023), a holder of an Activity Supervisor Clearance Certificate who has received required training may be a volunteer for the purpose of administering emergency epinephrine auto-inhalers.

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other **employees**trained personnel who have volunteered to administer them in an emergency and have received training. The school nurse, or a **volunteer employee** when a school nurse or physician is unavailable, a trained volunteer may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. A trained volunteer may include the holder of an Activity Supervisor Clearance Certificate who has received specified training. (Education Code 49414)

CSBA NOTE: Pursuant to Education Code 49414.7, as added by AB 1283 (Ch. 574, Statutes of 2023), the district is authorized to provide emergency stock albuterol inhalers, including, if necessary, single-use disposable holding chambers, for use by school nurses or trained employees who have volunteered to provide emergency medical aid to persons suffering or reasonably believed to be suffering from respiratory distress.

Additionally, the Superintendent or designee may make emergency stock albuterol inhalers available to school nurses and trained personnel who have volunteered to be used to provide medical aid to person(s) suffering, or reasonably believed to be suffering, from respiratory distress. (Education Code 49414.7)

CSBA NOTE: Education Code 49414, and 49414.7, as added by AB 1283, require districts to distribute the following notice to all staff, at least annually. See E(1) 4112.9/4212.9/4312.9 - Employee Notifications.

At least once per school year, the Superintendent or designee shall distribute to all employees a notice requesting volunteers to be trained to administer epinephrine auto-injectors and/or stock albuterol inhalers for emergency aid to individuals exhibiting signs of anaphylaxis reaction or respiratory distress. Such notice shall also describe the training that the volunteers will receive. (Education Code 49414, 49414.7)

CSBA NOTE: Education Code 49414 ~~specifies~~ and 49414.7, as added by AB 1283, specify topics to be included in training for employees who volunteer to be trained in the use of epinephrine auto-injectors: and stock albuterol inhalers. Pursuant to Education Code 49414 ~~requires~~ and 49414.7, as added by AB 1283, the Superintendent of Public Instruction (SPI), is required to review, in consultation with specified agencies and organizations, ~~to review~~ the minimum standards for the training ~~these trainings~~ at least every five years. ~~These~~ , and to make the standards are available on the California Department of Education's (CDE) web site CDE's website.

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 or 49414.7, and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414), 49414.7

CSBA NOTE: Education Code 49414 specifies the type of epinephrine auto-injectors that must be provided to each school and the district personnel authorized to obtain the prescriptions. The following paragraphs may be revised to reflect the position(s) assigned to fulfill this responsibility and the grade levels maintained by the district.

CSBA NOTE: Education Code 49414 and 49414.7, as added by AB 1283, specify the district personnel authorized to obtain the prescriptions for epinephrine auto-injectors and stock albuterol inhalers. The following paragraph may be revised to reflect the position(s) assigned to fulfill this responsibility.

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors or stock albuterol inhalers for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414, 49414.7)

CSBA NOTE: Education Code 49414 specifies the type of epinephrine auto-injector ~~manufacturers-~~ injectors that must be provided at each school. The following paragraph may be revised to reflect the grade levels maintained by the district.

Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

CSBA NOTE: Pursuant to Education Code 49414, as amended by AB 1651, districts are required to store emergency epinephrine auto-injectors in an epinephrine auto-injector accessible location upon need for emergency use and include the location in annual notices to staff. See E(1) 4112.9/4212.9/4312.9 – Employee Notifications. Though this requirement does not apply to stock

albuterol inhalers, consistency in the manner of handling these medications make for easier implementation of the rules for administering them.

The district shall store emergency epinephrine auto-injectors and stock albuterol inhalers in an accessible location, and shall specify such location in annual notices to staff.

If either medication is used, the school nurse or other qualified supervisor of health shall restock the ~~epinephrine auto-injector~~ medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, ~~epinephrine auto-injectors~~ all medications shall be restocked before their expiration date. (Education Code 49414) (Education Code 49414, 49414.7)

Any volunteer or trained personnel who administers either medication shall initiate emergency medical services or other appropriate medical follow up in accordance with the training materials retained by the school. (Education Code 49414, 49414.7)

CSBA NOTE: Education Code 49414, and 49414.7, as added by AB 1283, require districts to provide defense and indemnification to employees who volunteer to administer epinephrine auto-injectors and emergency albuterol inhalers. Pursuant to Education Code 49414.7, as added by AB 1283, districts are not liable for any civil damages that may result from any act of omission, other than an act or omission constituting gross negligence or willful or wanton misconduct, in the emergency administration of an albuterol inhaler by any or its school nurses or trained volunteers.

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors and/or stock albuterol inhalers shall be provided to each volunteer and retained in the employee's personnel file. (Education Code 49414, 49414.7)

CSBA NOTE: Pursuant to Education Code 49414, and 49414.7, as added by AB 1283, schools are authorized to accept gifts, grants, and donations to support the use of epinephrine auto-injectors and emergency albuterol inhalers.

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414 or 49414.7, including, but not limited to, the acceptance of epinephrine auto-injectors and/or emergency albuterol inhalers from a manufacturer or wholesaler. (Education Code 49414, 49414.7)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of ~~epinephrine auto-injectors~~ the described medications for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

Emergency Medication for Opioid Overdose

CSBA NOTE: The following section is optional. Education Code 49414.3 authorizes, but does not require, districts to make emergency naloxone hydrochloride or another opioid antagonist available to school nurses or trained personnel who have volunteered to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. Districts that choose to provide the medication must meet specified requirements as provided below. Such districts may revise the following section to indicate the grade levels at which such medication will be available (e.g., at secondary schools only).

The district may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this

medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. (Education Code 49414.3)

CSBA NOTE: Education Code 49414.8, as added by SB 114 (Ch. 48, Statutes of 2023), appropriates funding to county offices of education (COE) for the purpose of coordinating the purchasing and maintaining of a sufficient stock of emergency opioid antagonists for distribution to districts within their jurisdiction. Districts that receive emergency opioid antagonists from a COE are required to distribute at least two units of such antagonist to each middle, junior high, high school and adult school operated by the district and to restock each unit prior to its expiration date and as soon as possible, but no later than two weeks, after its use.

Additionally, if the district accepts emergency naloxone hydrochloride or another opioid antagonist from the county office of education (COE), the Superintendent or designee shall maintain at least two units of the medication at each district middle, junior high, high, and adult school. (Education Code 49414.8)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable, and shall only administer the medication by nasal spray or auto-injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind the offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on the offer to volunteer and that there will be no retaliation against any employee for rescinding the offer to volunteer. (Education Code 49414.3)

CSBA NOTE: Pursuant to Education Code 49414.3, the training provided to designated school personnel must be based on standards adopted by the SPI in consultation with specified agencies and organizations. The SPI is required to review those standards at least once every five years. Required topics of the training include (1) techniques for recognizing symptoms of an opioid overdose; (2) standards and procedures for the storage, restocking, and emergency use of the medication; (3) basic emergency follow-up procedures; and (4) recommendations on the necessity of instruction and certification in cardiopulmonary resuscitation. In addition, CDE is required to include on its ~~web site~~ website a clearinghouse for best practices in training nonmedical personnel to administer an opioid antagonist to students. As a condition of receiving emergency opioid antagonists from the COE, the district is required to ensure that at least two staff members at each school site meet the minimum standards of training specified in Education Code 49414.3. The following paragraph reflects that requirement and should be revised by districts that choose not to accept emergency opioid antagonists from the COE.

The principal or designee ~~may~~ shall designate ~~one~~ two or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be

provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3), [49414.8](#))

A Each volunteer shall meet the minimum standards of training for the administration of an emergency opioid antagonist as specified in Education Code 49414.3 or shall have undergone opioid overdose prevention and treatment training and reviewed material available on the California Department of Public Health's website. (Education Code 49414.8)

Any prescription for naloxone hydrochloride or another opioid antagonist shall be obtained by a school nurse, other qualified supervisor of health, or, if the district does not have a qualified supervisor of health, a district administrator shall obtain a prescription for naloxone hydrochloride or another opioid antagonist for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

If the medication is used, the school nurse, other qualified supervisor of health, or district administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3), [49414.8](#))

CSBA NOTE: Pursuant to Health and Safety Code 1799.113, as added by AB 1166 (Ch. 97, Statutes of 2023), employees and volunteers that render emergency treatment at the scene of an opioid overdose or suspected opioid overdose by administering an opioid antagonist shall not be liable for civil damages resulting from an act or omission, unless such act constitutes gross negligence or willful or wanton misconduct.

Employees and volunteers that render emergency treatment at the scene of an opioid overdose or suspected opioid overdose by administering an opioid antagonist shall not be liable for civil damages resulting from an act or omission, unless such act constitutes gross negligence or willful or wanton misconduct. (Health and Safety Code 1799.113)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer in writing and retained in the employee's personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a COE, manufacturer, or wholesaler. (Education Code 49414.3)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

Anti-Seizure Medication

CSBA NOTE: The following section is optional and should be modified to reflect district practice. Pursuant to Education Code 49468, as added by AB 1810 (Ch. 906, Statutes of 2022), either a school nurse or a volunteer designated and trained as specified below, may administer emergency anti-seizure medication to a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed such medication from a health care provider and is suffering from a seizure. The district may designate one or more volunteers to serve in this capacity if the parent/guardian of a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed an emergency anti-seizure medication makes such a request and the volunteer(s) receive initial and annual refresher training regarding the emergency use of anti-seizure medication based on standards developed by the SPI. Pursuant to Education Code 49468.2, as added by AB 1810, collective bargaining for additional compensation for volunteers is not precluded.

A school nurse or, if a school nurse is not onsite or available, a volunteer designated by the district may administer emergency anti-seizure medication to a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed such medication from the student's health care provider and is suffering from a seizure. (Education Code 49468.2)

Upon receipt of a request from the parent/guardian of a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed emergency anti-seizure medication, the Superintendent or designee may designate one or more volunteer(s) at the student's school to receive initial and annual refresher training regarding the emergency use of anti-seizure medication. (Education Code 49468.2)

In order to solicit volunteers, the district shall distribute a notice at least once, but no more than two times per school year, to all staff that includes the following information: (Education Code 49468.2)

1. A description of the volunteer request stating that the request is for volunteers to be trained to recognize and respond to seizures, including training to administer emergency anti-seizure medication to a student diagnosed with seizures, a seizure disorder, or epilepsy if the student is suffering from a seizure
2. A description of the training that the volunteer will receive
3. The right of an employee to rescind the offer to volunteer
4. A statement that there will be no retaliation against any individual for rescinding the offer to volunteer, including after receiving training

A volunteer may rescind the offer to administer emergency anti-seizure medication at any time, including after receipt of training. (Education Code 49468.2)

If a volunteer rescinds the offer to volunteer or is no longer able to act as a volunteer for any reason, or if the placement of a student changes and the student no longer has access to a trained volunteer, the district may distribute an additional two notices per school year to all staff. (Education Code 49468.2)

CSBA NOTE: Pursuant to Education Code 49468.2, as added by AB 1810, the SPI established minimum standards of training to recognize and respond to seizures and for the administration of emergency anti-seizure medication, which are available on CDE's website and required to be updated every five years. The following paragraph reflects the minimum standards of training for volunteer(s) in order that they may administer emergency anti-seizure medication.

Volunteer employees shall receive initial and annual refresher training, based on standards adopted by the SPI, regarding the recognition and response to seizures and the administration of emergency anti-seizure medication. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49468.2)

Before administering emergency anti-seizure medication or therapy prescribed to treat seizures in a student diagnosed with seizures, a seizure disorder, or epilepsy, the district shall obtain from the student's parent/guardian a seizure action plan as specified in Education Code 49468.3. The school or district nurse shall collaborate with the parent/guardian of each student diagnosed with seizures, a seizure disorder, or epilepsy in the development of a plan if the student does not have an individualized education plan or Section 504 plan. (Education Code 49468.3)

If the school obtains written consent from the student's parent/guardian, in accordance with 34 CFR 99.30, the seizure action plan shall be distributed to any school staff or volunteers responsible for the supervision or care of the student. (Education Code 49468.3)

Upon receipt of a request from a parent/guardian of a student diagnosed with seizure, a seizure disorder, or epilepsy, the district shall notify the parent/guardian that the student may qualify for services or accommodations pursuant to Section 504 of the federal Rehabilitation Act of 1973 or an individualized education program and shall assist the parent/guardian with the exploration of that option. (Education Code 49468.2)

Additionally, if there are no volunteers at the student's school, the Superintendent or designee shall notify the student's parent/guardian of the student's right to be assessed for services and accommodations guaranteed under Section 504 of the federal Rehabilitation Act of 1973 and the federal Individuals with Disabilities Education Act, and may ask the parent/guardian to sign such notices. (Education Code 49468.2)

The principal or designee shall notify the school nurse assigned to the school, or if a school nurse is not assigned to the school or district, the Superintendent or designee, if an employee administers an emergency anti-seizure medication. (Education Code 49468.3)

The notification described above and the seizure action plan shall be kept on file in the office of the school nurse or a school administrator, in compliance with all applicable state and federal privacy laws. (Education Code 49468.3)

The district shall provide volunteers defense and indemnification for any and all civil liability, with information stating such being provided to the volunteer in writing and retained in the volunteer's personnel file. (Education Code 49468.5)

Trained volunteers who administer emergency anti-seizure medication or medication prescribed for seizure disorder symptoms to a student diagnosed with seizures, a seizure disorder, or epilepsy who appears to be experiencing a seizure shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for acts or omissions in administering the emergency anti-seizure medication. (Education Code 49468.5)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 600-611	Administering medication to students
Bus. Code 2700-2837	Nursing
Bus. Code 3500-3546	Physician assistants
Bus. Code 4119.2	Acquisition of epinephrine auto-injectors
Bus. Code 4119.8	Acquisition of naloxone hydrochloride or another opioid antagonist
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49407	Liability for treatment
Ed. Code 49408	Student emergency information
Ed. Code 49414	Emergency epinephrine auto-injectors
Ed. Code 49414.3	Emergency medical assistance; administration of medication for opioid overdose
Ed. Code 49414.4	Opioid Misuse
Ed. Code 49414.5	Providing school personnel with voluntary emergency training
Ed. Code 49414.7	Emergency Albuterol Inhalers
Ed. Code 49414.8	Funding for emergency opioid antagonists; requirements
Ed. Code 49422-49427	Employment of medical personnel
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49423.1	Inhaled asthma medication
Ed. Code 49468-49468.5	The Seizure Safe Schools Act
Ed. Code 49480	Continuing medication regimen; notice
H&S Code 11362.7-11362.85	Medicinal cannabis
H&S 1799.113	Opioid overdose treatment
Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
21 USC 812	Schedule of controlled substances

21 USC 844

Penalties for possession of controlled substance

29 USC 794

Rehabilitation Act of 1973; Section 504

[34 CFR 99.30](#)[Conditions under which prior written consent is required to disclose information](#)**Management Resources**American Diabetes Association
Publication**Description**Glucagon Training Standards for School Personnel: Providing
Emergency Medical Assistance to Pupils with Diabetes, May
2006American Diabetes Association
PublicationLegal Advisory on Rights of Students with Diabetes in
California's K-12 Public Schools, August 2007American Diabetes Association
Publication

Program Advisory on Medication Administration, 2005

American Diabetes Association
PublicationTraining Standards for the Administration of Epinephrine
Auto-Injectors, rev. 2015

Court Decision

American Nurses Association v. Torlakson; (2013) 57 Cal.4th
570National Diabetes Education Program
PublicationHelping the Student with Diabetes Succeed: A Guide for
School Personnel, June 2003

Website

CSBA District and County Office of Education Legal Services

Website

National Diabetes Education Program

Website

U.S. Department of Health and Human Services, National
Institutes of Health, Blood Institute, asthma information

Website

American Diabetes Association

Website

California Department of Education, Health Services and
School Nursing[Website](#)[California Department of Public Health](#)
(<https://www.cdph.ca.gov/>)

Website

CSBA

Cross References**Code**

3513.4

Description

Drug And Alcohol Free Schools

[3516](#)[Emergencies and Disaster Preparedness Plan](#)[4112.9](#)[Employee Notifications](#)

4119.43

Universal Precautions

4119.43

Universal Precautions

4131	Staff Development
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4319.43	Universal Precautions
4319.43	Universal Precautions
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5125	Student Records
5125	Student Records
5131.62	Tobacco
5131.62	Tobacco
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.24	Specialized Health Care Services
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5141.6	School Health Services
5141.6	School Health Services
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148.2	Before/After School Programs
5148.2	Before/After School Programs

6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145.2	Athletic Competition
6145.2	Athletic Competition
6163.2	Animals At School
6163.2	Animals At School
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504

Policy 5148.3: Preschool/Early Childhood Education**Status:** ADOPTED

Original Adopted Date: 11/01/2012 | **Last Revised Date:** 12/01/2022²⁰²³ | **Last Reviewed Date:** 12/01/2022²⁰²³

CSBA NOTE: The following optional policy may be used by districts that operate their own preschool/early childhood education programs and/or collaborate to provide preschool opportunities within the community. CSBA's publication, "What Boards of Education Can Do about Kindergarten Readiness," provides [CSBA's publications, "The Preschool Landscape in California and Strategies for Expansion,"](#) and, ["The Importance of Early Childhood Education Programs,"](#) provide information about the characteristics of effective preschool programs and actions that the district and Governing Board can take to encourage and/or provide high-quality preschool education.

Pursuant to AB 131 (Ch. 116, Statutes of 2021), the statutes that govern the California State Preschool Program (CSPP) were renumbered within the Education Code. In addition, pursuant to AB 131, the statutes that govern child care programs under the Child Care and Development Services Act were repealed from the Education Code and reenacted in the Welfare and Institutions Code. Education Code 8207, as added by AB 131, clarifies that the Superintendent of Public Instruction (SPI) and the California Department of Education (CDE) retain administrative supervision of the CSPP.

Education Code 8320, as added by AB 210 (Ch. 62, Statutes of 2022) and amended by AB 185 (Ch. 571, Statutes of 2022); [Additionally, the California Department of Education \(CDE\) has developed a Universal Prekindergarten resources website, "Universal Prekindergarten \(UPK\), California's Great Start," designed for use by districts that operate California State Preschool Programs \(CSPP\), Head Start programs, and/or transitional kindergarten \(TK\).](#)

[Education Code 60910 requires CDE, beginning July 1, 2024, to collect data regarding each student enrolled in a district operated CSPP, including all applicable data elements that are collected for TK students pursuant to Education Code 48000.](#)

[Education Code 8320](#) establishes the California Universal Preschool Planning Grant Program, with the goal of expanding access to preschool programs for 3-year old and 4-year-old children universally across the state, through a mixed-delivery system by a variety of providers, programs, and settings such as Head Start agencies and other public, private, or proprietary agencies. Under the program, grants are awarded per county, based on collaborative planning among the local child care and development planning council, school districts and other local educational agencies, public and private agencies, and other community members, to ensure that activities conducted under the grant meet community needs for universal preschool in a mixed-delivery system which are not already addressed.

Education Code 8322, as renumbered by SB 1380 (Ch. 28, Statutes of 2022), [establishes 8281.5 established](#) the California Prekindergarten Planning and Implementation Grant Program as an early learning initiative with the goal of expanding access to classroom-based prekindergarten programs

at districts. The program allocates funding to all districts that operate kindergarten programs through minimum base grants, enrollment grants based on a district's kindergarten enrollment, and supplemental grants based on a district's percentage of unduplicated students. Grant funds may be used for costs associated with creating or expanding CSPP programs or ~~transitional kindergarten (TK)~~TK programs, or to establish or strengthen partnerships with other providers of prekindergarten education within the district, including Head Start programs, to ensure that high-quality options for prekindergarten education are available for four-year-old children. Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.

Pursuant to Education Code 8252, as amended by AB 210, districts are required to waive family fees for all families receiving subsidized child care services from CSPP programs during the 2022-23 school year. See the accompanying administrative regulation for more information regarding waiver of fees. Since funds for this program have already been granted, CDE is authorized, pursuant to SB 114 (Ch. 48, Statutes of 2023), to allocate or prorate unexpended funds from the California Prekindergarten Planning and Implementation Grant Programs to districts for costs associated with the educational expenses of current and future CSPP, TK, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners.

The Governing Board recognizes the value of high-quality preschool experiences to enhance children's social-emotional development and acquisition of instructional knowledge, skills, and abilities. The Board desires to provide a supervised and cognitively rich learning environment designed to facilitate the transition to kindergarten for three- and four-year-old children.

CSBA NOTE: The following optional paragraphs may be used by all districts, regardless of whether they provide their own preschool programs, and may be revised to reflect district practice.

Welfare and Institutions Code 10480-10487 establish county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care, including preschool programs, and to develop policies to meet identified needs; see BP 5148 - Child Care and Development. Such councils may also develop centralized student eligibility lists; see the section "~~Enrollment Priority~~Waiting List" in the accompanying administrative regulation.

The Superintendent or designee shall collaborate with the local child care and development planning council, the county office of education, other public agencies, organizations, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access to high-quality preschool programs.

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

CSBA NOTE: Pursuant to 5 CCR 17745, as adopted in Register 2022, No. 26, in addition to other eligibility requirements, pursuant to 5 CCR 17745, a child and the child's parents/guardians must live in California while the child is receiving services.

To receive preschool services, a child and the child's parent(s)/guardian(s) shall be required to provide evidence of residency in California. However, any person identified as experiencing homelessness shall only be required to submit a declaration that the person resides in California. (5 CCR 17745)

Preschool eligibility determinations shall be made without regard to a child's immigration status or that of the child's parent(s)/guardian(s) unless the child or the child's parent(s)/guardian(s) are under a final order of deportation from the United States U.S. Department of Homeland Security. (5 CCR 17745)

District Preschool Programs

CSBA NOTE: The following optional section is for use by districts that choose to provide preschool/early childhood education programs for three- and four-year-old children and should be revised to reflect district practice.

The district may contract with CDE to offer a program through the CSPP pursuant to Education Code 8200-8340. Three- and four-year-old children from low-income or otherwise disadvantaged families may be eligible for subsidized services. See the accompanying administrative regulation for major program requirements for CSPP.

Pursuant to Education Code 8207, CSPP programs may be part-day or full-day programs that are age and developmentally appropriate. See the accompanying administrative regulation for details.

Preschool programs may also receive funding through the state migrant child care and development program (Welfare and Institutions Code 10235-10238), child care and development services for children with special needs program (Welfare and Institutions Code 10260-10263), federal Head Start program (42 USC 9831-9852c), Title I preschool program (20 USC 6311-6322), or other funding sources available to the district.

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools, either directly or through a subcontract with a public or private provider.

CSBA NOTE: Pursuant to Health and Safety Code 1596.792, CSPP programs that are operated in a school building by a school district under contract with CDE are exempted from licensure and regulation requirements of Health and Safety Code 1596.70-1597.21. However, such CSPP programs are required to comply with other specified health and safety requirements, including the Field Act, California Building Standards Code, requirements for kindergarten classrooms specified in 5 CCR 14001-14036, and requirements for CSPP programs specified in 5 CCR 17700-17833.

Education Code 8207, as amended by SB 1047 (Ch. 923, Statutes of 2022), requires any CSPP program to provide early learning and care and comply with Health and Safety Code 1596.955 and all other applicable statutory and regulatory requirements, including, but not limited to, the requirement of Education Code 8205 that any child under four years of age be served only in a CSPP facility licensed in accordance with Title 22 of the California Code of Regulations.

District preschool programs shall comply with all health and safety laws and regulations, including, when applicable, licensure requirements pursuant to 22 CCR 101156.

CSBA NOTE: Pursuant to 5 CCR 17701, as adopted in Register 2022, No. 26, the Board is required to approve a written philosophical statement, goals, objectives, and requirements addressing each program component specified in 5 CCR 17701-17711, as adopted in Register 2022, No. 26. See the accompanying administrative regulation for further information about these required program components.

The Board shall approve, for the district's preschool program, a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 17701-17711 and the accompanying administrative regulation. (5 CCR 17701)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

CSBA NOTE: Pursuant to Education Code 17375, as amended and extended by SB 114, districts may be awarded grants for the construction of new preschool classrooms or the modernization of existing preschool classrooms pursuant to the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program.

Preschool classroom needs shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

CSBA NOTE: The following optional paragraph provides for coordination of the preschool program with the TK program and may be revised to reflect district practice. Education Code 48000 ~~revises~~ phases in the timespans for mandatory admittance requirements ~~to be phased in starting in the 2022-23 school year to~~ until the 2025-2026 school year; see BP 6170.1 - Transitional Kindergarten.

The Superintendent or designee shall coordinate the district's preschool program, transitional kindergarten program (TK), and elementary education program to provide a developmental continuum that builds upon children's growing skills and knowledge. In order to provide families with the option of a full-day, high-quality instructional program, the district may enroll children who are in a TK or kindergarten program in a California State Preschool Program (CSPP) before and/or after the regular school day.

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141 (Ch. 194, Statutes of 2023), for the 2023-24 and 2024-25 school years, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP, if offered by the district, and space permitting. The district may enroll an early enrollment child in a CSPP operated by the district regardless of income, after all other eligible children have been enrolled. For more information on TK programs, see BP 6170.1 - Transitional Kindergarten.

If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP program, subject to available space. (Education Code 48000.15)

CSBA NOTE: Pursuant to Education Code 48000 a child's eligibility for TK enrollment may not impact family eligibility for a preschool or childcare program. Education Code 8205 clarifies that four-year-old children who are eligible to participate in a CSPP program include those children whose 5th birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent or guardian has opted to retain or enroll them in a CSPP program.

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or child care program. (Education Code 8205, 48000)

CSBA NOTE: CSBA NOTE: Pursuant to Education Code 8203.3, CDE in consultation with the California Department of Social Services, is responsible for establishing and updating prekindergarten learning development guidelines that focus on preparing children for kindergarten, including developmental milestones, how to assess where children are in relation to the milestones, and suggested methods for achieving the milestones.

CDE has developed voluntary "preschool learning foundations" which describe the knowledge, skills, and competencies that children are expected to exhibit as they complete their first or second year of preschool. These standards address essential skills in the subject areas listed below. The standards and companion preschool curriculum frameworks are available on CDE's ~~web site~~[website](#).

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills in the areas of language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

CSBA NOTE: Pursuant to Education Code 8241.5, as amended by AB 210 and AB 185, preschool providers are required to identify dual language learners enrolled in specified preschool programs through a family language instrument and a family language and interest interview, which, as amended by AB 393 (Ch. 435, Statutes of 2023), may be fulfilled by using the previous designation of a child as a "dual language learner" by a general childcare and development program or migrant childcare program to identify and report child and program data related to dual language learners to CDE. Pursuant to Education Code 8241.5, as amended by AB 393, a family may not be compelled to complete a family language instrument or to participate in the family language and interest interview. Education Code 8203 requires the quality indicators for CSPP programs to include activities and services that meet the needs of dual language learners for support in the development of their home language and English, and is reflected in the following paragraph.

The Superintendent or designee shall identify dual language learners in district preschool programs, and shall collect and report related data to CDE as required by Education Code 8241.5. The district's preschool program shall include activities and services that meet the needs of dual language learners for support in the development of their home language and English. (Education Code 8203)

CSBA NOTE: The following paragraph reflects Education Code 8208, as amended by AB 210 and SB 1047 ~~141~~, which provides that, starting July 1, 2022 - until June 30, 2023 ~~2025~~, at least 5

percent of enrollment into subsidized preschool must be reserved for children with exceptional needs and increases the number to 7.5 percent on July 1, 2023~~2025~~ and 10 percent from July 1, 2024~~2026~~.

The district's preschool program shall serve children with exceptional needs as required by Education Code 8208. Children with exceptional needs attending any CSPP program shall be educated in the least restrictive environment in accordance with 20 USC 1412.

The district's preschool program shall provide appropriate services to support the needs of at-risk children.

CSBA NOTE: Pursuant to Education Code 8207, CSPP programs must include certain required components, as reflected in the accompanying administrative regulation.

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.

The district shall encourage volunteerism by families participating in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

CSBA NOTE: The Commission on Teacher Credentialing (CTC) issues permits for child development program directors, site supervisors, and teachers pursuant to criteria established in Education Code 8205 and 8298 and 5 CCR 17717-17721, as adopted in Register 2022, No. 26. The district may request from CDE a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Education Code 8205 and 5 CCR 17719.

CTC has amended 5 CCR 80067, and adopted 5 CCR 80067.1 and 80067.2, which are pending approval by the Office of Administrative Law as of October 2023, pertaining to the prekindergarten-grade 3 early childhood education specialist credential. The proposed credential is designed to provide individuals who already hold a bachelor's degree and have gained experience in early childhood education through their work, to have an expedited pathway to earning the credential to teach in the prekindergarten-grade 3 environment. See CTC Coded Correspondence 23-02 for more information regarding the proposed regulations. For more information about the Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit, see AR 4112.2 -- Certification.

Pursuant to Education Code 69617, as amended by SB 114, the Golden State Teacher Grant Program awards up to \$20,000 to students currently enrolled in a professional preparation program approved by CTC who are working towards earning their preliminary teaching or pupil personnel services credential, and who commit to work for four years at a CSPP.

Pursuant to Education Code 8281.5, as amended by SB 114, CDE is authorized to allocate or prorate unexpended funds from the California Prekindergarten Planning and Implementation Grant Programs to districts for costs associated with the educational expenses of current and future CSPP, TK, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners.

Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be

immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

CSBA NOTE: 5 CCR 17743, as adopted in Register 2022, No. 26, mandates that districts offering a CSPP program develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218.1, as provided in the following paragraph. See the accompanying administrative regulation for additional language that fulfills this mandate.

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (5 CCR 17743; 22 CCR 101218.1)

CSBA NOTE: Education Code 8208, 8210, and 8211, as amended by AB 210 and 185 SB 141, and 5 CCR 17746-17748 revised eligibility criteria and enrollment priorities for subsidized preschool services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Education Code 8267 authorizes the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8208, 8210, and 8211 and 5 CCR 17746-17748.

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 8207, programs operated under the CSPP may be part-day or full-day programs.

The Superintendent or designee shall recommend strategies to link the district's preschool program with other available child care and development programs in the district or community in order to assist families whose child care needs extend beyond the length of time that the district's preschool program is offered.

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year before kindergarten addresses the needs of preschool children and their families as specified in **BP Board Policy 6170.1 - Transitional Kindergarten**. (Education Code ~~8322~~**8281.5**)

CSBA NOTE: Pursuant to 5 CCR 17709-17711; as adopted in Register 2022, No. 26, the district is required to conduct an annual self-evaluation that includes, but is not limited to, an assessment of the program by staff and the Board, a parent/guardian survey, and an environment rating scale using forms identified in 5 CCR 17700; as adopted in Register 2022, No. 26. In addition, pursuant to 5 CCR 17794; as adopted in Register 2022, No. 26, CDE conducts a Federal Program Monitoring/Contract Monitoring Review (FPM/CMR) of each contract agency at least once every four years. The FPM/CMR instrument is available on CDE's ~~web site~~ [website](#).

Education Code 8203.1 establishes the early learning quality rating and improvement system (QRIS) block grant to support continuous local improvement efforts that increase the number of low-income children in high-quality preschool programs. Grant funds may be awarded to eligible local consortia, which then allocate funds to districts and other agencies contracting to provide CSPP programs. Pursuant to Education Code 8203.1, QRIS is based on a tiered rating structure with progressively higher quality standards for each tier. It is designed to (1) provide supports and incentives for programs, teachers, and administrators to reach higher levels of quality; (2) monitor and evaluate program impacts on child outcomes; and (3) disseminate information to parents/guardians and the public about program quality. For further information about the QRIS block grant, see CDE's web site and its publication, "Dream Big for Our Youngest Children."

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 17709-17711)

CSBA NOTE: The following paragraph is for use by districts that offer a CSPP program and may be revised to reflect the type(s) of programs offered by the district. Education Code 8212 requires districts to use the uniform complaint procedures, with modifications as necessary, to investigate and resolve health and safety complaints in license-exempt CSPP programs. Pursuant to 5 CCR 17781, license-exempt CSPP programs are required to comply with the procedures described in 5 CCR 4690-4694. See BP/AR 1312.3 - Uniform Complaint Procedures.

The district's uniform complaint procedures, with modifications as necessary, shall be used to investigate and resolve complaints alleging violation of applicable health or safety requirements for license-exempt programs operating under the California State Preschool Program. [CSPP](#). However, licensed programs shall refer complaints alleging health and safety violations to the California Department of Social Services. (Education Code 8212; 5 CCR 4610, 4611, 4690-4694, 17781)

The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	Continuing requirements
22 CCR 101237-101239.2	Facilities and equipment

5 CCR 14001-14036	School housing
5 CCR 17700-17833	California State Preschool Program
5 CCR 17701-17711	General Program Requirements
5 CCR 17746-17748	Enrollment priorities
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
<u>5 CCR 80067</u>	<u>Professional Clear Early Childhood Education Specialist Instruction Credential</u>
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 17375	California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program
Ed. Code 44065	Issuance of and functions requiring credentials
Ed. Code 44256	Authorization for teaching credentials
Ed. Code 48000- 48003	Transitional kindergarten <u>Kindergartens</u>
Ed. Code 48985	Notices to parents in language other than English
<u>Ed. Code 60910</u>	<u>Data for students enrolled in California State Preschool Program</u>
<u>Ed. Code 69617</u>	<u>Golden State Teacher Grant Program</u>
Ed. Code 8200-8340	California State Preschool Program
Ed. Code 8203.5	<u>Contracts to provide preschool services</u>
Ed. Code 8205	<u>Definitions</u>
Ed. Code 8207	<u>California State Preschool Program administration</u>
Ed. Code 8208	<u>Eligibility of three- or four-year-old child for state preschool program</u>
Ed. Code 8209	<u>Physical examination and immunizations</u>
Ed. Code 8210	<u>Priority for part-day programs</u>
Ed. Code 8211	<u>Priority for full-day programs</u>
Ed. Code 8212	<u>Complaints related to preschool health and safety issues</u>
Ed. Code 8213	<u>Income eligible; definition</u>
Ed. Code 8214	<u>Order of disenrollment</u>

Ed. Code 8217	<u>Enrollment of three- and four-year-old children in state preschool programs</u>
Ed. Code 8220-8221	<u>Family literacy services</u>
Ed. Code 8241	<u>Staffing ratios for center-based program</u>
Ed. Code 8252-8254	<u>Early childhood education family fees</u>
Ed. Code 8298	<u>Program director qualifications</u>
Ed. Code 8322	California Prekindergarten Planning and Implementation Grant Program
Ed. Code 8489-8489.1	Expulsion and <u>Suspension Procedures</u> <u>suspension procedures</u>
H&S Code 120325-120380	Immunization against communicable diseases
H&S Code 1596.70-1596.895	California Child Day Care Act
H&S Code 1596.90-1597.21	Day care centers
W&I Code 10207-10215	General provisions
W&I Code 10207-10492.2	Child Care and Development Services Act
W&I Code 10217-10224.5	Resource and referral programs
W&I Code 10225-10234	Alternative payment programs
W&I Code 10235-10238	Migrant child care and development programs
W&I Code 10240-10243	General child care and development programs
W&I Code 10250-10252	Family child care home education networks
W&I Code 10260-10263	Child care and development services for children with special needs
W&I Code 10480-10487	Local planning councils

Federal

20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6311-6322	Title I, relative to preschool
20 USC 6391-6399	Education of migratory children
42 USC 9831-9852c	Head Start programs
42 USC 9857-9858r	Child Care and Development Block Grant
45 CFR 1301.1-1305.2	Head Start

Management Resources

California Department of Education
Publication

Description

Suspension and Expulsion in the California State Preschool Program, Early Education Division Management Bulletin 23-08, September 2023
(<https://www.cde.ca.gov/sp/cd/ci/mb2308.asp>)

California Department of Education Publication California Department of Education Publication	Prekindergarten Learning Development Guidelines, 2000 Assessment and Reporting of Family Fees for Fiscal Year (FY) 2023–24, Early Education Division Management Bulletin 23-07, September 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2307.asp)
California Department of Education Publication	Part-day California State Preschool Program as an Extended Learning and Care Option, Early Education Division Management Bulletin 23-05, April 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2305.asp)
California Department of Education Publication	California State Preschool Program and Children with Disabilities (Exceptional Needs), Early Education Division Management Bulletin 23-02, February 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2302.asp)
California Department of Education Publication	Dream Big for Our Youngest Children: Final Report of the California Early Learning Quality Improvement System Advisory Committee, 2010
California Department of Education Publication	Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009 (https://www.cde.ca.gov/sp/cd/re/documents/psenglearnerse d2.pdf)
California Department of Education Publication	First Class: A Guide for Early Primary Education, 1999 (https://www.cde.ca.gov/sp/cd/re/documents/firstclass.pdf)
California Department of Education Publication	California Preschool Learning Foundations (https://www.cde.ca.gov/sp/cd/re/psfoundations.asp)
CSBA Publication	What Boards of Education Can Do About Kindergarten Readiness, Governance Brief, May 2016
Commission on Teacher Credentialing Publication	Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023 (https://www.ctc.ca.gov/docs/default-source/commission/coded/2023/coded-23-02.pdf?sfvrsn=973026b1_9)
CSBA Publication	The Preschool Landscape in California and Strategies for Expansion, January 2020
CSBA Publication	The Importance of Early Childhood Education Programs, September 2019 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201909CSBA_Governance-Brief_Early-Education.ashx?la=en&rev=8b0259f73a574f62aae4e8b047db4eed)

U.S. Department of Education Publication	Good Start, Grow Smart, April 2002
U.S. Department of Education Publication	Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016 (https://oese.ed.gov/files/2020/07/policy-statement-ece-expulsions-suspensions.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Early Education Research
Website	California Head Start Association
Website	California Preschool Instructional Network
Website	Child Development Policy Institute
Website	California Association for the Education of Young Children
Website	First 5 California
Website	California Department of Social Services
Website	California County Superintendents Educational Services Association
Website	Cities Counties and Schools Partnership
Website	California Commission on Teacher Credentialing (https://www.ctc.ca.gov/)
Website	California Office of Administrative Law (https://oal.ca.gov/)
Website	CSBA
Website	U.S. Department of Education
Website	California Department of Education
Website	California Department of Education, Universal PreKindergarten, California's Great Start (https://express.adobe.com/page/OZrg3lsP1GE8b/)

Cross References

Code	Description
0415	Equity
0470	COVID-19 Mitigation Plan
0500	Accountability
1240	Volunteer Assistance

1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1330	Use Of School Facilities
1330	Use Of School Facilities
1330-E(1)	Use Of School Facilities
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3523	Electronic Signatures
3523	Electronic Signatures
3541	Transportation Routes And Services
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
<u>4112.2</u>	<u>Certification</u>
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files

4131	Staff Development
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4331	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5030	Student Wellness
5111	Admission
5111	Admission
5125	Student Records
5125	Student Records
5141.23	Asthma Management
5141.23	Asthma Management
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.6	Parent/Guardian Notifications

5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6159	Individualized Education Program
6159	Individualized Education Program
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6174	Education For English Learners
6174	Education For English Learners
6175	Migrant Education Program
6175	Migrant Education Program
6200	Adult Education
6200	Adult Education
7110	Facilities Master Plan
7210	Facilities Financing

CSBA Sample District Policy Manual
CSBA Sample Manual Site

Regulation 5148.3: Preschool/Early Childhood Education**Status:** ADOPTED

Original Adopted Date: 07/01/2015 | **Last Revised Date:** 12/01/2022~~2023~~ | **Last Reviewed Date:** 12/01/2022~~2023~~

CSBA NOTE: The following administrative regulation reflects the major requirements of the California State Preschool Program (CSPP) pursuant to Education Code 8200-8340 and 5 CCR 17700-17833, as adopted in Register 2022, No. 26.

The following administrative regulation does not reflect all requirements for other state and federally funded preschool program(s). The district may revise this administrative regulation to reflect other preschool program(s) it offers, such as the state migrant child care and development program (Welfare and Institutions Code 10235-10238), child care and development services for children with special needs program (Welfare and Institutions Code 10260-10263), federal Head Start program (42 USC 9831-9852c), Title I preschool program (20 USC 6311-6322), or preschool program developed and funded by the district.

In addition to the program requirements described below, other district policies as contained throughout the district's policy manual may be applicable to preschool programs. See BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, BP/AR 3550 - Food Service/Child Nutrition Program, and BP/AR 5148 - Child Care and Development. Districts should consult ~~CSBA~~[CSBA's](#) District and County Office of Education Legal Services or district legal counsel if there are questions regarding the applicability of other laws to the district's preschool program.

Children with exceptional needs means either of the following: ([Education Code 8205](#))

1. Children under three years of age who have been determined to be eligible for early intervention services pursuant to the California Early Intervention Services Act (Government Code 95000-95029.5) and its implementing regulations. ~~These children include, including an~~ infant or toddler with a developmental delay or established risk condition, or ~~a child~~ who is at high risk of having a substantial developmental disability, as defined in Government Code 95014. ~~These children~~ [Children with exceptional needs under the age of three](#) shall have active individualized family service plans (IFSP) and shall be receiving early intervention services.
2. Children 3 to 21 years of age, inclusive, who have been determined to be eligible for special education and related services by an individualized education program ([IEP](#)) team according to the special education requirements contained in Education Code 56000-56865, and who meet eligibility criteria described in Education Code 56026 and 56333-56338 and 5 CCR 3030-3031. ~~These children~~ [Children with exceptional needs between ages 3 to 21](#) shall have an active ~~individualized education program (IEP)~~ and shall be receiving early intervention services or appropriate special education.

Dual language learner children means children whose first language is a language other than English or children who are developing two or more languages, one of which may be English. ([Education Code 8205](#))

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141 (Ch. 194, Statutes of 2023), for the 2023–24 and 2024–25 school years, a district that offers transitional kindergarten (TK) to early enrollment children must concurrently offer enrollment in a CSPP, if offered by the district, and space permitting.

Early enrollment child means a child whose fourth birthday will be between June 3 and September 1 preceding the school year during which they are enrolled in a transitional kindergarten (TK) classroom. (Education Code 48000.15)

Three-year-old children means children who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a program approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP). Children who have their third birthday on or after December 2 of the fiscal year, may be enrolled in a CSPP program on or after their third birthday. (Education Code 8205)

Four-year-old children means children who will have their fourth birthday on or before December 1 of the fiscal year in which they are enrolled in a CSPP program, or a child whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent or guardian has opted to retain or enroll them in a CSPP program. (Education Code 8205)

When approved by CDE under the CSPP, the district may operate one or more part- or full-day preschool programs in accordance with law and the terms of its contract with CDE.

CSBA NOTE: Pursuant to Education Code 8207, CSPP programs must include certain required components, as reflected in Items #1-7 below. Item #8 is a recommended practice that may be revised to reflect the district's program.

The district's CSPP program shall include all of the following: (Education Code 8207)

1. Age and developmentally appropriate activities for children
2. Supervision
3. Parenting education and parent engagement
4. Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies
5. Health services
6. Nutrition

7. Training and career ladder opportunities, documentation of which shall be provided to CDE
8. Physical activity to support children's health

CSBA NOTE: CSPP program components are listed in 5 CCR 17701-17711, as adopted in Register 2022, No. 26.

Pursuant to Education Code 8203.5, contracts between the California Department of Education (CDE) and districts for CSPP programs must include a requirement that a developmental profile be maintained for each child.

The district's preschool program shall satisfy all the requirements described in 5 CCR 17701-17711, including, but not limited to, those related to the program philosophy, goals, and objectives, the educational program, the creation of a developmental profile for each child, staff development, family engagement and strengthening, community involvement, health and social services, nutrition, and program evaluation.

Minimum Hours/Days of Operation

CSBA NOTE: Pursuant to Education Code 8207, CSPP programs may be part- or full-day. The following section may be revised to reflect district programs.

The district's part-day preschool program shall operate a minimum of three hours, and up to three hours and 59 minutes, per day, excluding time for home-to-school transportation, and for at least 175 days per year unless otherwise specified in the contract with CDE. (Education Code 8207; 5 CCR 17727)

CSBA NOTE: The following paragraph reflects Education Code 48000, as amended by AB 185 (Ch. 571, Statutes of 2022). CSBA NOTE: CDE's Early Education Division Management Bulletin 23-05 provides guidance on eligibility of children enrolled in TK or kindergarten for wraparound care if the child is also eligible for a part-day CSPP.

However, a part-day preschool program may also offer transitional kindergarten (TK) or kindergarten children whose families meet the requirements of Education Code 8208 less than four hours of wraparound childcare services and a part-day preschool program operating on a school site may be allowed flexibility in the operational hours. (Education Code 48000)

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141, for the 2023-24 and 2024-25 school years, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP program, if offered by the district, space permitting. The district may enroll an early enrollment child in a CSPP program operated by the district regardless of income, after all other eligible children have been enrolled. For more information about TK programs, see BP 6170.1 - Transitional Kindergarten.

The district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP, subject to available space. (Education Code 48000.15)

The district's full-day program shall operate for a minimum of 246 days per year, unless the contract specifies a lower number of days of operation, and for the number of operational hours reasonably

necessary to meet the preschool needs of the families in the community. (Education Code 8207; 5 CCR 17728)

Staffing

CSBA NOTE: Education Code 8241 provides staffing ratios that apply until the Superintendent of Public Instruction (SPI) promulgates regulations to establish such ratios for center-based programs. Pursuant to Education Code 8241, CSPP programs must maintain a ratio of at least one adult to every eight children and at least one teacher to every 24 children.

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. (Education Code 8241, 5 CCR 17713-17716)

CSBA NOTE: Health and Safety Code 1596.7995 requires employees and volunteers at a day care center to be immunized against influenza, pertussis, and measles, with specified exemptions. Health and Safety Code 1597.055 adds a requirement for such teachers to obtain a tuberculosis clearance. Pursuant to Health and Safety Code 1596.76, a day care center includes a preschool. See AR 5148 - Child Care and Development for further information regarding immunization requirements for staff and volunteers. Districts that have not adopted AR 5148 - Child Care and Development may revise the following paragraph accordingly and expand it to include the exemptions specified in Health and Safety Code 1596.7995.

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and [AR Administrative Regulation 5148 - Child Care and Development](#). Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. Education Code 49406 requires school volunteers, with certain authorized exceptions, to submit to a tuberculosis risk assessment as developed by the California Department of Public Health. If risk factors are identified, then the volunteer is required to submit to an intradermal (skin) tuberculin test or other tuberculin test recommended by the Centers for Disease Control and Prevention.

The district may require any volunteer who is to provide care and supervision to district preschool children to provide evidence that the volunteer is free of infectious tuberculosis.

Family Literacy Services

CSBA NOTE: The following section is optional. Contingent upon funding in the state Budget Act, Education Code 8220 and 8221 provide for the SPI to distribute family literacy supplemental grant funds to qualifying CSPP contractors for the purposes described below.

When any district part-day preschool program receives funding for family literacy services pursuant to Education Code 8221, the Superintendent or designee shall coordinate the provision of: (Education Code 8220)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:
 - a. Providing support for the educational growth and success of their children
 - b. Improving parent-school communications and parental understanding of school structures and expectations
 - c. Becoming active partners with teachers in the education of their children
 - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians
4. Staff development for teachers in participating classrooms that includes, but is not limited to:
 - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies
 - b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
 - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
 - d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

Eligibility Criteria for Part-Day CSPP Programs

CSBA NOTE: The following section reflects eligibility criteria for the part-day CSPP programs pursuant to state law and regulations. See the section "Eligibility and Enrollment Priorities for Full-Day CSPP Programs" below for full-day program requirements.

5 CCR 17743, as adopted in Register 2022, No. 26, mandates that a district operating a CSPP program develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218.1, including, but not limited to, criteria designating those children whose needs can be met by the program and services and the ages of children who will be accepted.

A three- or four-year-old child is eligible for a part-day CSPP program if the child's family is one of the following: (Education Code 8208)

1. 1. A current aid recipient

2. 2. Income eligible

3. ~~Homeless~~

3. Experiencing homelessness

4. 4. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected or exploited

CSBA NOTE: Education Code 8208, as amended by AB 210 (Ch. 62, Statutes of 2022), has expanded eligibility for participation in CSPP to include families with a child with exceptional needs, as defined in Education Code 8205.

5. 5. One who has children with exceptional needs, as defined in Education Code 8205

CSBA NOTE: Education Code 8208, as amended by SB 1047 (Ch. 923, Statutes of 2022), further expands eligibility for participation in CSPP to families specified in Item #6 below.

6. 6. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

After all eligible three- and four-year-old children have been enrolled as provided above, a part-day CSPP program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP program shall be from families above the income eligibility threshold. (Education Code 8208)

In addition, after all otherwise eligible children have been enrolled as provided in the paragraphs above, a part-day CSPP program may provide services to three- and four-year-old children in

families whose income is above the income eligibility threshold if those children are children with exceptional needs. Such children with exceptional needs shall not count towards the 10-percent limit on enrollment of families with income above the income eligibility threshold described above. (Education Code 8208)

CSBA NOTE: Education Code 8217, as amended by AB 185, further expands eligibility to for part-day CSPP programs to three-year old children in the circumstances specified in the following paragraph.

A CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price lunch may enroll three- and four-year-old children after all otherwise eligible children have been enrolled as provided in the paragraphs above. (Education Code 8208 and 8217)

CSBA NOTE: Pursuant to Education Code 8208, as amended by AB 210, at certification or recertification, a child is deemed eligible for a part-day CSPP program for the remainder of the program year and the following program year so long as the child continues to meet the age-eligibility requirements.

The district shall certify eligibility and enroll families into the part-day preschool program within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to a child's enrollment, the child shall be deemed eligible for the part-day CSPP program for the remainder of the program year and for the following program year, provided applicable age-eligibility requirements are met, as specified in Education Code 8205 and 48000. (Education Code 8208)

Enrollment Priorities for Part-Day CSPP Programs

CSBA NOTE: Education Code 8210, as amended by AB 210 and AB 185 SB 141, revised and reordered the priority ranking for part-day CSPP, as provided in Items #1-6 below.

The district shall give priority for part-day CSPP programs as follows: (Education Code 8210)

1. 1. The first priority for services shall be given to three- or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency. If the district is unable to enroll a child in this first priority category, the district shall refer the child's parent/guardian to local resources and referral services so that services for the child can be located.

CSBA NOTE: Education Code 8208, as amended by AB 210 SB 141, requires that, ~~starting July 1, 2022,~~ a percentage of part-day preschool enrollment be reserved for children with exceptional needs. ~~For the period July 1, 2022 until~~ Until June 30, ~~2023~~ 2025, a minimum of 5 percent is required, starting July 1, ~~2023~~ 2025, to June 30, ~~2024~~ 2026, at least 10 percent must be reserved, and from July 1, ~~2024~~ 2026, at least 10 percent must be reserved for children with exceptional needs. CDE is required to review data on compliance and provide assistance to CSPP contracting agencies in order to meet these requirements.

Education Code 8210, as amended by AB 321 (Ch. 903, Statutes of 2022), SB 141, clarifies that when enrollment of children with exceptional needs has reached the number reserved, second priority must be given to three- and four-year old children with exceptional needs from families who are below the income eligibility threshold. Pursuant to Education Code

8210, as amended by SB 141, if two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, the child that has been on the waiting list for the longest time shall be admitted first.

2. 2. When the number of three- or four-year old children with exceptional needs required to be enrolled pursuant to Education Code 8208 have been enrolled and there are additional children with exceptional needs who are interested in enrolling, the second priority for services shall be given to all three- and four-year old children with exceptional needs from families with incomes below the income eligibility threshold, as described in Education Code 8213. Within this priority category, children with exceptional needs from families with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent of Public Instruction (SPI) at the time of enrollment, shall be enrolled first.
- If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first.
3. 3. The third priority shall be given to eligible four-year-old children who are not enrolled in a state-funded ~~transitional kindergarten~~ (TK) program. This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208 (a)(1)(E), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first.

CSBA NOTE: In keeping with the legislative intent of AB 321 to prioritize access to CSPP and childcare and development services for children who reside in homes in which the primary language is not English, Education Code 8210, as amended by AB 321, provides that within SB 141, revises the third priority category, children from such families criteria for part-day CSPP to be based on whether three- and four- year old children who are not enrolled first when there are two or more families with the same income ranking in a state funded TK are identified as dual language learners, rather than whether they are from a family in which the primary home language is a language other than English.

4. If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child from who is identified as a family in which the primary home dual language is a language other than English learner shall be enrolled first. If there are no children from such a family identified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.
5. 4. The fourth priority shall be given to eligible three-year-old children. This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208 (a)(1)(E), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Enrollment determinations within this priority category shall be made in the same way as for third priority in Item #3 above.
6. 5. The fifth priority, after all otherwise eligible children have been enrolled, shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority

category, priority shall be given to three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the 10 percent of funded enrollment set aside pursuant to Education Code 8208, then to four-year old children before three-year-old children without exceptional needs.

7. 6. After all otherwise eligible children have been enrolled in the first through fifth priority categories, as described in Items #1-5 above, the district may enroll other children in the following order:
- a. a. A CSPP program site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any three- or four-year-old children whose families reside within the attendance boundary of the qualified elementary school. These children shall, to the extent possible, be enrolled by lowest to highest income according to the most recent schedule of income ceiling eligibility table.
 - b. b. Children enrolling in a CSPP program that provides expanded learning and care to TK or kindergarten students, pursuant to Education Code 48000

CSBA NOTE: The following paragraph reflects Education Code 8210 as amended by AB 210.

Regardless of the priorities listed above, until the district attains the percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8210)

Eligibility and Enrollment Priorities for Full-Day CSPP Programs

CSBA NOTE: The following section reflects the eligibility criteria for full-day CSPP, pursuant to Education Code 8208, as amended by AB 210 SB 141, and the priority ranking for enrollment, pursuant to Education Code 8211, as amended by AB 210 and AB 185 SB 141.

A three- or four-year-old child is eligible for a full-day CSPP program if the family meets both of the following requirements: (Education Code 8208)

1. The child's family is one of the following:
 - a. A current aid recipient, income eligible, or ~~homeless~~ experiencing homelessness
 - b. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited

CSBA NOTE: When a family has multiple children with one who has exceptional needs, only children in the family who are children with exceptional needs may be enrolled under this

eligibility criteria. Any other child in the family without exceptional needs may be enrolled pursuant to other criteria established pursuant to Education Code 8208.

- c. One who has children with exceptional needs, as defined in Education Code 8205

CSBA NOTE: Education Code 8208, as amended by SB 1047, further expands eligibility for participation in CSPP to families specified in the following paragraph.

- d. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

2. The child's family needs the childcare services because of either the following:

- a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services; as being or at risk of being neglected, abused, or exploited; or as ~~being homeless~~ experiencing homelessness
- b. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

CSBA NOTE: The following paragraph reflects Education Code 8208, as amended by AB 185

After all eligible three- and four-year-old children have been enrolled as provided above, a full-day CSPP program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP program shall be from families above the income eligibility threshold. (Education Code 8208)

After all families meeting the criteria specified in the paragraphs above have been enrolled, a full-day CSPP program may provide services to three- and four-year-old children in families who do not meet at least one of the criteria in Item #2 above. (Education Code 8208)

After all otherwise eligible children have been enrolled as provided above, a CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any four-year-old child. (Education Code 8208)

CSBA NOTE: Education Code 8211, as amended by AB 210 and AB 185, revised and reordered the priority ranking in 2022 for enrollment in full-day CSPP programs. The priority ranking is now

almost identical to the ranking for part-day CSPP programs, as provided in "Enrollment Priorities for Part-Day CSPP Programs" section above.

For full-day CSPP programs, the district shall use the same priority ranking specified in Items #1-~~#~~-4 of "Enrollment Priorities for Part-Day CSPP Programs" above, and the following: (Education Code 8211)

1. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" have been enrolled, fifth priority shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority category, priority shall be given to three- and four-year-old children with an IFSP or IEP, then to four-year old children before three-year-old children without IFSP or IEP.
2. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" and Item #1 above have been enrolled, the district may enroll other children in the following order:
 - a. Three- and four-year old children from families who do not meet at least one of the need requirements in Item #2 above. Within this priority, families shall be enrolled in income ranking order, lowest to highest, and within income ranking order, four-year old children before three-year old children
 - b. When a CSPP program site operates within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217, three- or four-year-old children whose families reside within the attendance boundary of the school may be enrolled without establishing eligibility or a need for services. Such children shall, to the extent possible, be enrolled by lowest to highest income ranking order.

CSBA NOTE: The following paragraph reflects Education Code 8211 as amended by AB 210.

Regardless of the priorities listed above, until the district attains the percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8211)

CSBA NOTE: Pursuant to Education Code 8208, as amended by AB 210, a determination of eligibility for participation in a full-day CSPP program now lasts for 24 months, as specified in the following paragraph:

Upon establishing initial eligibility or ongoing eligibility for a full-day CSPP program, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months. Such families shall receive those services for not less than 24 months before having eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 24 months. If the eligibility period ends before the end of a program year, eligibility shall be extended until the end of the program year, provided age-eligibility requirements

are met, as specified in Education Code 8205. However, a family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility, as described in Education Code 8213, and the family's ongoing eligibility for services shall at that time be recertified. In addition, a family may, at any time, voluntarily report income or other changes. This information shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification. (Education Code 8208)

Waiting List

CSBA NOTE: The following section may be revised to reflect district practice. Pursuant to 5 CCR 17744, as adopted in Register 2022, No. 26, a district is required to maintain a current waiting list based on enrollment priorities for part-day and full-day preschool programs. The district may satisfy this requirement by participating in a "county child care centralized eligibility list" if one is available. When such centralized eligibility list is not available or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with enrollment priorities.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with applicable enrollment priorities. As vacancies occur, applicant families shall be contacted in order of priority on the waiting list. (5 CCR 17744)

Combined Preschool/Transitional Kindergarten Classroom

CSBA NOTE: Education Code 8207 and 48000 allow districts to place ~~4~~four-year-old children enrolled in a CSPP program into a TK program and to commingle children from both programs in the same classroom as long as all of the requirements of each program are met and the district adheres to the requirements listed in the following section. See BP 6170.1 - Transitional Kindergarten for eligibility requirements pertaining to the TK program pursuant to Education Code 48000.

When a child is eligible for both the preschool program and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000)

1. An early childhood environment rating scale, as specified in 5 CCR 18281, shall be completed for the classroom.
2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272.
3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256.
4. The classroom shall comply with the adult-child ratio specified in Education Code ~~8264.8.~~
8241

5. Contractors of the district shall report the services, revenues, and expenditures for children in the preschool program CSPP in accordance with 5 CCR 18068-
6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom-

Fees and Charges

Fees for participation in the district's full-day CSPP program shall be assessed and collected in accordance with the fee schedule established by the SPI in conjunction with the California Department of Social Services. (Education Code 8252)

CSBA NOTE: Pursuant to Education Code 8252, as amended by AB ~~210~~116 (Ch. 41, Statutes of 2023), and explained in CDE's Early Education Management Bulletin 23-07, family fees may be assessed but not be collected for families receiving subsidized child care services from CSPP programs administered by CDE ~~for~~from July 1, 2023 to September 30, 2023. Education Code 8252, as amended by AB 116, requires that no family fees be charged or assessed for families whose adjusted monthly family income falls below 75 percent of the 2022-2023 school year State Median Income, and further caps family fees at one percent of a family's monthly income for all other families. As a result, the FY 2023-24 family fee schedule has been revised accordingly. In addition, family fees accrued but not collected prior to October 1, 2023, may be forgiven, and not collected. However, for the 2022-2023 school year, family Family fees shall accrued but uncollected prior to October 1, 2023, may be forgiven and not be collected as specified in . (Education Code 8252-)

In addition, no fee shall be charged to an eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code 8253; 5 CCR 17735)

A family may be exempt from the fees for up to 12 months for any child enrolled in full-day preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused, exploited, or neglected. (Education Code 8253; 5 CCR 17735)

CSBA NOTE: Education Code 8254 authorizes a district offering a CSPP program to charge a fee for field trips and/or to require parents/guardians to provide diapers, but **mandates** that the district adopt policy to include parents/guardians in the decision-making about such fees, as provided below. Pursuant to Education Code 8254, the fees cannot exceed \$25 per child in the contract year. The following paragraph may be modified to delete diapers as appropriate for the age of the children served.

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8254)

Disenrollment Based on Reduced Funding

CSBA NOTE: Education Code 8214 specifies the order by which families will be disenrolled from subsidized preschool services when funding levels are reduced.

When necessary to disenroll families from subsidized preschool services, families shall be disenrolled in reverse order of the priority for services specified in Education Code 8210 and 8211 and as described above in the sections "Enrollment Priorities for Part-Day CSPP Programs" and "Eligibility and Enrollment Priorities for Full-Day CSPP Programs." (Education Code 8214; 5 CCR 17744)

Expulsion/Unenrollment and Suspension Based on Behavior

CSBA NOTE: AB 2806 (Ch. 915, Statutes of 2022), repealed CDE's Early Education Code 8222 and added Education Code 8489-8489.1. Education Code 8489.1, as added, recasts provisions relating Division Management Bulletin 23-08 provides guidance to expulsion or unenrollment of children from a CSPP program and establishes new contractors regarding requirements for the use of suspensions suspension and updated requirements for expelling or unenrolling a child from a program due to a child's behavior, in such programs accordance with Education Code 8489.1.

Suspension means any removal of a child from all or part of the program day, or the prevention of a child from attending the program for one or more days, in response to the child's behavior.

Removing the child from the program means moving a child to an isolated or separate room. Programs may remove children from specific situations to allow the child to calm down or regain composure, such as taking the child for a walk or accompanying the child to an outdoor environment. However, the child must return to the classroom as soon as the child has calmed down and may not be removed for longer than 30 minutes.

Expulsion means the permanent dismissal of a child from a program in response to a child's behavior.

Persistent and serious behaviors means either repeated patterns of behavior that significantly interfere with the learning of other children, or interactions with peers and adults that are not responsive to the use of developmentally appropriate guidance, including, but not limited to, physical aggression, property destruction, and self-injury.

A district preschool program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 8489.1)

1. In writing, inform the parents/guardians of the child's persistent and serious ~~challenging~~ behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program
2. If the child has an IFSP or IEP, contact, with written parent/guardian consent, the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child
3. If appropriate, consider completing a comprehensive screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program

If the district has taken the actions specified in Items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Education Code 8489.1)

CSBA NOTE: Pursuant to Education Code 8489.1; as added by AB 2806, a child enrolled in a CSPP program may only be suspended as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be eliminated or reduced without removal of the child. To suspend a child, the district must comply with specified requirements, including, collaborating with the child's parents/guardians before determining that suspension is necessary and using appropriate community resources to determine that no other reasonable option is appropriate.

A child shall not be suspended from a CSPP program, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child.

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate.

When suspension is deemed necessary, the district shall help the child return to full participation in the program as soon as possible while ensuring safety, by doing the following:

1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources
2. Developing a written plan to document the action and supports needed
3. Providing referrals to appropriate community resources
4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDE in the event of expulsion or suspension. If the district suspends or expels a child from any CSPP program, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 17783, informing the parents/guardians of the right to file an appeal of the action directly with CDE no later than 14 calendar days after receiving the notice.

CSBA NOTE: A joint statement by the U.S. Department of Education and U.S. Department of Health and Human Services, "Policy Statement on Expulsion and Suspension Policies in Early Childhood

Settings," clarifies that preschool children with exceptional needs who are eligible for services under the Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482) are entitled to the same disciplinary protections that apply to all other IDEA-eligible students with disabilities, may not be subjected to impermissible disciplinary changes of placement for misconduct that is caused by or related to their disability, and must continue to receive educational services consistent with their right to a free appropriate public education. The statement indicates the need for the child's individualized education program (IEP) team to consider the use of positive behavioral interventions and supports when developing or modifying the IEP to reduce the need for discipline of a child with disabilities and avoid suspension or expulsion from a preschool program.

Children with exceptional needs may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

Notice of Action

CSBA NOTE: Pursuant to 5 CCR 17757, as adopted in Register 2022, No. 26, a parent/guardian must submit an application for services which contains specified information and documentation. The application form is available on CDE's [web site website](#). Upon receiving an application, a person designated by the district must certify the family's or child's eligibility.

Upon receiving a parent/guardian's application for services, the Superintendent or designee shall review the application and documentation and shall certify the eligibility of the family or child.

CSBA NOTE: Pursuant to 5 CCR 17782, as adopted in Register 2022, No. 26, the district is required to provide written notification to parents/guardians as to whether their application for subsidized services has been approved or denied. For this purpose, the district should use the Notice of Action form available on CDE's [web site website](#). If the services are denied, the parent/guardian may appeal the decision in accordance with 5 CCR 17784-17785, as adopted in Register 2022, No. 26; see section "Parent Hearing" below.

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 17782)

CSBA NOTE: 5 CCR 17783, as adopted in Register 2022, No. 26, requires the district to notify a parent/guardian of any change in services or fees as described below. For such notification, the district should use the Notice of Action form available on CDE's [web site website](#). Parents/guardians may appeal such actions pursuant to 5 CCR 17784; see section "Parent Hearing" below.

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 17783)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing

3. An indication by the parent/guardian that the parent/guardian no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 17758)

Parent Hearing

CSBA NOTE: 5 CCR 17784-17786, as adopted in Register 2022, No. 26, require districts to provide due process to parents/guardians who disagree with certain district actions, such as when services are denied, there is a change in services or fees, or their child is disenrolled.

If a parent/guardian disagrees with any district action to deny the child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 17784)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 17784 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to CDE. (5 CCR 17785-17786)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	Continuing requirements

22 CCR 101237-101239.2	Facilities and equipment
5 CCR 14001-14036	School housing
5 CCR 17700-17833	California State Preschool Program
5 CCR 17701-17711	General Program Requirements
5 CCR 17746-17748	Enrollment priorities
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 80067	Professional Clear Early Childhood Education Specialist Instruction Credential
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 17375	California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program
Ed. Code 44065	Issuance of and functions requiring credentials
Ed. Code 44256	Authorization for teaching credentials
Ed. Code 48000- 48003	Transitional kindergarten Kindergartens
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 60910	Data for students enrolled in California State Preschool Program
Ed. Code 69617	Golden State Teacher Grant Program
Ed. Code 8200-8340	California State Preschool Program
Ed. Code 8203.5	<u>Contracts to provide preschool services</u>
Ed. Code 8205	<u>Definitions</u>
Ed. Code 8207	<u>California State Preschool Program administration</u>
Ed. Code 8208	<u>Eligibility of three- or four-year-old child for state preschool program</u>
Ed. Code 8209	<u>Physical examination and immunizations</u>
Ed. Code 8210	<u>Priority for part-day programs</u>
Ed. Code 8211	<u>Priority for full-day programs</u>
Ed. Code 8212	<u>Complaints related to preschool health and safety issues</u>
Ed. Code 8213	<u>Income eligible; definition</u>

Ed. Code 8214	<u>Order of disenrollment</u>
Ed. Code 8217	<u>Enrollment of three- and four-year-old children in state preschool programs</u>
Ed. Code 8220-8221	<u>Family literacy services</u>
Ed. Code 8241	<u>Staffing ratios for center-based program</u>
Ed. Code 8252-8254	<u>Early childhood education family fees</u>
Ed. Code 8298	<u>Program director qualifications</u>
Ed. Code 8322	California Prekindergarten Planning and Implementation Grant Program
Ed. Code 8489-8489.1	Expulsion and <u>Suspension Procedures</u> <u>suspension procedures</u>
H&S Code 120325-120380	Immunization against communicable diseases
H&S Code 1596.70-1596.895	California Child Day Care Act
H&S Code 1596.90-1597.21	Day care centers
W&I Code 10207-10215	General provisions
W&I Code 10207-10492.2	Child Care and Development Services Act
W&I Code 10217-10224.5	Resource and referral programs
W&I Code 10225-10234	Alternative payment programs
W&I Code 10235-10238	Migrant child care and development programs
W&I Code 10240-10243	General child care and development programs
W&I Code 10250-10252	Family child care home education networks
W&I Code 10260-10263	Child care and development services for children with special needs
W&I Code 10480-10487	Local planning councils
Federal	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6311-6322	Title I, relative to preschool
20 USC 6391-6399	Education of migratory children
42 USC 9831-9852c	Head Start programs
42 USC 9857-9858r	Child Care and Development Block Grant
45 CFR 1301.1-1305.2	Head Start
Management Resources	Description
California Department of Education Publication	<u>Suspension and Expulsion in the California State Preschool Program, Early Education Division Management Bulletin 23-</u>

	08, September 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2308.asp)
California Department of Education Publication California Department of Education Publication	Prekindergarten Learning Development Guidelines, 2000 Assessment and Reporting of Family Fees for Fiscal Year (FY) 2023–24, Early Education Division Management Bulletin 23-07, September 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2307.asp)
California Department of Education Publication	Part-day California State Preschool Program as an Extended Learning and Care Option, Early Education Division Management Bulletin 23-05, April 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2305.asp)
California Department of Education Publication	California State Preschool Program and Children with Disabilities (Exceptional Needs), Early Education Division Management Bulletin 23-02, February 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2302.asp)
California Department of Education Publication	Dream Big for Our Youngest Children: Final Report of the California Early Learning Quality Improvement System Advisory Committee, 2010
California Department of Education Publication	Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009 (https://www.cde.ca.gov/sp/cd/re/documents/psenglearnerse d2.pdf)
California Department of Education Publication	First Class: A Guide for Early Primary Education, 1999 (https://www.cde.ca.gov/sp/cd/re/documents/firstclass.pdf)
California Department of Education Publication	California Preschool Learning Foundations (https://www.cde.ca.gov/sp/cd/re/psfoundations.asp)
CSBA Publication	What Boards of Education Can Do About Kindergarten Readiness, Governance Brief, May 2016
Commission on Teacher Credentialing Publication	Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023 (https://www.ctc.ca.gov/docs/default-source/commission/coded/2023/coded-23-02.pdf?sfvrsn=973026b1_9)
CSBA Publication	The Preschool Landscape in California and Strategies for Expansion, January 2020
CSBA Publication	The Importance of Early Childhood Education Programs, September 2019 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201909CSBA_Governance-Brief_Early-

	Education.ashx?la=en&rev=8b0259f73a574f62aae4e8b047db4eed)
U.S. Department of Education Publication	Good Start, Grow Smart, April 2002
U.S. Department of Education Publication	Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016 https://oese.ed.gov/files/2020/07/policy-statement-ece-expulsions-suspensions.pdf
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Early Education Research
Website	California Head Start Association
Website	California Preschool Instructional Network
Website	Child Development Policy Institute
Website	California Association for the Education of Young Children
Website	First 5 California
Website	California Department of Social Services
Website	California County Superintendents Educational Services Association
Website	Cities Counties and Schools Partnership
Website	California Commission on Teacher Credentialing https://www.ctc.ca.gov/
Website	California Office of Administrative Law https://oal.ca.gov/
Website	CSBA
Website	U.S. Department of Education
Website	California Department of Education
Website	California Department of Education, Universal PreKindergarten, California's Great Start https://express.adobe.com/page/OZrg3lsP1GE8b/

Cross References

Code	Description
0415	Equity
0470	COVID-19 Mitigation Plan

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1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1330	Use Of School Facilities
1330	Use Of School Facilities
1330-E(1)	Use Of School Facilities
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3523	Electronic Signatures
3523	Electronic Signatures
3541	Transportation Routes And Services
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
<u>4112.2</u>	<u>Certification</u>
4112.4	Health Examinations
4112.5	Criminal Record Check

4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4131	Staff Development
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4331	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5030	Student Wellness
5111	Admission
5111	Admission
5125	Student Records
5125	Student Records
5141.23	Asthma Management
5141.23	Asthma Management
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5144.1	Suspension And Expulsion/Due Process

5144.1	Suspension And Expulsion/Due Process
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6159	Individualized Education Program
6159	Individualized Education Program
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6174	Education For English Learners
6174	Education For English Learners
6175	Migrant Education Program
6175	Migrant Education Program
6200	Adult Education
6200	Adult Education

7110

Facilities Master Plan

7210

Facilities Financing

Policy 6142.8: Comprehensive Health Education

Status: ADOPTED

Original Adopted Date: 11/01/2003 | **Last Revised Date:** 03/12/01/2024/2023 | **Last Reviewed Date:** 03/12/01/2024/2023

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

The U.S. Surgeon General's 2023 advisory, "Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Healing Effects of Social Connection and Community," emphasizes the critical role that social connection plays in individual and societal health and well-being, and provides recommendations for how to address the consequences when there is a lack of social connection. Because schools play an important role in facilitating positive social connection, the advisory includes specific actions districts can implement, which include (1) developing a strategic plan for school connectedness and social skills with benchmark tracking, (2) building social connection into the health curriculum, (3) implementing socially based educational techniques, and (4) creating a supportive school environment.

In its 2023 advisory, "Social Media and Youth Mental Health," the U.S. Surgeon General describes the positive and negative impacts of social media on children and adolescents, including the impact on mental health and well-being, and recommends that schools develop, implement, and evaluate digital and media literacy curriculum to provide students and staff with the skills to strengthen digital resilience.

The Governing Board believes that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy lives and avoid high-risk behaviors, and that creating a safe, supportive, inclusive, and nonjudgmental environment is crucial in promoting healthy development for all students. The district's health education program shall be part of a coordinated school health system which recognizes that mental health and social connection are critical to student's overall health, well-being, and academic success, supports the physical, mental, and social well-being of students, reflects the importance of digital and media literacy, and is linked to district and community services and resources.

CSBA NOTE: 42 USC 1758b requires each district participating in the National School Lunch program (42 USC 1751-1769j) or any program in the Child Nutrition Act of 1966 (42 USC 1771-1793), including the School Breakfast Program, to adopt a districtwide school wellness policy, which includes goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. See BP 5030 - Student Wellness for language fulfilling this mandate.

Goals for the district's health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition promotion and education, physical activity, and other school-based activities that promote student well-being.

CSBA NOTE: Education Code 51925 requires districts that offer health education courses to middle or high school students to include mental health instruction, as specified. For more information on the requirements of mental health instruction, see the accompanying administrative regulation and AR 6143 - Courses of Study.

Any health education course offered to middle or high school students shall include instruction in mental health that meets the requirements of Education Code 51925-51926, and as specified in Administrative Regulation 6143 – Courses of Study.

CSBA NOTE: The following optional paragraph should be revised as necessary to reflect grade levels offered by the district. Education Code 51210 requires that the adopted course of study for grades 1-6 include instruction in health, including instruction in the principles and practices of individual, family, and community health. Education Code 51202 requires that certain health-related topics be addressed at the appropriate elementary and secondary grade levels and in appropriate subject areas, as determined by the district.

Education Code 51934 requires that districts provide comprehensive sexual health education and HIV prevention instruction, at least once in middle school or junior high school and at least once in high school, by instructors trained in the appropriate courses. Education Code 51934 also authorizes, but does not require, districts to provide age-appropriate comprehensive sexual health education prior to grade 7 on any of the topics specified in Education Code 51934. See AR 6143 - Courses of Study and BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.

Additionally, Education Code 51900.6 authorizes districts to provide age-appropriate instruction in grades K-12 in sexual abuse and sexual assault awareness and prevention pursuant to content standards developed by the State Board of Education (SBE), provided that students are allowed to be excused from such instruction upon the written request of their parents/guardians. SBE has not yet adopted content standards regarding sexual abuse and sexual assault awareness and prevention. Also see BP 5141.4 - Child Abuse Prevention and Reporting.

The California Department of Education's publication, "Health Education Framework for California Public Schools, Kindergarten through Grade Twelve," provides nonprescriptive instructional guidance and support to California teachers, administrators, curriculum specialists, other educators, and school boards for implementation of the voluntary health education standards, which include the following six content areas: nutrition and physical activity; growth, development, and sexual health; injury prevention and safety; alcohol, tobacco, and other drugs; mental, emotional, and social health; and personal and community health.

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

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

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

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

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

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

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11800-11801	District health education plan
Ed. Code 35183.5	Sun protection
Ed. Code 49413	First aid and cardiopulmonary resuscitation training
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
Ed. Code 51202	Instruction in personal and public health and safety
Ed. Code 51203	Instruction on alcohol, narcotics, and dangerous drugs
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51210.8	Health education curriculum
Ed. Code 51220.5	Parenting skills; areas of instruction
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51260-51269	Drug education
Ed. Code 51513	Personal beliefs
Ed. Code 51880-51881.5	Health education; legislative findings and intent

Ed. Code 51890-51891	Comprehensive health education programs and community participation; definitions
Ed. Code 51900.6	Sexual abuse and sexual assault awareness and prevention instruction
Ed. Code 51913	District health education plan
Ed. Code 51920	Inservice training; health education
Ed. Code 51925-51929	Mandatory mental health education and in-service training
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 67386	Student safety; affirmative consent standard
Ed. Code 8850.5	Family relationships and parenting education
Federal	Description
42 USC 1751-1769j	School Lunch Program
42 USC 1758b	Local wellness policy
42 USC 1771-1793	Child Nutrition Act
Management Resources	Description
US Dept of Health and Human Services Publication	Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023 (https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf)
US Dept of Health and Human Services Publication	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023 (https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf)
American Association For Society of Health Ed and Physical Educators Publication	National Health Education Standards: Achieving Excellence, rev. November 2012 (https://www.shapeamerica.org/standards/health/)
California Department of Education Publication	Health Education Framework for California Public Schools: Kindergarten Through Grade Twelve, 2019 (https://www.cde.ca.gov/ci/he/cf/documents/healthedframework2019.pdf)
California Department of Education Publication	Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008 (https://www.cde.ca.gov/be/st/ss/documents/healthstandmar08.pdf)
CSBA Publication	Promoting Healthy Relationships for Adolescents: Board Policy Considerations, August 2014 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201408_GBHealthyRelationships.ashx?la=en&rev=c7eca3dd0da24d4293ce675bb6463f8d)

CSBA Publication	<p style="text-align: right;">408/528</p> <p>Integrating Physical Activity into the School Day, April 2016 https://www.csba.org/~//media/C038AF12929B41A589591B854610B809.ashx</p>
CSBA Publication	<p>Preventing Catastrophic Health Illness, Governance Brief, July 2018 https://www.csba.org/GovernanceAndPolicyResources/~//media/CSBA/Files/GovernanceResources/GovernanceBriefs/201807PreventingCatastrophicHealthIllness.ashx</p>
CSBA Publication	<p>The Impact of Marijuana Legalization on K-12: The Effect of Marijuana on the Brain, November 2018 https://www.csba.org/~//media/CSBA/Files/GovernanceResources/GovernanceBriefs/201811MarijuanaImpact-TheBrain.ashx?la=en&rev=419e95b4dc064075a7e14e36ad67b5fc</p>
CSBA Publication	<p>Why Schools Hold the Promise for Adolescent Mental Health, Governance Brief, May 2019 https://www.csba.org/~//media/CSBA/Files/GovernanceResources/GovernanceBriefs/05152019_CSBAStudentMentalHealthBrief.ashx?la=en&rev=8a4db2e891cd4aef817d6e60c283c14e</p>
CSBA Publication	<p>Sun Safety in Schools, Policy Brief, July 2006 https://www.csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/~//media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/StudentHealth/SunSafety/2006_07_PolicyBrief_SunSafetyInschools.ashx</p>
CSBA Publication	<p>Asthma Management in the Schools, Policy Brief, March 2008 https://www.csba.org/~//media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/StudentHealth/Asthma/2008_03_PolicyBrief_AsthmaMgmt.ashx?la=en</p>
CSBA Publication	<p>Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006 https://www.csba.org/~//media/B5947DF3DE58432C9B038C9C38360684.ashx</p>
<u>CSBA Publication</u>	<p><u>Integrating Oral Health into School Health Programs and Policies, May 2010</u> https://www.csba.org/EducationIssues/EducationIssues/~//media/Files/EducationIssues/Wellness/201005_OralHealthGuide2.ashx</p>
CSBA Publication	<p>Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, November 2008 http://www.csba.org/EducationIssues/EducationIssues/~//</p>

[/media/Files/Services/PolicyServices/PolicyBriefs/11-08_OralHealth_PB.ashx\)](#)

CSBA Publication

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012

<https://www.csba.org/-/media/CSBA/Files/GovernanceResources/EducationIssues/ConditionofChildren/201211MonitoringForSuccess.ashx?la=en&rev=90a8b252b84a4e80b2ebd6c1a6899865>

Human Rights Campaign Foundation Publication

California LGBTQ Youth Report, January 2019
<https://assets2.hrc.org/files/assets/resources/YouthReport-California-Final.pdf>

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[Human Rights Campaign Foundation](#)

Website

[National Center for Health Education](#)

Website

[National Hearing Conservation Association](#)

Website

[California Subject Matter Project, Physical Education-Health Project](#)

Website

[Center for Injury Prevention Policy and Practice](#)

Website

[American School Health Association](#)

Website

[California Association of School Health Educators](#)

Website

[California Department of Education, Health Education](#)

Website

[California Department of Public Health](#)

Website

[California Healthy Kids Resource Center](#)

Website

[Centers for Disease Control and Prevention](#)

Website

[CSBA](#)

[Website](#)

[SHAPE America, Society of Health and Physical Educators](#)
<https://www.shapeamerica.org/>

[Website](#)

[U.S. Department of Health and Human Services](#)
<https://www.hhs.gov/>

Cross References

Code

0200

Description

Goals For The School District

0415

Equity

0450

Comprehensive Safety Plan

0450

Comprehensive Safety Plan

0470	COVID-19 Mitigation Plan
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1220	Citizen Advisory Committees
1240	Volunteer Assistance
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1325	Advertising And Promotion
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3514	Environmental Safety
3514	Environmental Safety
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3543	Transportation Safety And Emergencies
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3554	Other Food Sales
3554	Other Food Sales
4131	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5131	Conduct
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco

5131.63	Steroids
5131.63	Steroids
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5138	Conflict Resolution/Peer Mediation
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.5	Mental Health
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
5141.7	Sun Safety
5142	Safety
5142	Safety
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications

5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.5	Environmental Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.8	Assemblies And Special Events
6146.1	High School Graduation Requirements
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.8	Research
6162.8	Research
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program

Regulation 6142.8: Comprehensive Health Education

Status: ADOPTED

Original Adopted Date: 11/01/2003 | **Last Revised Date:** 03/12/01/2021/2023 | **Last Reviewed Date:** 03/12/01/2021/2023

Content of Instruction

CSBA NOTE: CSBA NOTE: Education Code 51202 requires districts to teach certain health-related topics at the “appropriate elementary and secondary grade levels.” Items #1-6 below reflect six content areas delineated in the voluntary content standards for health education adopted by the State Board of Education (SBE) in March 2008: and included in the publication, “Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve.” The district may revise the following list to reflect the topics to be addressed in the district's program.

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

1. Alcohol, tobacco, and other drugs

CSBA NOTE: Education Code 51934 requires that districts provide comprehensive sexual health education and HIV prevention instruction, at least once in middle school or junior high school and at least once in high school, by instructors trained in the appropriate courses. Education Code 51934 also authorizes, but does not require, districts to provide age-appropriate comprehensive sexual health education prior to grade 7 on any of the topics specified in Education Code 51934. See AR 6143 - Courses of Study and BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.

Education Code 51900.6 authorizes districts to provide age-appropriate instruction in grades K-12 in sexual abuse and sexual assault awareness and prevention pursuant to content standards developed by SBE, provided that students are allowed to be excused from such instruction upon the written request of their parents/guardians. SBE has not yet adopted content standards regarding sexual abuse and sexual assault awareness and prevention. Also see BP 5141.4 - Child Abuse Prevention and Reporting.

2. Human growth, development, and sexual health

CSBA NOTE: The optional paragraph under ~~item~~Item #3 below includes examples of topics that are addressed in the state content standards within the content area of injury prevention and safety.

3. Injury prevention and safety

Instruction related to injury prevention and safety may include, but is not limited to, first aid, protective equipment such as helmets, violence prevention, topics related to bullying and

harassment, emergency procedures, and Internet safety:
, and as required by law.

CSBA NOTE: Education Code 51925 requires districts that offer health education courses to middle or high school students to include mental health instruction, as specified. For more information on the requirements of mental health instruction see 6143 – Courses of Study.

4. Mental, emotional, and social health

Health education courses offered to middle and/or high school students shall include mental health instruction that meets the requirements of Education Code 51925-51927, as specified in Administrative Regulation 6143 – Courses of Study.

5. Nutrition and physical activity

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

6. Personal and community health

~~6.~~ Instruction in personal and community health may include, but is not limited to, oral health, personal hygiene, sun safety, vision and hearing protection, transmission of germs and communicable diseases, symptoms of common health problems and chronic diseases, and the effect of behavior on the environment, and as required by law.

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

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

1. An understanding of essential concepts related to enhancing health
2. The ability to analyze internal and external influences that affect health
3. The ability to access and analyze health information, products, and services
4. The ability to use interpersonal communication skills, decision-making skills, and goal-setting skills to enhance health
5. The ability to practice behaviors that reduce risk and promote health
6. The ability to promote and support personal, family, and community health

High School Health Education

CSBA NOTE: The following section is for use by districts that serve students in grades 9-12 and require a course in health education as a requirement for graduation from high school. Pursuant to Education Code 51225.36, districts that require a course in health education for graduation from high school must include instruction in sexual harassment and violence, including, but not limited to, the affirmative consent standard as defined in Education Code 67386. In addition, pursuant to Education Code 51225.6, districts that require a course in health education for graduation from high school must include instruction in performing compression-only cardiopulmonary resuscitation, as specified.

Whenever the Board requires a course in health education for graduation from high school, the district's high school health education course(s) shall include instruction in:

1. Sexual harassment and violence, including, but not limited to, the affirmative consent standard as defined in Education Code 67386. When delivering such instruction, teachers shall consult information related to sexual harassment and violence in the Health Education Framework for California Public Schools. (Education Code 51225.36)
2. Compression-only cardiopulmonary resuscitation (CPR), which is based on national evidence-based emergency cardiovascular care guidelines for the performance of compression-only CPR and includes instruction relative to the psychomotor skills necessary to perform compression-only CPR. (Education Code 51225.6)

Students Excused from Health Instruction

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

CSBA NOTE: Pursuant to Education Code 51938, a student's parent/guardian has the right to excuse the student from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent ("opt-out") process. The district may not require active parental consent ("opt-in") for such purpose. The district's notice to parents/guardians regarding planned instruction for the school year in the area of comprehensive sexual health education and HIV prevention education must include notification of the right to excuse a student from such education by written request to the district. See BP/E 5145.6 - Parental Notifications and BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.

The "opt-out" right described above only applies to comprehensive sexual health education, HIV prevention education, and related assessments, and does not apply to instruction, materials, presentations, and programming that discuss the topics specified in Education Code 51932.

The district shall excuse a student from instruction in comprehensive sexual health education and HIV prevention education if the student's parent/guardian requests in writing that the student be excused. However, pursuant to Education Code 51932, such parental request shall not excuse a student from instruction, materials, presentations, or programming that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and do not discuss human reproductive organs and their functions. (Education Code 51938)

CSBA NOTE: Pursuant to Education Code 51900.6, districts that provide instruction in sexual abuse and sexual assault awareness and prevention are required to excuse students whose parent/guardian has made a written request. The following paragraph is for districts that provide instruction in sexual abuse and/or sexual assault awareness and prevention.

In addition, the district shall excuse a student from instruction in sexual abuse and/or sexual assault awareness and prevention if the student's parent/guardian requests in writing that the student be excused. (Education Code 51900.6)

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

The district shall not administer any exam, survey, or questionnaire which contains questions about the student's or the student's family's personal beliefs or practices in sex, family life, morality, or religion unless the student's parent/guardian has given written permission. (Education Code 51513)

CSBA NOTE: Notwithstanding Education Code 51513, Education Code 51938 authorizes anonymous, voluntary, and confidential research and evaluation tools to measure students' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the student's attitudes concerning or practices relating to sex, to students in grades 7-12. Parents/guardians have the right to excuse their child from such research and evaluations through a passive ("opt-out") process and may not be required to provide active ("opt-in") consent. The district is required to notify parents/guardians of the test, questionnaire, or survey to be administered, given the opportunity to review such research or evaluation tool, and notified of their right to excuse their child by making such request in writing to the district. The following paragraph is for use by districts that serve students in any of grades 7-12 and should be deleted by districts that do not serve such students.

However, the district may administer anonymous, voluntary, and confidential tests, questionnaires, and surveys containing age-appropriate questions about students' attitudes concerning or practices relating to sex, as long as parents/guardians are notified of the right to request in writing that the student be excused from participation. A student shall be excused from participating in any such research or evaluation tools if the student's parent/guardian requests in writing to excuse the student from participation. (Education Code 51938)

Involvement of Health Professionals

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

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

compliance with the statutory, regulatory, and programmatic guidelines applicable to those programs:

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11800-11801	District health education plan
Ed. Code 35183.5	Sun protection
Ed. Code 49413	First aid and cardiopulmonary resuscitation training
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
Ed. Code 51202	Instruction in personal and public health and safety
Ed. Code 51203	Instruction on alcohol, narcotics, and dangerous drugs
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51210.8	Health education curriculum
Ed. Code 51220.5	Parenting skills; areas of instruction
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51260-51269	Drug education
Ed. Code 51513	Personal beliefs
Ed. Code 51880-51881.5	Health education; legislative findings and intent
Ed. Code 51890-51891	Comprehensive health education programs and community participation; definitions
Ed. Code 51900.6	Sexual abuse and sexual assault awareness and prevention instruction
Ed. Code 51913	District health education plan

Ed. Code 51920	Inservice training; health education
Ed. Code 51925-51929	Mandatory mental health education and in-service training
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 67386	Student safety; affirmative consent standard
Ed. Code 8850.5	Family relationships and parenting education
Federal	Description
42 USC 1751-1769j	School Lunch Program
42 USC 1758b	Local wellness policy
42 USC 1771-1793	Child Nutrition Act
Management Resources	Description
US Dept of Health and Human Services Publication	Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023 (https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf)
US Dept of Health and Human Services Publication	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023 (https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf)
American Association For Society of Health and Physical Educators Publication	National Health Education Standards: Achieving Excellence, rev. November 2012 (https://www.shapeamerica.org/standards/health/)
California Department of Education Publication	Health Education Framework for California Public Schools: Kindergarten Through Grade Twelve, 2019 (https://www.cde.ca.gov/ci/he/cf/documents/healthedframework2019.pdf)
California Department of Education Publication	Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008 (https://www.cde.ca.gov/be/st/ss/documents/healthstandmar08.pdf)
CSBA Publication	Promoting Healthy Relationships for Adolescents: Board Policy Considerations, August 2014 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201408_GBHealthyRelationships.ashx?la=en&rev=c7eca3dd0da24d4293ce675bb6463f8d)
CSBA Publication	Integrating Physical Activity into the School Day, April 2016 (https://www.csba.org/~/_/media/C038AF12929B41A589591B854610B809.ashx)

CSBA Publication	<p>Preventing Catastrophic Health Illness, Governance Brief, July 2018</p> <p>https://www.csba.org/GovernanceAndPolicyResources/~//media/CSBA/Files/GovernanceResources/GovernanceBriefs/201807PreventingCatastrophicHealthIllness.ashx</p>
CSBA Publication	<p>The Impact of Marijuana Legalization on K-12: The Effect of Marijuana on the Brain, November 2018</p> <p>https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201811MarijuanaImpact-TheBrain.ashx?la=en&rev=419e95b4dc064075a7e14e36ad67b5fc</p>
CSBA Publication	<p>Why Schools Hold the Promise for Adolescent Mental Health, Governance Brief, May 2019</p> <p>https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/05152019_CSBAStudentMentalHealthBrief.ashx?la=en&rev=8a4db2e891cd4aef817d6e60c283c14e</p>
CSBA Publication	<p>Sun Safety in Schools, Policy Brief, July 2006</p> <p>https://www.csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/~//media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/StudentHealth/SunSafety/2006_07_PolicyBrief_SunSafetyInSchools.ashx</p>
CSBA Publication	<p>Asthma Management in the Schools, Policy Brief, March 2008</p> <p>https://www.csba.org/-/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/StudentHealth/Asthma/2008_03_PolicyBrief_AsthmaMgmt.ashx?la=en</p>
CSBA Publication	<p>Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006</p> <p>https://www.csba.org/~//media/B5947DF3DE58432C9B038C9C38360684.ashx</p>
<u>CSBA Publication</u>	<p><u>Integrating Oral Health into School Health Programs and Policies, May 2010</u></p> <p>https://www.csba.org/EducationIssues/EducationIssues/~//media/Files/EducationIssues/Wellness/201005_OralHealthGuide2.ashx</p>
CSBA Publication	<p>Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, November 2008</p> <p>http://www.csba.org/EducationIssues/EducationIssues/~//</p>

	/media/Files/Services/PolicyServices/PolicyBriefs/11-08_OralHealth_PB.ashx
CSBA Publication	Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012 https://www.csba.org/-/media/CSBA/Files/GovernanceResources/EducationIssues/ConditionofChildren/201211MonitoringForSuccess.ashx?la=en&rev=90a8b252b84a4e80b2ebd6c1a6899865
Human Rights Campaign Foundation Publication	California LGBTQ Youth Report, January 2019 https://assets2.hrc.org/files/assets/resources/YouthReport-California-Final.pdf
Website	CSBA District and County Office of Education Legal Services
Website	Human Rights Campaign Foundation
Website	National Center for Health Education
Website	National Hearing Conservation Association
Website	California Subject Matter Project, Physical Education-Health Project
Website	Center for Injury Prevention Policy and Practice
Website	American School Health Association
Website	California Association of School Health Educators
Website	California Department of Education, Health Education
Website	California Department of Public Health
Website	California Healthy Kids Resource Center
Website	Centers for Disease Control and Prevention
Website	CSBA
Website	SHAPE America, Society of Health and Physical Educators https://www.shapeamerica.org/
Website	U.S. Department of Health and Human Services https://www.hhs.gov/

Cross References

Code	Description
0200	Goals For The School District
0415	Equity

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0470	COVID-19 Mitigation Plan
0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1240	Volunteer Assistance
1240	Volunteer Assistance
1325	Advertising And Promotion
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3514	Environmental Safety
3514	Environmental Safety
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3543	Transportation Safety And Emergencies
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3554	Other Food Sales
3554	Other Food Sales
4131	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5131	Conduct

5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.5	Mental Health
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
5141.7	Sun Safety
5142	Safety
5142	Safety

5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.5	Environmental Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.8	Assemblies And Special Events
6146.1	High School Graduation Requirements
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials

6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.8	Research
6162.8	Research
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6190	Evaluation Of The Instructional Program

Policy 6146.1: High School Graduation Requirements

Status: ADOPTED

Original Adopted Date: 12/01/2017 | **Last Revised Date:** 03/12/01/2023 | **Last Reviewed Date:** 03/12/01/2023

CSBA NOTE: The following policy is for use by districts that maintain grades 9-12.

The Governing Board desires to prepare all students to successfully complete the high school course of study and obtain a diploma that represents their educational achievement and increases their opportunities for postsecondary education and employment.

District students shall complete graduation course requirements as specified in Education Code 51225.3. Unless exempted as provided in "Exemptions from District-Adopted Graduation Requirements," district students shall also complete other course requirements adopted by the Board. Students who are exempted from district-adopted graduation requirements shall be eligible to participate in any graduation ceremony and school activity related to graduation in which other students are eligible to participate.

Course Requirements

CSBA NOTE: Education Code 51225.3 specifies the courses that a student is required to complete in order to graduate from high school as listed in Items #1-7 below.

Pursuant to Education Code 66204, each district that maintains a high school is required to develop a process for submitting courses to the University of California (UC) to review and certify that they align with the "A-G" course requirements for college admission.

To obtain a high school diploma, students shall complete the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. 1. Three courses in English (Education Code 51225.3)
2. 2. Two courses in mathematics (Education Code 51225.3)

Students shall complete at least one mathematics course that meets the state academic content standards for Algebra I or Mathematics I. Students may complete such coursework prior to grade 9 provided that they also complete two mathematics courses in grades 9-12. (Education Code 51224.5)

CSBA NOTE: The following paragraph is for districts that require more than two mathematics courses for high school graduation. Pursuant to Education Code 51225.3 and 51225.35, a district that requires more than two courses in mathematics may award up to one mathematics course credit for an approved computer science course. Any such course must have been approved by UC as a "category C" (mathematics) course in the university's "A-G" course admission criteria; see BP 6143 - Courses of Study.

3. Successful completion of an approved computer science course that is classified as a "category C" course based on the University of California (UC) and California State University (CSU) "A-G" admission requirements shall be counted toward the satisfaction of additional graduation requirements in mathematics. (Education Code 51225.3, 51225.35)
4. 3. Two courses in science, including biological and physical sciences (Education Code 51225.3)
5. 4. Three courses in social studies, including United States (U.S.) history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)

CSBA NOTE: Pursuant to Education Code 51225.3, as amended by AB 185 (Ch. 571, Statutes of 2022), the option to authorize the completion of a course in career technical education (CTE) in lieu of the visual or performing arts or world language course requirement for high school graduation, which authority was deleted by AB 101 (Ch. 661, Statutes of 2021), has been restored until July 1, ~~2027~~2028.

6. 5. One course in visual or performing arts, world language, or career technical education (CTE). For purposes of this requirement, a course in American Sign Language shall be deemed a course in world language (Education Code 51225.3)

To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education. (Education Code 51225.3)

7. 6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

CSBA NOTE: Pursuant to Education Code 51225.3, beginning with the 2025-26 school year, the district is required to offer students in grades 9 to 12 a one-semester course in ethnic studies and beginning with the 2029-30 school year, a student is required to complete a one-semester course in ethnic studies, as specified, in order to graduate from high school. At its discretion, a district may require a full-year course. Districts that require a full-year course should revise Item #7 accordingly.

8. 7. Beginning with the 2029-30 school year, a one-semester course in ethnic studies (Education Code 51225.3)

CSBA NOTE: Pursuant to Education Code 51225.3, the Governing Board may prescribe additional coursework (e.g., health education or service learning) or other requirements (e.g., portfolios or senior projects) that district students must complete in order to obtain a diploma. If the Board does so, such courses or projects should be listed below.

If the district requires a course in health education for graduation, Education Code 51225.36 requires that the district include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386.

See BP 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction. In addition, pursuant to Education Code 51225.6, a district that requires a course in health education for graduation is required to include instruction in compression-only cardiopulmonary resuscitation (CPR). See AR 6143 - Courses of Study.

Pursuant to Education Code 51230, if the district requires the completion of community service hours for high school graduation, the district may provide a student with credit towards that requirement for completion of a course in community emergency response training. However, if the district chooses to offer credit for the completion of such a course, the Board is still obligated to notify parents/guardians, students, and the public of information specified in Education Code 51225.3.

9. 8.

CSBA NOTE: Education Code 51225.3 requires the Board to adopt alternative means for students to complete the prescribed course of study. See BP/AR 6146.11 - Alternative Credits Toward Graduation.

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

Exemptions from District-Adopted Graduation Requirements

CSBA NOTE: Pursuant to Education Code 51225.31, as added by AB 181 (Ch. 52, Statutes of 2022), districts are required to exempt an eligible student with disabilities from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma, as reflected below. Awarding a diploma pursuant to this exception does not change the district's obligation to provide a free appropriate public education or otherwise constitute a change in placement. CSBA NOTE: Education Code 51225.1 requires the district to exempt from any district-adopted graduation requirements that are in addition to the state requirements specified in Education Code 51225.3 a foster youth, a student experiencing homelessness, a former juvenile court school student, a child of a military family, a migrant student who transfers into the district or between district high schools any time after completing the second year of high school, or, as amended by AB 714 (Ch. 342, Statutes of 2023), a newcomer student as defined in Education Code 51225.2 who is in the third or fourth year of high school. This exemption does not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. Also see AR 6173 - Education for Homeless Children, AR 6173.1 - Education for Foster Youth, AR 6173.2 - Education of Children of Military Families, AR 6173.3 - Education for Juvenile Court School Students, and AR 6175 - Migrant Education Program.

Pursuant to Education Code 51225.1, within 30 calendar days of the transfer into a school by a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or newcomer student, as applicable, the district is required to notify any eligible student and/or the student's parent/guardian, the student's educational rights

holder, the district's liaison for homeless children, and the student's social worker or probation officer, as applicable, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. If the district fails to provide that notification, the student will be eligible for the exemption once notified, even if the notification is received after the termination of the court's jurisdiction over the foster youth or former juvenile court school student, after the student experiencing homelessness ceases to be homeless, or after the student no longer meets the definition of a child of a military family, a migrant student, or a newcomer student, as applicable.

Education Code 51225.1 also provides that, if an exempted student completes the statewide coursework requirements before the end of the fourth year of high school, the district or a district school must not require or request that the student graduate before the end of the fourth year of high school.

Any complaint alleging the district's failure to comply with the requirements of Education Code 51225.1 may be filed using the district's uniform complaint procedures pursuant to 5 CCR 4600-4670. See BP/AR 1312.3 - Uniform Complaint Procedures.

Prior to the beginning of grade 10, the individualized education program (IEP) team for each student with disabilities shall determine whether the student is eligible for exemption from all coursework and other requirements adopted by the Board in addition to the statewide course requirements for high school graduation, and if so, shall notify the student's parent/guardian of the exemption. A student with disabilities shall be eligible for the exemption, if the student's IEP provides for both of the following requirements: (Education Code 51225.31)

- 1.—That the student take the alternate assessment aligned to alternate achievement standards in grade 11 as described in Education Code 60640
- 2.—That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

CSBA NOTE: Education Code 51225.1 requires the district to exempt from any district-adopted graduation requirements that are in addition to the state requirements specified in Education Code 51225.3 a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district high schools any time after completing the second year of high school, or an immigrant student who is in the third or fourth year of high school and is participating in a newcomer program (i.e., a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency). This exemption does not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. Also see AR 6173 - Education for Homeless Children, AR 6173.1 - Education for Foster Youth, AR 6173.2 - Education of Children of Military Families, AR 6173.3 - Education for Juvenile Court School Students, and AR 6175 - Migrant Education Program.

Pursuant to Education Code 51225.1, within 30 calendar days of the transfer into a school by a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or newly arrived immigrant student, or of the commencement of participation in a newcomer program, as applicable, the district is required to notify any eligible

student and/or the student's parent/guardian, the person holding the right to make educational decisions for the student, the district's liaison for homeless children, and the student's social worker or probation officer, as applicable, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. If the district fails to provide that notification, the student will be eligible for the exemption once notified, even if the notification is received after the termination of the court's jurisdiction over the foster youth or former juvenile court school student, after the student experiencing homelessness ceases to be homeless, or after the student no longer meets the definition of a child of a military family, a migrant student, or a student participating in a newcomer program, as applicable.

Education Code 51225.1 also provides that, if an exempted student completes the statewide coursework requirements before the end of the fourth year of high school, the district or a district school must not require or request that the student graduate before the end of the fourth year of high school.

Any complaint alleging the district's failure to comply with the requirements of Education Code 51225.1 may be filed using the district's uniform complaint procedures pursuant to 5 CCR 4600-4670. See BP/AR 1312.3 - Uniform Complaint Procedures.

In addition, a ~~foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district schools any time after completing the second year of high school, or a newly arrived immigrant~~ newcomer student who is in the third or fourth year of high school and is participating in a newcomer program, shall be exempted from any graduation requirements adopted by the Board that are in addition to statewide course requirements. This exemption shall not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the additional requirements in time to graduate by the end of the fourth year of high school.

Within 30 days of the transfer into a school by a the foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student, or of the commencement of participation in a newcomer program newcomer student, as applicable, the Superintendent or designee shall notify any eligible student, and others as required by law, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, the district may not require or request a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student participating in a newcomer program newcomer student who is exempted from district-established graduation requirements and completes statewide coursework requirements before the end of the student's fourth year of high school to graduate early, as described below.

The Superintendent or designee shall not require or request the foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student participating in a newcomer program student who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1, as amended by SB 532 (Ch. 918, Statutes of 2022), requires the district to exempt a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student participating in a newcomer program newcomer student who qualifies for an exemption from district-established graduation requirements, under the circumstances described below.

If the foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant newcomer student participating in a newcomer program was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the person holding the right to make student's educational decisions for the student rights holder may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. Any such student who at one time qualified for the exemption may request the exemption even if the student is no longer eligible. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.131, as amended by SB ~~532~~, 114 (Ch. 48, Statutes of 2023) and SB 141 (Ch. 194, Statutes of 2023), districts are required to annually report to exempt an eligible student with disabilities, that entered the California Department of Education regarding ninth grade in the number of students who, for the prior 2022-23 school year, graduated with an exemption and later, from the district-established graduation all coursework and other requirements adopted by the Board that are in addition to the statewide coursework course requirements specified in Education Code 51225.3, and award such student a high school diploma, as specified reflected below. Awarding a diploma pursuant to this exception does not change the district's obligation to provide a free appropriate public education (FAPE) until 22 years of age or otherwise constitute a change in placement.

Additionally, a student with disabilities shall be eligible for an exemption from all coursework and other requirements adopted by the Board in addition to the statewide course requirements for high school graduation, if the student's individualized education program (IEP) provides for both of the following requirements: (Education Code 51225.31)

1. That the student is eligible to take the alternate assessment as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

CSBA NOTE: Pursuant to Education Code 51225.31, as amended by SB 114 and SB 141, participation in graduation activities by a student with a disability who is exempted from district-adopted graduation requirements that are in addition to the statewide course requirements specified in Education Code 51225.3, may not be construed as a termination of the district's responsibility to provide FAPE unless the student's individualized education program team, which includes the parent/guardian and student, has determined that the student has completed the high school experience.

The district's responsibility to provide a free appropriate public education shall not terminate when a student with a disability who is exempted from district-adopted graduation requirements participates in graduation activities unless the IEP team, which includes the parent/guardian and student, has determined that the student has completed the high school experience. (Education Code 51225.31)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, districts are required to annually report to the California Department of Education (CDE) regarding the number of students who, for the prior school year, graduated with an exemption from the district-established graduation requirements that are in addition to statewide coursework requirements, as specified below.

Pursuant to Education Code 60900.2, as added by AB 1340 (Ch. 576, Statutes of 2023), and contingent upon funding for these purposes, CDE is required, on or before January 1, 2025, to report on its website statewide four and five year cohort graduation rates for students with disabilities disaggregated by the identified disability or disabilities as listed in 34 CFR 300.8.

Annually, the Superintendent or designee shall report to the California Department of Education, in accordance with Education Code 51225.1, the number of student's graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

CSBA NOTE: Items #1-45 below are optional and may be revised to reflect district practice.

In addition, the district may retroactively grant high school diplomas to former students who: (Education Code 48204.4, 51430, 51440)

1. 1. _____ Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the U.S. or through online or virtual courses.

2. 2. _____ Were interned by order of the federal government during World War II or are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district high school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfy these conditions may be granted a retroactive

diploma to be received by their next of kin.

3. 3. Are veterans who entered the military service of the U.S. while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school

4. Are former members of the military, a resident of California, and received an honorable discharge, or, are current members of the military, a resident of California, and a resident of California when entering the military

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall evaluate classes completed in any high school, community college, or state college, grant credit toward graduation for military service and training received while in the military, and if satisfied that the person has completed the equivalent of the requirements for graduation from high school, grant the person a diploma of graduation.

4. 5. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis

Honorary Diplomas

CSBA NOTE: The following optional section reflects the Board's authority to confer honorary high school diplomas pursuant to Education Code 51225.5 and may be revised to reflect district practice.

The Board may grant an honorary high school diploma to: (Education Code 51225.5)

1. An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the student's home country following the completion of one academic school year in the district
2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district. (Education Code 51225.5)

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Description

5 CCR 1600-1651	Graduation of students from grade 12 and credit toward graduation
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 220	Prohibition of discrimination
Ed. Code 47612	Average daily attendance in charter school
Ed. Code 48200	Compulsory attendance
Ed. Code 48204.4	Parents/guardians departing California against their will
Ed. Code 48412	Certificate of proficiency
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51224	Skills and knowledge required for adult life
Ed. Code 51224.5	Algebra in course of study for grades 7-12
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation exemption for students with disabilities
Ed. Code 51225.35	Mathematics course requirements; computer science
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51225.5	Honorary diplomas; foreign exchange and terminally ill students
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51225.9	Courses of study, grades 7 to 12; career technical education
Ed. Code 51226.7	Model curriculum in ethnic studies
Ed. Code 51228	Course of study; offerings and timely opportunity
Ed. Code 51230	Credit for community emergency response training
Ed. Code 51240-51246	Exemptions from requirements
Ed. Code 51250-51251	Assistance to military dependents

Ed. Code 51410-51413	Diplomas
Ed. Code 51420-51427	High school equivalency certificates
Ed. Code 51430	Retroactive high school diplomas
Ed. Code 51440	Credit and granting of diploma to veterans and members of the military service
Ed. Code 51450-51455	Golden State Seal Merit Diploma
Ed. Code 51744-51749.6	Independent study
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 60640	California Assessment of Student Performance and Progress
Ed Code 60900.2	Students with Disabilities Graduation Reporting
Ed. Code 66204	Certification of high school courses as meeting university admission criteria
Ed. Code 67386	Student safety; affirmative consent standard

Federal[20 USC 7011](#)[34 CFR 300.1-300.818](#)**Management Resources**

Court Decision

Website

Website

Website

Website

Description[Definition of newcomer student](#)[Individuals with Disabilities Education Act](#)**Description**

O'Connell v. Superior Court (Valenzuela) (2006) 141 Cal.App.4th 1452

CSBA District and County Office of Education Legal Services

California Department of Education, High School

University of California, List of Approved A-G Courses

CSBA

Cross References**Code**

0460

0460

0470

1312.3

1312.3

1312.3-E(1)

1312.3-E(2)

Description

Local Control And Accountability Plan

Local Control And Accountability Plan

COVID-19 Mitigation Plan

Uniform Complaint Procedures

Uniform Complaint Procedures

Uniform Complaint Procedures

Uniform Complaint Procedures

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4112.2	Certification
5113.2	Work Permits
5113.2	Work Permits
5126	Awards For Achievement
5126	Awards For Achievement
5127	Graduation Ceremonies And Activities
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5147	Dropout Prevention
6000	Concepts And Roles
6011	Academic Standards
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.6	Visual And Performing Arts Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
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6142.92	Mathematics Instruction
6142.93	Science Instruction
6142.94	History-Social Science Instruction
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6143	Courses Of Study

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6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.5	Student Assessment

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6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
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6173.1	Education For Foster Youth
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6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
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6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
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6178.2	Regional Occupational Center/Program
6179	Supplemental Instruction
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
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6200	Adult Education
9000	Role Of The Board

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Policy 6146.4: Differential Graduation And Competency Standards For Students With Disabilities

Status: ADOPTED

Original Adopted Date: 11/01/1999 | **Last Revised Date:** 06/12/01/2023 | **Last Reviewed Date:** 06/12/01/2023

CSBA NOTE: The following optional policy is for use by districts that maintain high schools and should be modified to reflect district practice.

Pursuant to Education Code 56345 and 34 CFR 300.320, the individualized education program (IEP) for each student with a disability must contain a statement of measurable annual goals that would enable the student to progress in the general education curriculum, a statement regarding any accommodations necessary to measure the student's performance on state and district assessments, and 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 for graduation; see AR 6159 - Individualized Education Program for a detailed listing of the required contents of the IEP.

Pursuant to Education Code 60900.2, as added by AB 1340 (Ch. 576, Statutes of 2023), and contingent upon funding for these purposes, the California Department of Education is required, on or before January 1, 2025, to report on its website statewide four and five year cohort graduation rates for students with disabilities disaggregated by the identified disability or disabilities as listed in 34 CFR 300.8.

The Governing Board recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

Exemption from District-Established Graduation Requirements

CSBA NOTE: Pursuant to Education Code 51225.31, as ~~added~~ amended by ~~AB 181~~ SB 114 (Ch. ~~5248~~, Statutes of ~~2022~~2023) and SB 141 (Ch. 194, Statutes of 2023), districts are required to exempt an eligible student with a disability, that entered the ninth grade in the 2022-23 school year and later, from all coursework and other requirements adopted by the Governing Board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma, as reflected below. ~~Awarding a diploma pursuant to this exception does not change the district's obligation to provide a free appropriate public education or otherwise constitute a change in placement.~~

District students shall complete all course requirements for high school graduation as specified in Board Policy 6146.1 - High School Graduation Requirements. However, a student with a disability that entered the ninth grade in the 2022-23 school year and later may be exempted from all coursework and other requirements adopted by the Board that are in addition to the statewide

course requirements for high school graduation if the student's IEP provides for both of the following requirements: (Education Code 51225.31).

1. That the student is eligible to take the alternate assessment ~~aligned to alternate achievement standards in grade 11~~ as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

Prior to the beginning of grade 10, the IEP team for each student with a disability shall determine whether the student is eligible for the exemption, and if so, notify the student's parent/guardian of the exemption. (Education Code 51225.31)

Any such exempted student shall receive a diploma and be eligible to participate in any graduation ceremony and school activity related to graduation in which a student of similar age without a disability would be eligible to participate. (Education Code 51225.31)

CSBA NOTE: Pursuant to Education Code 51225.31, as amended by SB 114, participation in graduation activities by a student with a disability who is exempted from district-adopted graduation requirements that are in addition to the statewide course requirements specified in Education Code 51225.3, may not be construed as termination of the provision of the district's responsibility to provide a free appropriate public education, unless the student's IEP team, which includes the parent/guardian and student, has determined that the student has completed the high school experience.

The district's responsibility to provide FAPE shall not terminate when a student with a disability who is exempted from district- adopted graduation requirements participates in graduation activities unless the student's IEP team, which includes the parent/guardian and student, has determined that the student has completed the high school experience. (Education code 51225.31)

Certificate of Educational Achievement or Completion

CSBA NOTE: Education Code 56390-56392 authorize a district to award a certificate of educational achievement to a student with a disability who meets the criteria specified below. Pursuant to Education Code 56391, a student who meets the criteria is eligible to participate in any graduation ceremony/activity in which a student of similar age without a disability would be eligible to participate. However, Education Code 56391 provides that the right to participate in graduation ceremonies does not equate a certificate or document of educational achievement with a regular diploma.

Instead of a high school diploma, a student with a disability may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in the student's IEP
2. Satisfactorily met the student's IEP goals and objectives during high school as determined by the IEP team

3. Satisfactorily attended high school, participated in the instruction as prescribed in the student's IEP, and met the objectives of the statement of transition services

A student with a disability who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

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Policy Reference Disclaimer:

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State	Description
5 CCR 3070	Graduation
Ed. Code 51225.31	Graduation exemption for students with disabilities
Ed. Code 56341	Individualized education program team
Ed. Code 56345	Individualized education program contents
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed Code 60900.2	Students with Disabilities Graduation Reporting
Federal	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
34 CFR 300.320	Definition of IEP
Management Resources	Description
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education
Cross References	
Code	Description
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
5127	Graduation Ceremonies And Activities
6146.1	High School Graduation Requirements

6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
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6200	Adult Education

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Policy 6170.1: Transitional Kindergarten**Status:** ADOPTED

Original Adopted Date: 10/01/2015 | **Last Revised Date:** 12/01/2021-2023 | **Last Reviewed Date:** 12/01/2021-2023

CSBA NOTE: The following policy is for use by districts that maintain kindergarten and may be revised to reflect district practice. [Education Code 33050, as amended by SB 114 \(Ch. 48, Statutes of 2023\), prohibits the waiver of specified provisions related to transitional kindergarten \(TK\) and kindergarten provided for in Education Code 48000-48003. For more information on waivers, see BP 1431 – Waivers.](#)

Education Code 48000 provides that children are eligible for kindergarten enrollment if they have their fifth birthday on or before September 1 in that school year; see AR 5111 - Admission. Pursuant to Education Code 48000, as amended by AB 130 (Ch. 44, Statutes of 2021) and AB 167 (Ch. 252, Statutes of 2021); [SB 114](#), for the ~~2021-22~~[2023-24](#) school year, districts are required to admit any child whose fifth birthday is between September 2 and December ~~April~~ 2 to a ~~transitional kindergarten (TK) program as a condition of apportionment and revises the phases in~~ timespans for mandatory admittance requirements ~~to be phased in from the 2022-23 school year to~~ [until the 2025-26 school year, at which time districts are required to admit any child who has their fourth birthday by September 1](#), as described below.

In its [The California Department of Education's \(CDE\), "Universal Prekindergarten FAQs" and "Transitional Kindergarten FAQs,"](#) the California Department of Education (CDE) provides that the laws governing TK programs apply equally to all districts including basic aid [available on its website, provide guidance to](#) districts. ~~Districts with questions about the application on the implementation of the TK mandatory admittance requirements to basic aid~~[universal prekindergarten and TK programs. Additionally, CDE has developed a universal prekindergarten resources website, "Universal PreKindergarten, California's Great Start," designed for use by districts should consult legal counsel that operate a California State Preschool Program \(CSPP\), Head Start, and/or TK program.](#)

Education Code 48000 defines TK as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. Many of the requirements applicable to kindergarten (e.g., class size, minimum school day, facilities) are also applicable to TK. The district will receive funding based on average daily attendance (ADA) for students in a TK program that meets the requirements specified in Education Code 48000.

Education Code 8281.5, as ~~added~~ [by AB 130](#), ~~establishes~~ [established](#) the California Prekindergarten Planning and Implementation Grant Program as an early learning initiative with the goal of expanding access to classroom-based prekindergarten programs. The program allocates funding to all districts that operate kindergarten programs through minimum base grants, enrollment grants based on a district's kindergarten enrollment, and supplemental grants based on a district's percentage of unduplicated students. Grant funds may be used for costs associated with creating or expanding preschool programs through the ~~California State Preschool Program (CSPP)~~[CSPP](#) or TK programs, or to establish or strengthen partnerships with other providers of

prekindergarten education within the district, including Head Start programs, to ensure that high-quality options for prekindergarten education are available for four-year-old children. Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.

Education Code 17375, as amended by AB 130 and AB 167, establishes [Since funds for this program have already been granted, CDE is authorized, pursuant to SB 114 and SB 141 \(Ch. 194, Statutes of 2023\), to allocate or prorate unexpended funds from the California Prekindergarten Planning and Implementation Grant Programs to districts for costs associated with the educational expenses of current and future CSPP, TK, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners.](#)

Education Code 17375, as amended by SB 114, extends the time that funds from the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program to provide, which provides one-time grants to school districts to construct new school facilities or retrofit existing school facilities including for the purpose of providing TK classrooms.

For guidance on implementing TK programs, see the Transitional Kindergarten Implementation Guide: A Resource for California Public School District Administrators and Teachers, published by CDE, [are available for encumbrance or expenditure by the State Allocation Board.](#)

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The TK program shall assist students in developing the academic, social, and emotional skills needed to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in the development, implementation, and evaluation of the district's TK program.

Eligibility

CSBA NOTE: Education Code 48000, as amended by AB 130 and AB 167, revises the timespans for mandatory admittance requirements to be phased in from the 2022-23 school year to the 2025-26 school year.
CSBA NOTE: [While children are not required to attend Kindergarten or TK, all school districts are required to provide TK to age-eligible children pursuant to Education Code 48000. According to CDE's, "Universal Prekindergarten FAQs," no age-eligible child may be denied access to TK by being placed on a waiting list.](#)

The district's TK program shall admit children as follows: (Education Code 48000):

1. For the 2021-22 school year, children whose fifth birthday is between September 2 through December 2

2. For the 2022–23 school year, children whose fifth birthday is between September 2 and February 2
- 3.1. For the 2023-24 school year, children whose fifth birthday is between September 2 and April 2
- 4.2. For the 2024-25 school year, children whose fifth birthday is between September 2 and June 2
- 5.3. For the 2025-26 school year, and in each school year thereafter, children who turn four by September 1

CSBA NOTE: Pursuant to Education Code 48000, as amended by AB 130 and AB 167, a child's eligibility for TK enrollment may not impact family eligibility for a preschool or childcare program.

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or childcare program. (Education Code 48000). including, but not limited to, a Head Start program, a childcare center serving children through an alternative payment program, a general childcare and development program, a California State Preschool Program (CSPP), a migrant childcare and development program, childcare and development services for children with special needs, or a program serving children through a CalWORKs Stage 1, Stage 2, or Stage 3 program. (Education Code 48000)

CSBA NOTE: CDE's "Transitional Kindergarten, "Universal Prekindergarten FAQs"" clarify that children are required to have documentation of required immunizations or a valid exemption prior to admission to TK. For information about required immunizations and exemptions, see BP/AR 5141.31 - Immunizations.

Parents/guardians of eligible children shall be notified of the availability of the TK program and of the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

CSBA NOTE: The following paragraph is optional. If the district chooses to allow kindergarten-eligible children to enroll in the TK program, CDE recommends in its, "Universal Prekindergarten FAQs," that the district establish criteria to determine selection requirements. The parent/guardian of a kindergarten-eligible child who is enrolled in TK must, at the end of the year, sign a Kindergarten Continuance Form verifying agreement with the child enrolling in kindergarten the following year; see section "Continuation into Kindergarten" below.

On a case-by-case basis, a child whose fifth birthday is on or before September 1 may be admitted into the district's TK program upon request of a child's parents/guardians, if the Superintendent or designee, determines that it is in the child's best interest.

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 48000, as amended by AB 130 and AB 167, the district may, at its discretion, determine whether to allow admittance of children whose fifth birthday is after the date specified for admittance for the applicable year as described above. Such students may be admitted at any time during the school year, including at the beginning of the year. Education Code 48000 provides that districts will not receive ADA apportionment for a child whose birthday is after the date specified for the applicable year until the child's fifth birthday.

At any time during the school year, the district may admit into the TK program a child whose fifth birthday is after the date specified for admittance for the applicable year as described above, provided that upon the recommendation of the Superintendent or designee recommends, the Board determines that enrollment in a TK program is in the child's best interest and the child's parents/guardians approve. Prior to such enrollment, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance. (Education Code 48000)

CSBA NOTE: The following paragraph is optional and may be deleted by districts that do not allow early enrollment children in TK. Pursuant to Education Code 48000.15, as amended by SB 141, for the 2023-24 and 2024-25 school years, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP program, if offered by the district, space permitting. The district may enroll an early enrollment child in a CSPP program operated by the district regardless of income, after all other eligible children have been enrolled. Districts will not receive ADA apportionment for an early enrollment child admitted to TK until the child's fifth birthday. For more information on district preschool programs, see BP/AR 5148.3 - Preschool/Early Childhood Education.

Additionally, the district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. The Superintendent or designee shall maintain any classroom that includes an early enrollment child with a classroom enrollment that does not exceed 20 students and an adult-to-student ratio of at least one adult to every 10 students. Additionally, if an early enrollment child is enrolled in TK, the district shall concurrently offer enrollment to the child in the district's CSPP, subject to available space. (Education Code 48000.15)

Curriculum and Instruction

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

CSBA NOTE: Education Code 48000 states the Legislature's intent that the TK curriculum be aligned to the California Preschool Learning Foundations developed by CDE. These standards address essential knowledge and skills in the subject areas listed below. The standards and companion preschool curriculum frameworks are available on CDE's ~~web site~~ [website](#).

Pursuant to Education Code 8203.3, CDE in consultation with the California Department of Social Services, is responsible for establishing and updating prekindergarten learning development guidelines that focus on preparing children for kindergarten, including developmental milestones, assessment, and suggested methods for achievement.

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education (CDE). It shall be designed to facilitate students' development in essential knowledge and skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Education Code 37202 permits districts to maintain TK and kindergarten classes for different lengths of time during the school day, either at the same or a different school site. Districts offering TK classes for different lengths of time are still required to meet the minimum and maximum length of school day

provided in law. Pursuant to Education Code 46111, as amended by AB 130, 46115, and 46117, at the kindergarten and TK level the minimum school day is three hours (180 minutes), including recess but excluding noon intermission, and the maximum school day is four hours (240 minutes), excluding recess, except for students in expanded learning opportunity programs intended to supplement instructional time provided by a district pursuant to Education Code 46120 or if the district has adopted an extended-day kindergarten pursuant to Education Code 8973. However, pursuant to Education Code 46119, if the district has fewer than 40 kindergarten students, the Governing Board may apply to the Superintendent of Public Instruction to maintain two kindergarten classes of 150 minutes each, including recesses, taught on the same day by the same teacher. Also see [BP/AR 5148.2 - Before/After School Programs and AR 6112 - School Day](#).

Pursuant to Education Code 48003, districts are required to provide an annual report to CDE regarding the type of kindergarten program offered by the district, including part day, full day, or both. The California Basic Educational Data System (CBEDS) School Information Form, located on CDE's [web site website](#), requires a report on the type of TK program offered.

The Board shall establish the length of the school day in the district's TK program, which shall be at least three hours but no more than four hours long, [including recess but excluding noon intermission](#), except for TK students enrolled in expanded learning opportunity programs provided by the district pursuant to Education Code 46120. If the district has adopted an extended-day kindergarten, the length of the school day for the TK program may be different than the length of the school day for the kindergarten program either at the same or different school sites. The Superintendent or designee shall annually report to CDE as to whether the district's TK programs are offered full day, part day, or both. (Education Code 8973, 37202, 46111, 46115, 46117, 48003)

CSBA NOTE: Education Code 8281.5, as added by AB 130 and amended by AB 167, requires districts receiving grants through the California Prekindergarten Planning and Implementation Grant Program to develop a plan for consideration by the Board at a public meeting on or before June 30, 2022 for how all children in the attendance area of the district will have access to full-day learning programs the year before kindergarten that meet the needs of parents/guardians, including through partnerships with the district's expanded learning offerings, the After School Education and Safety Program, the CSPP, Head Start programs, and other community-based early learning and care programs.

The Superintendent or designee shall ~~develop a plan~~ [collaborate with parents/guardians and relevant community groups, in accordance with the plan developed](#) for how all children in the attendance area of the district will have access to full-day learning programs the year before kindergarten that meet the needs of parents/guardians, including through partnerships with the district's expanded learning offerings, the After School Education and Safety Program, the California State Preschool Program (CSPP), Head Start programs, and other community-based early learning and care programs. ~~The Superintendent or designee shall present such plan for consideration by the Board at a public meeting on or before June 30, 2022.~~ (Education Code 8281.5)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. According to CDE's "[Transitional Kindergarten, "Universal Prekindergarten](#) FAQs," it is the intent of the law to provide separate and unique experiences for TK and kindergarten students. However, districts have flexibility to determine how best to meet the curricular needs of each child and whether TK and kindergarten students may be enrolled in the same classrooms.

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

TK students may be commingled in the same classroom with four-year-old students from a CSPP program as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000):

1. The classroom does not include students enrolled in TK for a second year or students enrolled in a regular kindergarten
2. An early childhood environment rating scale, as specified in 5 CCR 18281, is completed for the classroom
3. All children enrolled for 10 or more hours per week are evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272
4. The classroom is taught by a teacher that holds a credential issued by the Commission on Teacher Credentialing ([CTC](#)) in accordance with Education Code 44065 and 44256
5. The classroom is in compliance with the adult-child ratio specified in Education Code 8241
6. Contractors of the district report the services, revenues, and expenditures for children in the preschool program in accordance with 5 CCR 18068 except for contractors of the TK program

CSBA NOTE: Education Code 48000, as amended by AB 130, requires districts to maintain an average TK class enrollment of not more than 24 students for each school site.

The district shall maintain an average TK class enrollment of not more than 24 students for each school site, not including students who are continuously enrolled in and meet the minimum day requirement for independent study for more than 14 school days in a school year. (Education Code 48000)

Staffing

CSBA NOTE: To be qualified to teach a TK class, the teacher must possess an appropriate multiple subjects or early childhood education credential issued by the Commission on Teacher Credentialing ([CTC](#)) authorizing instruction in TK. Education Code 48000 establishes additional requirements for credentialed teachers who are first assigned to a TK class after July 1, 2015, as provided below. [CTC may issue a one-year emergency specialist teaching permit in early childhood education that authorizes teaching all subjects in a self-contained TK general education classroom, provided that certain conditions are met as specified in Education Code 44300.](#)

[Additionally, CTC has amended 5 CCR 80067, and adopted 5 CCR 80067.1 and 80067.2, which are pending approval by the Office of Administrative Law as of October 2023, pertaining to the prekindergarten-grade 3 early childhood education specialist credential. The proposed credential is designed to provide individuals who already hold a bachelor's degree and have gained experience in early childhood education through their work, to have an expedited pathway to earning the credential to teach in the prekindergarten-grade 3 environment. See CTC Coded Correspondence 23-02 for more information regarding the proposed regulations. For more information about the Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit, see AR 4112.2 -- Certification.](#)

TK assignments are subject to assignment monitoring and reporting by the County Superintendent of Schools in accordance with Education Code 44258.9.

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from the Commission on Teacher Credentialing (CTC) CTC that authorizes such instruction.

CSBA NOTE: Education Code 48000, as amended by ~~AB 130~~ SB 114, extends until August 1, ~~2023~~ 2025, the requirement for credentialed teachers who are first assigned to a TK class to meet additional qualifications, as described below.

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, ~~2023~~ 2025, have at least 24 units in early childhood education and/or child development, comparable professional experience in a preschool setting, and/or a child development teacher permit or an early childhood specialist credential issued by CTC. (Education Code 48000)

CSBA NOTE: Education Code 8281.5, as added by ~~AB 130~~, permits the use of funding from the California Prekindergarten Planning and Implementation Grant Program for the purpose of professional development, including, but not limited to, developing competencies in serving inclusive classrooms and dual language learners, and which as amended by SB 114 and SB 141, extends the time that CDE is authorized to allocate or prorate unexpended funds.

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children, including, but not limited to, developing competencies in serving inclusive classrooms and dual language learners.

CSBA NOTE: Education Code 48000, as amended by ~~AB 130~~ SB 114, requires districts to, ~~commencing with the 2022-23 school year,~~ maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for every 10 students commencing with the ~~2023-24~~ 2025-26 school year.

The district shall, ~~commencing with the 2022-23 school year,~~ maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for every 10 students commencing with the ~~2023-24~~ 2025-26 school year. (Education Code 48000)

Continuation to Kindergarten

CSBA NOTE: The following section is consistent with guidance in CDE's "~~Transitional Kindergarten~~ Universal Prekindergarten FAQs."

There is no requirement that an age-eligible student complete a year of TK or kindergarten before enrolling in first grade. Pursuant to Education Code 48010, a student must be six years old on or before September 1 to be eligible for first grade. However, if a student is not six years old by September 1, the student may be admitted to first grade in accordance with Education Code 48011, if the child has completed one year of kindergarten or, in some cases, has attended some kindergarten. CDE's, "Universal Prekindergarten FAQs," note that a year of TK is not equivalent to a year of kindergarten, for purposes of enrolling a 5-year-old student in first grade pursuant to Education Code 48011.

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

CSBA NOTE: The following optional paragraph is for use by districts that allow kindergarten-eligible children to enroll in TK; see "Eligibility" section above. When such students are subsequently enrolled in kindergarten, the district is required to obtain a signed Kindergarten Continuance Form in order to receive kindergarten ADA for those children since they would otherwise be age-eligible for first grade. [A sample Kindergarten Continuance Form is available on CDE's, "Universal Prekindergarten FAQs" website.](#) CDE recommends that approval for a student to continue in kindergarten not be sought until near the end of the year of TK, since permission obtained unreasonably far in advance could be found invalid.

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

CSBA NOTE: Pursuant to Education Code 46300, the district may not include for ADA purposes the attendance of any student for more than two years in kindergarten or for more than two years in a combination of TK and kindergarten.

A student shall not attend more than two years in [kindergarten or](#) a combination of TK and kindergarten. (Education Code 46300)

Assessment

CSBA NOTE: The following section may be revised to reflect district practice. One assessment resource for TK students is CDE's Desired Results Developmental Profile, which is designed to assess the developmental progression of all children from early infancy to kindergarten entry.

The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. The Superintendent or designee shall monitor and regularly report to the Board regarding program implementation, the progress of students in meeting related academic standards, and student preparedness for future education.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 18000-18434 18308	Child care Early Learning and development programs Care Programs
5 CCR 18068 80067	Attendance and expenditure reports Professional Clear Early Childhood Education Specialist Instruction Credential
5 CCR 18272	Developmental profile

5 CCR 18281	Environment rating scales
Ed. Code 17375	California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program
Ed. Code 33050	Waiver authority and exceptions
Ed. Code 37202	Equal time in all schools
Ed. Code 44065	Issuance of and functions requiring credentials
Ed. Code 44256	Authorization for teaching credentials
Ed. Code 44258.9	County superintendent review of teacher assignment
Ed. Code 44300	Emergency permits
Ed. Code 46111	Kindergarten; hours of attendance
Ed. Code 46114-46119	Minimum school day; kindergarten
Ed. Code 46120	Expanded learning opportunities
Ed. Code 46300	Method of computing average daily attendance
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48000.15	Early enrollment in transitional kindergarten
Ed. Code 48002	Evidence of minimum age required to enter kindergarten or first grade
Ed. Code 48003	Kindergarten annual report
Ed. Code 48010	Minimum age of admission to first grade
Ed. Code 48011	Promotion/retention following one year of kindergarten
Ed. Code 48200	Compulsory attendance
Ed. Code 8203.3	Development of pre-kindergarten learning development guidelines
Ed. Code 8207	California State Preschool Program administration
Ed. Code 8241	Staffing ratios for center-based program
Ed. Code 8322 8281.5	California Prekindergarten Planning and Implementation Grant Program
Ed. Code 8970-8974	Early primary program, including extended-day kindergarten
Ed. Code 8973	Extended-day kindergarten
Management Resources	Description
California Department of Education Publication	Desired Results Developmental Profile: A Developmental Continuum from Early Infancy up to Kindergarten Entry, 2015

	https://www.cde.ca.gov/sp/cd/ci/documents/drdp2015preschool.pdf
California Department of Education Publication	California Preschool Curriculum Framework, Vol. 1, 2010 https://www.cde.ca.gov/sp/cd/re/documents/psframeworkvol1.pdf
California Department of Education Publication	California Preschool Curriculum Framework, Vol. 2, 2011 https://www.cde.ca.gov/sp/cd/re/documents/psframeworkvol2.pdf
California Department of Education Publication	California Preschool Curriculum Framework, Vol. 3, 2013 https://www.cde.ca.gov/sp/cd/re/documents/preschoolframeworkvol3.pdf
California Department of Education Publication	California Preschool Learning Foundations, Vol. 1, 2008 https://www.cde.ca.gov/sp/cd/re/psfoundations.asp#psfoundvol1
California Department of Education Publication	Transitional Kindergarten FAQs
California Department of Education Publication	Transitional Kindergarten Implementation Guide: A Resource for California Public School District Administrators and Teachers, 2013
California Department of Education Publication	California Preschool Learning Foundations, Vol. 2, 2010 https://www.cde.ca.gov/sp/cd/re/psfoundations.asp#psfoundvol2
California Department of Education Publication	California Preschool Learning Foundations, Vol. 3, 2012 https://www.cde.ca.gov/sp/cd/re/psfoundations.asp#psfoundvol3
California Department of Education Publication	Universal Prekindergarten FAQs https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#universal
CSBA Publication	What Boards of Education Can Do About Kindergarten Readiness, Governance Brief, May 2016
CA Commission on Teacher Credentialing Publication	Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023 (https://www.ctc.ca.gov/docs/default-source/commission/coded/2023/coded-23-02.pdf?sfvrsn=973026b1_9)
CSBA Publication	Advancing Universal Transitional Kindergarten, April 2022 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/GovBrief-UTK-04062022.ashx?la=en&rev=99c007ecdf1f4b128d38a351913740d8)

CSBA PublicationThe Importance of Early Childhood Education Programs, September 2019

(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201909CSBA_Governance-Brief_Early-Education.ashx?la=en&rev=8b0259f73a574f62aae4e8b047db4eed)

Website	CSBA District and County Office of Education Legal Services
Website	Transitional Kindergarten California
Website	California Kindergarten Association
Website	Commission on Teacher Credentialing
Website	CSBA
Website	California Department of Education
<u>Website</u>	<u>California Department of Education, Universal PreKindergarten, California's Great Start</u> (https://express.adobe.com/page/OZrg3IsP1GE8b/)
<u>Website</u>	<u>California Office of Administrative Law</u> (https://oal.ca.gov/)

Cross References

Code	Description
0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
4112.2	Certification
4112.2	Certification
4131	Staff Development
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5141.22	Infectious Diseases

5141.22	Infectious Diseases
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6111	School Calendar
6112	School Day
6112	School Day
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6151	Class Size
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.5	Student Assessment
6174	Education For English Learners
6174	Education For English Learners

CSBA Sample District Policy Manual
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Regulation 6173.3: Education For Juvenile Court School Students**Status:** ADOPTED

Original Adopted Date: 12/01/2016 | **Last Revised Date:** 12/01/2023 | **Last Reviewed Date:** 12/01/2016 ~~2023~~

CSBA NOTE: The following administrative regulation is for use by districts that maintain secondary schools. Juvenile court schools are operated by county offices of education pursuant to Education Code 48645-~~48646~~48650 and serve students who are under the protection or authority of the county juvenile justice system. Pursuant to Education Code 48645.2, such schools may be administered either by the County Superintendent of Schools or by the board of the district in which the juvenile court school is located, through a contract between the County Board of Education and the district's governing board.

Education Code 48647, 51225.1, and 51225.2, as amended by AB 2306 (Ch. 464, Statutes of 2016), establish educational rights of former juvenile court school students who transition into a district school. These include rights related to the immediate enrollment of such students, the immediate transfer of educational records, the transfer of coursework and credits, the option to remain in school for a fifth year to complete graduation requirements upon agreement with the student or the student's educational rights holder, and exemption from district-established graduation requirements under certain conditions.

The following optional paragraph reflects the intent expressed in Education Code 48647 to encourage collaboration between the district and county agencies to ensure effective communication, enrollment, and placement practices.

The Superintendent or designee shall collaborate with the County Superintendent of Schools and the county probation department to facilitate the transition of students from a juvenile court school into the regular schools of the district. Such collaboration may include, but not be limited to, the development of data-sharing systems, communication strategies, and other structures that aid in the enrollment, placement, and continuous educational progress of such students.

Enrollment

CSBA NOTE: Education Code 48645.5 requires the immediate enrollment of a student who has had contact with the juvenile justice system. Pursuant to Education Code 48645.5 and 48853.5, such a student must be enrolled even if ~~he/she~~the student (1) has outstanding fees, fines, textbooks, or other items or monies due to the previous school; (2) does not have clothing normally required by the school, such as school uniforms; or (3) is unable to produce records normally required for enrollment.

A former juvenile court school student transferring into a regular district school shall be immediately enrolled in the school. The Superintendent or designee shall not deny enrollment to a student solely on the basis of ~~his/her~~an arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other contact with the juvenile justice system. (Education Code 48645.5)

Transfer of Coursework and Credits

CSBA NOTE: The following section is for use by districts maintaining high schools. Education Code 51225.2, as amended by SB 532 (Ch. 918, Statutes of 2022), addresses the transferability of coursework and credits completed by a student enrolled in a juvenile court, as provided below.

Education Code 51225.2, as amended by SB 532, requires the transferring school to include in the student's educational record a determination of days of enrollment and/or seat time and an official transcript with full and partial credits earned, or any measure of full or partial coursework being satisfactorily completed.

When a student enrolled in a juvenile court school transfers from a juvenile court school into a district school, the district will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the student and includes: (Education Code 51225.2)

1. A determination of the days of enrollment and/or seat time, if applicable, for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned
3. A complete record of the student's seat time, including both period attendance and days of enrollment

The district shall transfer the credits and grades from the transferring school's transcript onto an official district transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

If the Principal or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the Principal or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school within two business days of the request. (Education Code 51225.2)

The district shall accept and issue full credit for any coursework that the student has satisfactorily completed at that school and shall former juvenile court school student has satisfactorily completed while attending another public school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school. (Education Code 51225.2)

CSBA NOTE: Pursuant to Education Code 51225.2, districts may not require the a student who has completed an entire course to retake the course. If the student did not complete the entire course, he/she,

If the entire course was completed, the district shall not require the student to retake the course. (Education Code 51225.2)

If the entire course was not completed at the previous school, the student shall be issued partial credit for the coursework completed and shall not be required to retake the uncompleted portion of the course completed. (Education Code 48645.5, 51225.2) However, a student may be required to retake the portion of the course completed if the Superintendent or designee, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a former juvenile court school student in any particular course, he/she/the student shall be enrolled in the same or equivalent course, if applicable, so that he/she/the student may continue and complete the entire course. (Education Code 51225.2)

CSBA NOTE: The following paragraph should be revised to reflect district practice, consistent with district policy related to partial credit awarded to homeless students and foster youth. Although Education Code 51225.2, as amended by AB 2306 (Ch. 464, Statutes of 2016), requires districts to award partial credits to former juvenile court school students who transfer from school to school, there is no uniform system for calculating and awarding partial credits. The following paragraph reflects a recommendation in the California Child Welfare Council's Partial Credit Model Policy and Practice Recommendations and is consistent with the approach provided in AR 6173 - Education for Homeless Children and AR 6173.1 - Education for Foster Youth.

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject.

In no event shall the district prevent a former juvenile court school student from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

Applicability of Graduation Requirements

If a student completes district graduation requirements while being detained in a juvenile facility, the district shall issue the student a diploma from the school the student last attended, unless the County Superintendent issues the diploma. (Education Code 48645.5)

CSBA NOTE: The remainder of this section addresses the completion of graduation requirements by students who transfer from a juvenile court school to a district school after completing two years of high school. Education Code 51225.1, as amended by AB 2306 (Ch. 464, Statutes of 2016), exempts such students from district-established graduation requirements under certain conditions.

A student who transfers to a district school from a juvenile court school shall generally be expected to complete all courses required by Education Code 51225.3 and to fulfill any additional graduation requirements prescribed by the Governing Board.

However, when a student who has completed his/her/the second year of high school transfers from a juvenile court school into a district school, he/she/the student shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her/the student's fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make student's educational decisions for him/her/rights holder, and

the student's social worker or probation officer of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the termination of the court's jurisdiction over the student. (Education Code 51225.1)

To determine whether a student is in his/her third or fourth year of high school, the district shall use either the number of credits he/she has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any former juvenile court school student who is granted an exemption and the person holding the right to make educational decisions for him/her how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a former juvenile court school student to transfer schools in order to qualify for an exemption, and no request for a transfer solely to qualify for an exemption shall be made by a student, the person holding the right to make educational decisions for the student, or the student's social worker or probation officer. (Education Code 51225.1)

If a student is exempted from local graduation requirements, the exemption shall continue to apply after the termination of the court's jurisdiction over the student or if he/she transfers to another school or school district. (Education Code 51225.1)

If the Superintendent or designee determines that a former juvenile court school student is reasonably able to complete district graduation requirements within his/her fifth year of high school, he/she shall: (Education Code 51225.1)

1. Inform the student and, if the student is under 18 years of age, the person holding the right to make educational decisions for him/her, of the option available to the student to remain in school for a fifth year to complete the district's graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution
2. Provide information to the student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student or with the person holding the right to make educational decisions for him/her if he/she is under 18 years of age, permit the student to stay in school for a fifth year to complete the district's graduation requirements

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, to determine whether a student with significant gaps in school attendance is in the third or fourth year of high school, the student's age as compared to the average age of students in the third or fourth year of high school may be used.

To determine whether a student is in the third or fourth year of high school, the district shall use either the number of credits the student has earned as of the date of the transfer, the length of school enrollment, or, for a student with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the student for the exemption. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1, as amended by SB 532, requires the district to exempt a student who qualifies for an exemption from district-established graduation requirements, under the circumstances described below.

If a former juvenile court school student was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the student's educational rights holder may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. A student may request the exemption even if the student is no longer a juvenile court student. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, the district is required to reevaluate a student's eligibility for an exemption from district-established graduation requirements, as described below.

When the Superintendent or designee determines that a student who transferred into a district school is reasonably able to complete district-established graduation requirements by the end of the student's fourth year of high school, the student shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the student shall be reevaluated based on the student's course completion status at the time, to determine if the student continues to be reasonably able to complete the district-established graduation requirements in time to graduate by the end of the student's fourth year of high school. Written notice as to whether the student then qualifies for the exemption shall be provided to the student, the student's educational rights holder, and if applicable, to the student's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the former juvenile court student is not reasonably able to complete the district-established graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the Superintendent or designee shall provide the student with the option to receive an exemption from district-established graduation requirements or stay in school for a fifth year to complete the district-established graduation requirements upon agreement with the student, or if under 18 years of age, the student's educational rights holder, and shall provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, the district is required to consult with a former juvenile court student who is granted an exemption from district-established graduation requirements and the student's educational rights holder, as described below.

When a former juvenile court student is exempted from district-established graduation requirements, the Superintendent or designee shall consult with the student and the student's educational rights holder about the following: (Education Code 51225.1)

1. Discussion of how any requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution
2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges
3. Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

The district shall not require or request a former juvenile court student to transfer schools in order to qualify for an exemption and shall not grant any request made by a former juvenile court student, the student's educational rights holder, or the district liaison on behalf of the student, for a transfer solely to qualify for an exemption. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1 prohibits the district from requiring a student who is eligible for an exemption from district-established graduation requirements from accepting the exemption or being denied enrollment, as described below.

The Superintendent or designee shall not require a former juvenile court student who is eligible for an exemption from district-established graduation requirements and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1 prohibits the district from revoking a student's exemption from district-established graduation requirements.

If a former juvenile court student is exempted from district-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the termination of the court's jurisdiction over the student while still enrolled in the school or if the student transfers to another school, including a charter school, or school district. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, the district may not require or request a student who is exempted from district-established graduation requirements and completes statewide coursework requirements before the end of the student's fourth year of high school to graduate early, as described below.

The Superintendent or designee shall not require or request that a former juvenile court student who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, if the district determines that a student who is eligible for the exemption from district-established graduation

requirements is reasonably able to complete those requirements in time to graduate from high school by the end of the student's fifth year, the district is required to provide the following.

Upon making a finding that a former juvenile court student is reasonably able to complete district-established graduation requirements within the fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Consult with the student and, if under 18 years of age, the student's educational rights holder, of the option to remain in school for a fifth year to complete the district-established graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution
2. Consult with and provide information to the student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student or with the student's educational rights holder if under 18 years of age, permit the student to stay in school for a fifth year to complete the district-established graduation requirements

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, until January 1, 2028, when a student enrolled in a juvenile court school who has completed the second year of high school transfers into the district or transfers between high schools within the district, and is not reasonably able to complete the district-established graduation requirements, but is reasonably able to complete the statewide coursework requirements, within the student's fifth year of high school, the district is required to exempt the student from the district-established graduation requirements and provide the student with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, consultation with the student and the student's educational rights holder is required, as provided below.

When a juvenile court student who has completed the second year of high school transfers into the district or between high schools within the district, and the Superintendent or designee determines that the student is not reasonably able to complete the district-established graduation requirements within the student's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the student shall be exempted from all district-established graduation requirements and be provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the Superintendent or designee shall consult with the student and the student's educational rights holder, regarding the following: (Education Code 51225.1)

1. The student's option to remain in school for a fifth year to complete statewide coursework requirements
2. The effect of waiving the district-established requirements and remaining in school for a fifth year on the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education

3. Other options available to the student, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges
4. The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements

Notification and Complaints

Information regarding the educational rights of former juvenile court school students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

CSBA NOTE: Education Code 51225.1 and 51225.2 provide that complaints of noncompliance with specified requirements related to the educational rights of former juvenile court school students may be filed in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. As with other complaints covered under the uniform complaint procedures, a complainant may appeal the district's decision to the California Department of Education (CDE) and, if the district or CDE finds any merit in the complaint, the district must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint that the district has not complied with requirements regarding the education of former juvenile court school students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 48645-48648 48650	Juvenile court schools
Ed. Code 48853.5	Immediate enrollment
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
W&I Code 602	Minors violating law; ward of court

W&I Code 880-893	Wards and dependent children; juvenile homes, ranches, and camps
Management Resources	Description
California Child Welfare Council Publication	Partial Credit Model Policy and Practice Recommendations, September 2013
Website	CSBA District and County Office of Education Legal Services
Website	California Child Welfare Council
Website	California Department of Education, Juvenile Court Schools
Website	CSBA
Website	Youth Law Center
Youth Law Center Publication	Educational Injustice: Barriers to Achievement and Higher Education for Youth in California Juvenile Court Schools, 2016

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5132	Dress And Grooming
5132	Dress And Grooming
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5145.6	Parent/Guardian Notifications

5145.6-E(1)	Parent/Guardian Notifications
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements

CSBA Sample District Policy Manual
CSBA Sample Manual Site

Bylaw 9321: Closed Session**Status:** ADOPTED

Original Adopted Date: 12/01/2014 | **Last Revised Date:** 07/12/01/2019~~2023~~ | **Last Reviewed Date:** 07/12/01/2019~~2023~~

CSBA NOTE: Pursuant to Government Code 54962, the ~~The~~ Governing Board may hold a closed session only for purposes expressly authorized by the Brown Act (Government Code 54950-54963), Government Code 3549.1, or by a provision of the Education Code. Government Code 54954.5 provides specific agenda descriptions for most Prior to recessing to closed session items authorized by the Brown Act, as described throughout this bylaw and the accompanying Exhibit (1). Following the closed session, Government Code 54957.7 requires the Board to reconvene disclose the items to be discussed in open session ~~to~~ closed session either verbally or by reference to the items as they are described in the posted agenda. Consistent with the Brown Act, Exhibit (1) provides specific language for most types of closed session items. Additionally, the Brown Act requires the Board to publicly report any action taken in closed session, as described below and in the accompanying and the vote or abstention on that action of every member present. Consistent with the Brown Act, Exhibit (2) provides specific language for reporting out on closed session items following the closed session.

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold a closed session during a regular, special, or emergency meeting only for purposes authorized by law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law and ~~specified below.~~ (provided in the accompanying Exhibit (1). (Education Code 35145, Government Code 54954.2), 54954.5, 54957)

CSBA NOTE: Government Code 54957.7 requires that, before holding any closed session, the Board must disclose in an open meeting the item(s) to be discussed in the closed session. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda.

In the open session preceding the closed session, the Board shall disclose the items to be discussed in closed session: as specified in this bylaw. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda. In the closed session, the Board may consider only those ~~matters~~ items covered in its statement. (Government Code 54957, 54957.7)

After the closed session, the Board shall reconvene in open session before adjourning the meeting and, when applicable, shall publicly disclose any ~~action~~ actions taken in the closed session, the votes or abstentions thereon, and other disclosures ~~as specified below that are applicable to the matter being addressed.~~ in this bylaw. Such reports may be made in writing or orally at the location announced in the agenda for the closed session: as required by law and provided in the accompanying Exhibit (2). (Education Code 32281; Government Code 54957.1, 54957.7)

CSBA NOTE: Pursuant to Government Code 54957.1, a document approved or adopted in a closed session must be provided to any person who has submitted a written request within 24 hours of the posting of the agenda or who has made a standing request for all documentation as part of a request for meeting notices pursuant to Government Code 54954.1 or 54956.

When an action taken during a closed session involves final approval or adoption of a document, such as a contract or settlement agreement, that becomes public upon such approval or adoption, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next business day or when the necessary ~~retyping is~~ changes to the document are completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

Confidentiality

CSBA NOTE: Pursuant to Government Code 54963, a Board member who discloses confidential information received in a closed session may be referred to the local grand jury or may be subject to action in a court of law. For a definition of confidential information and the actions that may be taken against a Board member if such information is disclosed, see BB 9011 - Disclosure of Confidential/Privileged Information.

A Board member shall not disclose confidential information received in closed session unless the Board authorizes the disclosure of that information: or the information has been publicly reported by the District. (Government Code 54963)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

Personnel Matters: Appointment, Employment, Performance Evaluation, or Discipline/Dismissal/Release

CSBA NOTE: Government Code 54957 authorizes the use of closed sessions ~~for personnel matters described below~~ to consider and, as applicable, vote on the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Consistent with Government Code 54957.1 and 54957.7, this provision may be interpreted to include a demotion or other change in employment status. For the purpose of these closed sessions, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes Board members. The Attorney General has concluded (in 59 Ops.Cal.Atty.Gen. 532 (1976)) that it is appropriate to use a closed session to discuss and evaluate Superintendent performance. However, ~~under the "personnel exception,"~~ the Board may not discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline under this exception.

In Fischer v. Los Angeles Unified School District, the court interpreted Government Code 54957 and found that the right to request an open session applies only when the Board hears specific complaints or charges brought against the employee. Thus, the right to request an open session

does not apply when the Board is meeting in closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee, although such a discussion may occur under Government Code 54957.6.

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, performance evaluation, discipline, or dismissal, or change in employment status of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957, 54957.1)

Personnel Matters: Specific Complaints or Charges

CSBA NOTE: Pursuant to Government Code 54957, failure authorizes the use of the Board to give closed sessions to consider and, as applicable, vote on complaints or charges against an employee against whom a "specific complaint or charge" has been made, so long as the district provides the employee with 24-hour notice described below in advance of the closed session. Failure to provide such notice will render any action taken by the Board in the closed session null and void.

Determining whether a "specific complaint or charge" is involved is usually fact-specific and the Board should consult with CSBA's District and County Office of Education Legal Services or district legal counsel as necessary. appropriate.

In *Furtado v. Sierra Community College District*, the court held that the term "specific complaints or charges" as used in Government Code 54957 does not include negative comments in an employee's performance evaluation. In another decision, *Bell v. Vista Unified School District*, the court determined that a presentation to the Board by a district staff member regarding an employee's violation of a California Interscholastic Federation rule constituted a "complaint or charge" and thus the employee was entitled to 24-hour notice. Yet another ruling, *Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners*, held that when a board rejects its hearing officer's findings of fact and conducts its own hearing, the employee must be given 24-hour notice.

Furthermore, an Attorney General opinion (78 Ops.Cal.Atty.Gen. 218 (1995)) has clarified that a probationary certificated employee does not have the right to an open session when the Board is discussing whether or not to reemploy the employee for a third consecutive school year. Education Code 44929.21 allows the Board to non-reelect a probationary certificated employee at the end of the first or second school year as long as written notice is given in accordance with law; For more information, see AR 4117.6 - Decision Not to Rehire.

The Board may also hold a closed session to hear complaints or charges brought against an employee ~~by another person or employee~~, unless the employee who is the subject of the complaint requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the Superintendent or designee shall ensure that the employee shall receive/receives written notice of the right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the closed session. (Government Code 54957)

Personnel Matters: Application for Early Withdraw of Funds in Deferred Compensation Plan

The Board may hold a closed session to discuss an ~~employee's~~employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial

hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Negotiations/Collective Bargaining

CSBA NOTE: In *Moreno v. City of King*, the court held that the requirement for special meeting agenda items to notice the "business to be transacted or discussed" pursuant to Government Code 54956 does not eliminate the "brief general description of each item" requirement pursuant to Government Code 54954.2. The court also held that describing the business as "public employee (employment contract)" was not sufficient when at least a quarter of the meeting was devoted to a discussion of the employee and whether to terminate the employee. The court further held that describing the item as "public employee dismissal," as illustrated in Government Code 54954.5, would not violate the employee's privacy rights and it would also provide adequate public notice that dismissal would be considered. The court noted that while Government Code 54954.5 does not provide the exclusive means of compliance with agenda specification requirements, it demonstrates how privacy rights can be protected while also providing adequate notice. CSBA NOTE: Pursuant to Government Code 54957.6, the Board is authorized to hold a closed session with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. However, Government Code 54957.6 explicitly prohibits the Board from taking final action in closed session on the proposed compensation of one or more unrepresented employees. Additionally, the Attorney General has concluded in 98 Ops.Cal.Atty. Gen. 41 (2015) that this exception does not permit the Board to meet in closed session with its designated representative to discuss the negotiation of a project labor agreement because the contractors and laborers covered by such an agreement are not district employees.

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

CSBA NOTE: Government Code 54957.1 requires the Board to publicly report any closed session action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a district employee. The Attorney General, in 89 Ops.Cal.Atty.Gen. 110 (2006), opined that boards are not required to publicly report an action taken in closed session to reject the proposed dismissal of an employee, as such a decision to maintain the status quo does not constitute "an action taken to dismiss."

After the closed session, the Board shall report any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a district employee and shall identify the title of the affected position. The report shall be given at the public meeting during which the closed session is held, except that the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

Negotiations/Collective Bargaining

CSBA NOTE: The Educational Employment Relations Act (Government Code 3540-3549.3) makes four specific exemptions from the Brown Act related to negotiations. Government Code 54957.6 provides that for the purpose of closed sessions related to collective bargaining, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes any elected official, Board member, or other independent contractor.

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the open meeting requirements of Brown Act: (Government Code 3549.1)

- 1.—Any meeting and negotiating discussion between the district and a recognized or certified employee organization
- 2.—Any meeting of a mediator with either party or both parties to the meeting and negotiating process
- 3.—Any hearing, meeting, or investigation conducted by a fact finder or arbitrator
- 4.—Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

CSBA NOTE: The Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. The Attorney General has opined in 57 Ops. Cal. Atty. Gen. 209 (1974) that a board may not meet in closed session for such purposes without the use of a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The California Office of the Attorney General publication *The Brown Act: Open Meetings for Local Legislative Bodies* also states that the "labor exception" applies to the Board meeting in closed session to instruct its negotiator concerning negotiations with current or prospective employees.

The Board may meet in closed session, prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees, The Board may meet in closed session to review the Board's position and/or instruct its designated representative(s) regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation. Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this purpose A closed session regarding salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. Final action on the proposed compensation of one or more unrepresented employees shall not be taken in closed session. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name(s) of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a

specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Approval

CSBA NOTE: Pursuant to Government Code 54957.1, the Board may vote on an agreement regarding labor negotiations in closed session and then publicly report after the agreement is final and has been accepted or ratified by the other party. For a new collective bargaining agreement, however, it is also common practice for Boards to vote in open session rather than closed session.

Pursuant to Government Code 54957.1, approval in closed session of an agreement regarding labor negotiations with represented employees pursuant to Government Code 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify. However, the item approved and the other party or parties to the negotiation. Board may, at its sole discretion, vote on such an agreement in open session. (Government Code 54957.1)

CSBA NOTE: The Educational Employment Relations Act (EERA) (Government Code 3540-3549.3) lists certain exemptions from the Brown Act related to negotiations. The critical exemption for districts is that the Brown Act does not apply to a meeting of the Board if the meeting is exclusively for the purpose of discussing the Board's position regarding any matter within the scope of representation and determining how to instruct its designated representatives, regardless of whether its designated representatives attended. If it is combined with another closed session item and/or an open session item, then the Brown Act applies. It is recommended that the Board utilize this provision of the EERA sparingly and consult CSBA's District and County Office of Education Legal Services or legal counsel prior to meeting under this provision.

Pursuant to Government Code 3549.1, the Board may, without following the requirements of the Brown Act, meet in closed session exclusively for the purpose of discussing its position regarding any matter within the scope of representation or for the purpose of instructing its designated representatives. The Board shall not discuss any other item at any such closed session. (Government Code 3549.1)

Matters Related to Students

CSBA NOTE: This following section should be revised to reflect district practice. Education Code 35146, 48912, and 49070 permit a Board to consider in closed session any disciplinary action (except expulsion) against a student, any other action against a student, and a challenge to a student record. The district is required to provide the student and the student's parent/guardian with advance notice that the disciplinary action will be considered in closed session and that the parent/guardian may, within 48 hours from receipt of the notice, request the district to have the item heard in a public open session rather than in closed session. While Education Code 35146, 48912, and 49070 do not provide the days or hours prior to the meeting by which the notice to the student and the student's parent/guardian must be given, it is recommended that the district notify the student and the student's parent/guardian at least 72 hours before the meeting, including for special meetings.

If a public hearing would lead to the disclosure of confidential student information such as grades or

discipline information, the Board shall meet in closed session to consider a suspension, disciplinary action, any other action against a student except expulsion, or a challenge to a student record. If a written request for open session is received from the parent/guardian or adult student At least 72 hours prior to the start of the meeting of which the closed session is a part, the Superintendent or designee, on behalf of the Board, shall, in writing, by registered or certified mail or by personal service, notify the student and the student's parent/guardian of the intent of the Board to hear the item in closed session. If a written request for open session is received from the student or the student's parents/guardians within 48 hours of receiving the notice, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any other student other than the student requesting the public meeting shall remain in closed session. (Education Code 35146, 48912, 49070)

CSBA NOTE: Education Code 48918 requires a hearing to determine whether a student should be expelled. The hearing may be held by the Board, a hearing officer, or an administrative panel. See BP/AR 5144.1 – Suspension and Expulsion/Due Process.

The If the Board conducts an expulsion hearing pursuant to Board Policy 5144.1 - Suspension and Expulsion/Due Process, the Board shall meet do so in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may shall meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

CSBA NOTE: Although Government Code 54954.2 requires the agenda to have a brief general description of all closed session items to be discussed, Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code. Since the purpose of conducting the closed session is to protect student privacy rights, the following optional paragraph provides that student names shall not be included on the agenda. CSBA NOTE: Although Education Code 48918 states that student expulsion records are "nonprivileged, disclosable public records" and the Attorney General in 80 Ops.Cal.Atty.Gen. 85 (1997) has opined that districts must disclose the student's name, the court in Rim of the World Unified School District v. San Bernardino County Superior Court held that the federal Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g) preempts state law and prohibits the disclosure of student expulsion records to the public. Failure to comply with FERPA may lead to loss of federal funding. Because of the potential conflict between state and federal law, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or legal counsel prior to adopting the following paragraph.

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in In order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

Final action on a student matter deliberated in closed session shall be taken in open session and shall be a matter of public record. (Education Code 35146, 48918)

CSBA NOTE: Although Education Code 48918 states that student expulsion records are "nonprivileged, disclosable public records" and the Attorney General (80 Ops.Cal.Atty.Gen. 85 (1997)) has opined that districts must disclose the student's name, the court in *Rim of the World Unified School District v. San Bernardino County Superior Court* held that the federal Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g) preempts state law and prohibits the disclosure of student expulsion records to the public. Failure to comply with FERPA may lead to loss of federal funding. Because of the potential conflict between state and federal law, it is recommended that districts consult legal counsel prior to adopting the following paragraph.

However, in taking final action, the Board shall not release any information in violation of protect student privacy rights provided in 20 USC 1232g or other applicable laws. In an expulsion or other disciplinary action, the cause for the disciplinary action shall be disclosed in open session, the identity of a student shall not be listed in the agenda and, unless the item is heard in open session, shall not be included in any report after closed session. Additionally, a student matter shall be listed in the open session portion of the agenda with the same description and numbering system as it was on the closed session, but the Board shall refer to the student number or other identifier and shall not disclose the student's name. portion of the agenda.

Security Matters

The Board may meet in closed session with the Governor, Attorney General, district attorney District Attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. Such discussions may be held in closed session during an emergency meeting called pursuant to Government Code 54956.5 if agreed to by a two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present. (Government Code 54956.5, 54957)

Agenda items related to these security matters shall specify the name of the law enforcement agency Board Bylaw 9320 - Meetings and the title of the officer, or name of applicable agency representative Notices and title, with whom the Board will consult. (Government Code 54954.5) Bylaw/Exhibit (1) 9323.2 - Actions By The Board.

The Board may also meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. Following the closed session, the Board shall report any action taken to approve the plan, but need not disclose the district's plan for tactical responses. (Education Code 32281)

Real Property Negotiations

CSBA NOTE: An The Attorney General opinion (opined in 94 Ops.Cal.Atty.Gen. 82 (2011)) has concluded that only three subjects related to real property negotiations may be considered in closed session: (1) the amount of consideration the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred; (2) the form, manner, and timing of how that consideration will be paid; and (3) items that are essential to arriving at the authorized price and payment terms. Public disclosure of such items would reveal information that Government Code 54956.8 permits to be kept confidential. Although Attorney General opinions

are not binding, they are accorded deference by the courts.

In addition, the California Office of the Attorney General publication *The Brown Act: Open Meetings for Legislative Bodies* states that, since Government Code 54957.1 requires the Board to report, at the conclusion of a closed session, the approval of a final agreement concluding real property negotiations, the Board's power to grant authority to its negotiator must also include the power to finalize any agreement so negotiated.

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s), the property under negotiation, and the person(s) with whom the negotiator may negotiate. For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

When the Board approves a final agreement concluding real estate negotiations pursuant to Government Code 54956.8, it shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party to the negotiations, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the district of its approval. (Government Code 54957.1)

Pending Anticipated Litigation/Initiation of Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding pending anticipated litigation or whether to initiate litigation when discussion of the either matter in open session would prejudice the district's position in the with respect to such litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

CSBA NOTE: Pursuant to Government Code 54956.9, the district is considered to be a "party," or to have "significant exposure," to a litigation if any of its officers or employees is a party or has significant exposure to the litigation under circumstances specified in items #1 and #2 below.

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. ~~Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(d)(1))~~
2. A point has been reached where be "anticipated" when, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, against a district officer or employee based on existing facts prior or circumstances, a closed session is authorized. prospective activities or alleged activities during and potentially during the course and scope of that office or employment. (Government Code 54956.9(d)(2), (3))

Existing facts and circumstances for these purposes are limited to the following:
(Government Code 54956.9)

- a. 1. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiff(s) and which do not need to be disclosed.
 - b. 2. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiff(s) and which must be publicly disclosed before the closed session or specified on the agenda.
 - c. 3. The receipt of a claim pursuant to the Government Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.
 - d. 4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
 - e. 5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat of litigation on the victim's behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. ~~Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(d)(4))~~

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9 (d)(1), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so

would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(d)(4) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Following the closed session, the Board shall publicly report, as applicable: (Government Code 54957.1)

- 1.—Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
- 2.—Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that the action, defendants, and other details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.
- 3.—Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation but final approval rests with the other party or with the court, the district shall report the fact of approval and the substance of the agreement thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

Joint Powers Agency Issues

CSBA NOTE: Under certain circumstances, Government Code 54954.5 enables multiple anticipated litigation items to be grouped together into one closed session agenda item so long as the number of items is listed in the agenda. However, given the complexity and nuance of the different disclosure requirements for anticipated litigation items, it is recommended that each anticipated litigation item be listed as a separate agenda item.

In *Fowler v. City of Lafayette*, the appellate court clarified that when an item is agendaized in closed session based on Item #5 above, then Government Code 54956.9 requires that the statement be made available to the public. Upon receiving a threat of litigation in such a manner, the Board

should consult with CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate. The following paragraph should be revised to reflect district practice.

Each agenda item related to anticipated litigation shall only contain one such matter. For an anticipated litigation item that is anticipated based on Items #2, #3, or #5 above, the agenda item shall also include the facts or circumstances that might result in litigation, the claim or written threat of litigation, or the record of the threat. However, the agenda item shall not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on the alleged victim's behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed. (Government Code 54956.9)

Existing Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding existing litigation when discussion of the matter in open session would prejudice the district's position with respect to such litigation. Litigation is considered to be "existing" when the district has been named a party to the litigation or a district officer or employee has been named a party to the litigation based on prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which involves whether an activity is outside the course and scope of the office or employment. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Tort, Public, or Workers' Compensation Liability

CSBA NOTE: The following paragraphs are paragraph is for use by districts participating in a joint powers agency (JPA) for insurance pooling or in a self-insurance authority.

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

Following the closed session, the Board shall publicly report the disposition of joint powers agency or self-insurance claims, including the name of the claimant(s), the name of the agency claimed against, the substance of the claim, and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)(Government Code 54956.95)

Joint Powers Agency Issues

CSBA NOTE: Pursuant to Government Code 54956.96, a JPA may adopt a provision, either through a policy or through the joint powers agreement, authorizing a school district Board member serving on the JPA board to disclose confidential information received during the JPA board's closed session under the circumstances specified below. Government Code 54954.5

provides an agenda description for the purpose of this closed session. The following optional paragraphs are paragraph is for use by districts that participate in a JPA that has adopted such a provision.

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may also meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA that has direct financial or liability implications for the district and that was obtained in a closed session of a JPA of which the district is a member. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the name of the JPA, the closed session description used by the JPA, and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5))

Review of Audit Report from California State Auditor's Office

CSBA NOTE: Government Code 54956.75 authorizes the Board to meet in closed session to discuss a confidential final draft audit report from the California State Auditor's Office. This authority relates to situations in which a member of the legislature has requested the California State Auditor's Office to audit a school district. This audit is separate from the annual audit that districts must conduct pursuant to Education Code 41020. The law does not authorize the Board to meet in closed session to discuss the district's annual audit.

Upon receipt of a confidential final draft audit report from the California State Auditor's Office and before the report has been made public, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must shall be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

CSBA NOTE: Government Code 54956.75 does not specify reporting requirements for closed sessions related to the review of the audit report from the State Auditor. The following optional paragraph reflects the purpose of the closed session.

Following the closed session, the Board shall publicly confirm that the report was reviewed and a response was prepared.

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

CSBA NOTE: The following optional paragraph provides for compliance with Government Code 54954.2, which requires the agenda to have a brief general description of all closed session items to be discussed. Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code:

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

CSBA NOTE: The following optional paragraph provides for compliance with Government Code 54954.2, which requires the agenda to have a brief general description of all closed session items to be discussed. Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code:

Following the closed session, the Board shall confirm that the assessment instruments were reviewed. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 35145	Public meetings
Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 48912	Governing board suspension
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 49070	Challenging student records
Ed. Code 60617	Meetings of governing board
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950	<u>Brown Act - Meetings</u>
Gov. Code 54950-54963	The Ralph M. Brown Act
<u>Federal</u>	<u>Description</u>
<u>20 USC 1232g</u>	<u>Family Educational Rights and Privacy Act</u>
Management Resources	Description
Attorney General Opinion	57 Ops. Cal. Atty. Gen. 209 (1974)

Attorney General Opinion	59 Ops.Cal.Atty.Gen. 532 (1976)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 218 (1995)
Attorney General Opinion	86 Ops.Cal.Atty.Gen. 210 (2003)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 110 (2006)
Attorney General Opinion	94 Ops.Cal.Atty.Gen. 82 (2011)
Attorney General Opinion	98 Ops.Cal.Atty.Gen. 41 (2015)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68
Court Decision	Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
Court Decision	Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
Court Decision	Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Court Decision	Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860
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Court Decision	Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41
Court Decision	San Diego Union v. City Council, (1983) 146 Cal.App.3d 947
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010
Website	CSBA District and County Office of Education Legal Services
Website	League of California Cities
Website	California Attorney General's Office
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan

1160	Political Processes
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
2120	Superintendent Recruitment And Selection
2121	Superintendent's Contract
2140	Evaluation Of The Superintendent
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3515	Campus Security
3515	Campus Security
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications

4115	Evaluation/Supervision
4115	Evaluation/Supervision
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.23	Unauthorized Release Of Confidential/Privileged Information
4140	Bargaining Units
4143	Negotiations/Consultation
4143.1	Public Notice - Personnel Negotiations
4143.1	Public Notice - Personnel Negotiations
4144	Complaints
4144	Complaints
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4215	Evaluation/Supervision
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.23	Unauthorized Release Of Confidential/Privileged Information
4240	Bargaining Units
4243	Negotiations/Consultation
4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
4244	Complaints
4244	Complaints
4312.1	Contracts
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4315	Evaluation/Supervision
4319.23	Unauthorized Release Of Confidential/Privileged Information
4340	Bargaining Units

4344	Complaints
4344	Complaints
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5119	Students Expelled From Other Districts
5125	Student Records
5125	Student Records
5125.3	Challenging Student Records
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
9011	Disclosure Of Confidential/Privileged Information
9121	President
9124	Attorney
9130	Board Committees
9150	Student Board Members
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9320	Meetings And Notices
9322	Agenda/Meeting Materials
9323	Meeting Conduct
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9323.2-E(2)	Actions By The Board

Exhibit 9321-E(1): Closed Session

Status: ADOPTED

Original Adopted Date: 07/01/2019 | **Last Reviewed Date:** 07/12/01/2019/2023

BOARD MEETING AGENDA DESCRIPTIONS FOR CLOSED SESSION ITEMS

CSBA NOTE: Pursuant to Government Code 54954.2, the agenda for each Governing Board meeting must contain a general description of each item to be discussed in closed session; see the accompanying Board bylaw. Specific Bylaw. Government Code 54954.5 provides specific agenda descriptions for most closed session items are provided in Government Code 54954.5. The district may use substantially similar and that language and should consult with legal counsel as necessary. The following Exhibit reflects Government Code 54954.5 and, where is reflected below. Where the law does not provide a specific agenda description for a matter that is an allowable use of closed session, presents examples of agenda descriptions that would item, the language offered below is designed to inform the public of the purpose of the item without breaching confidentiality. Language in parentheses is for informational purposes only and should not be included as part of the general description of an item. The district may revise the following descriptions to reflect district practice and should consult with CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.

The Governing Board meeting agenda shall include the following description of a closed session item, as applicable:

Personnel Matters

PUBLIC EMPLOYEE APPOINTMENT

Government Code 54957

Title: _____

(Specify position to be filled)

PUBLIC EMPLOYMENT

Government Code 54957

Title: _____

(Specify position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code 54957

Title: _____

(Specify position title of employee being evaluated)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code 54957

(No Due to employee privacy rights, no additional information is required. An employee's dismissal or nonrenewal shall not may be reported until the employee has first exhausted any right to a hearing or other administrative remedy provided.)

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE

Government Code 54957

(No Due to employee privacy rights, no additional information is required.) may be provided.)

EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN

Government Code 54957.10

(No additional information is required may be provided.)

Negotiations/Collective Bargaining

CONFERENCE WITH LABOR NEGOTIATORS

Government Code 54957.6

District-designated representatives: Designated Representatives:

[Redacted]

(Specify names of representatives attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: Organization:

[Redacted]

(Specify name of employee organization with which negotiations are being held.)

or

Unrepresented employee: Employee(s):

[Redacted]

(Specify position of unrepresented employee(s) who is/are the subject of the negotiations.)

Matters Related to Students

STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Education Code 35146

Student identification number:

(It is recommended that the student's name not be listed.)

Tracking/Identification Number:

[Redacted]

(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)

STUDENT EXPULSION

Education Code 48912

Student identification number:

(It is recommended that the student's name not be listed.)

Tracking/Identification Number:

[Redacted]

(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)

STUDENT GRADE CHANGE APPEAL

Education Code 49070

Student identification number:

~~(It is recommended that the student's name not be listed.~~

Tracking/Identification Number:

(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)

CONFIDENTIAL STUDENT MATTER

Action under consideration:

Under Consideration:

(If the Board is considering a confidential student matter other than those listed above, specify type of action.)

Student identification number:

~~(It is recommended that the student's name not be listed.~~

Tracking/Identification Number:

(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)

Security Matters

THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code 54957

Consultation ~~with~~ With: -----

(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

Education Code 32281

Consultation ~~with~~ With: -----

(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

Real Property Negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code 54956.8

Property: -----

(Specify street address or, if no street address, the parcel number or other unique reference of the real property under negotiation.)

District negotiator:

Negotiator: _____

(Specify names of negotiators attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Party With Whom District Is Negotiating parties:

(Specify name of party, not agent.)

Under negotiation Negotiation: _____

(Specify whether instruction to negotiator will concern price, terms of payment, or both.)

Pending Anticipated Litigation/Initiation of Litigation

CSBA NOTE: For an anticipated litigation or initiation of litigation closed session item, the district may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Government Code 54956.9(e)(2)-(5). Boards should consult with CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)

(If applicable) Existing Facts And Circumstances: _____

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Initiation of litigation pursuant to Government Code 54956.9(d)(4)

(If applicable) Existing Facts And Circumstances: _____

Existing Litigation

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code 54956.9(d)(1)

Name of case Of Case: _____

(Specify by reference to claimant's name, names of parties, or case or claim numbers.)

or

Case name unspecified, as identification of the case would jeopardize service of process or existing settlement negotiations:

CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION

Government Code 54956.9(d)(2) or (3)

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3). Number of potential cases: _____

Or

Initiation of litigation pursuant to Government Code 54956.9(d)(4). Number of potential cases: _____

If applicable, facts and circumstances: _____

(The district may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Government Code 54956.9(e)(2)-(5). These include facts and circumstances, such as an accident, disaster, incident, or transactional occurrence that might result in litigation against the district and that are known to potential plaintiff(s).)

Joint Powers Authority Issues

LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY
Government Code 54956.95

Name of claimant(s): _____

(Specify name, except pursuant to Government Code 54961

Tort, Public, or Workers' Compensation Liability

LIABILITY CLAIMS

Government Code 54956.95

Name Of Claimant(s): _____

(Specify name, except when the claimant is a victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.)

Name of agency against which the claim is made: _____

CONFERENCE INVOLVING Of Agency Against Which Claim Is Made:

Joint Powers Authority Issues

INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT
Government Code 54956.96

Name of Of JPA: _____

Discussion will concern:

Will Concern: _____

(Specify closed session description used by the JPA.)

Name of district representative on JPA board:

Names of agencies or titles of representatives attending the closed session as consultants or other representatives, if applicable:

_____ Of District

Representative On JPA board: _____

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

Government Code 54956.75

(No additional information is required.)

Review of Assessment Instruments

REVIEW OF STUDENT ASSESSMENT INSTRUMENT

Education Code 60617

The Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program. Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

[\(Reference resolution in which board agreed to accept the terms or conditions established by rules and regulations of the State Board of Education.\)](#)

Policy Reference UPDATE Service

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Ed. Code 49070	Challenging student records
Ed. Code 60617	Meetings of governing board
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950	<u>Brown Act - Meetings</u>
Gov. Code 54950-54963	The Ralph M. Brown Act

Federal

[20 USC 1232g](#)

Description

[Family Educational Rights and Privacy Act](#)

Management Resources

Attorney General Opinion

Description

57 Ops. Cal. Atty. Gen. 209 (1974)

Attorney General Opinion

59 Ops. Cal. Atty. Gen. 532 (1976)

Attorney General Opinion

78 Ops. Cal. Atty. Gen. 218 (1995)

Attorney General Opinion

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Court Decision	Fischer v. Los Angeles Unified School District; (1999) 70 Cal.App. 4th 87
Court Decision	Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Court Decision	Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners; (2003) 107 Cal.App.4th 860
Court Decision	Roberts v. City of Palmdale; (1993) 5 Cal.App. 4th 363
Court Decision	Sacramento Newspaper Guild v. Sacramento County Board of Supervisors; (1968) 263 Cal.App. 2d 41
Court Decision	San Diego Union v. City Council; (1983) 146 Cal.App.3d 947
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Website	CSBA District and County Office of Education Legal Services
Website	League of California Cities
Website	California Attorney General's Office
Website	CSBA

Cross References

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0450	Comprehensive Safety Plan
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1220	Citizen Advisory Committees
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1312.1	Complaints Concerning District Employees

1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
2120	Superintendent Recruitment And Selection
2121	Superintendent's Contract
2140	Evaluation Of The Superintendent
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3515	Campus Security
3515	Campus Security
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
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4119.23	Unauthorized Release Of Confidential/Privileged Information
4140	Bargaining Units
4143	Negotiations/Consultation

4143.1	Public Notice - Personnel Negotiations
4143.1	Public Notice - Personnel Negotiations
4144	Complaints
4144	Complaints
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4215	Evaluation/Supervision
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.23	Unauthorized Release Of Confidential/Privileged Information
4240	Bargaining Units
4243	Negotiations/Consultation
4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
4244	Complaints
4244	Complaints
4312.1	Contracts
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4315	Evaluation/Supervision
4319.23	Unauthorized Release Of Confidential/Privileged Information
4340	Bargaining Units
4344	Complaints
4344	Complaints
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5119	Students Expelled From Other Districts
5125	Student Records
5125	Student Records
5125.3	Challenging Student Records
5144	Discipline

5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
9011	Disclosure Of Confidential/Privileged Information
9121	President
9124	Attorney
9130	Board Committees
9150	Student Board Members
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9320	Meetings And Notices
9322	Agenda/Meeting Materials
9323	Meeting Conduct
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9323.2-E(2)	Actions By The Board

Exhibit 9321-E(2): Closed Session

Status: ADOPTED

Original Adopted Date: 07/01/2019 | **Last Reviewed Date:** 07/12/01/2019/2023

REPORTS OF CLOSED SESSION ACTIONS

CSBA NOTE: Pursuant to Government Code 54957.7, whenever the Governing Board holds a closed session, it must reconvene in open session following the closed session to report on its actions, either orally or in writing, and make any disclosures required by Government Code 54957.1 law; see the accompanying Board Bylaw. The following Exhibit reflects Government Code 54957.1 and, where language offered below is intended to follow the specific reporting requirements found in law. Where the law does not specifically address the reporting of any matter that is an allowable use of a closed session, presents sample item, the following language that would be designed to inform the public of the Board's action without breaching confidentiality. Language in parentheses is for informational purposes only and should not be included as part of the general description of an item. The district may revise the following examples descriptions to reflect district practice and should consult with CSBA's District and County Office of Education Legal Services or district legal counsel as necessary appropriate.

Following a closed session during any Governing Board meeting, the Board shall reconvene in open session to present, orally or in writing, a report of any of the following actions taken during the closed session, as applicable:

Personnel Matters

CSBA NOTE: Government Code 54957.1 requires the Board to publicly report any closed session action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a district employee. The Attorney General, in 89 Ops.Cal.Atty.Gen. 110 (2006), opined that boards are not required to publicly report an action taken in closed session to reject the proposed dismissal of an employee, as such a decision to maintain the status quo does not constitute "an action taken to dismiss."

PUBLIC EMPLOYEE APPOINTMENT

Title of position: _____
(Specify position to be filled)

Action taken: _____
(e.g., appointment/employment/evaluation/discipline/dismissal/release)

Board member votes/abstentions: _____

Appointment Made: (Yes; otherwise no action taken)

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Recused: _____

(Enter names of Board members)

PUBLIC EMPLOYMENT

Title: _____

(Specify position to be filled)

Decision to Employ: (Yes; otherwise no action taken)

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: _____

(Specify title of employee being evaluated)

(If applicable) Board evaluated an employee in the above listed position.

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

CSBA NOTE: Pursuant to Government Code 54957.1, the general requirement is that any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session is required be reported after closed session. Any such report is also required to identify the title of the position even for items where the item of the position was not listed in the agenda. However, Government Code 54957.7 provides for an exception such that the report of a dismissal or of the nonrenewal of an employment contract must be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

Title: _____

(Specify position affected)

(If applicable) Decision to Dismiss/Release: (Yes; otherwise no action taken)

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE

(If applicable) Board heard/discussed a specific complaint or charge against an employee.

EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN

(If applicable) Board received/discussed an employee's application for early withdrawal of funds in deferred compensation plan.

Negotiations/Collective Bargaining

Approval of final agreement with represented employees

Item approved: _____

Other party/parties to the negotiation: _____

Board member votes/abstentions: _____

(If applicable) Agreement Reached With: _____
(Specify Employee Organization)

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Matters Related to Students

~~(Final action must be taken in open session. It is recommended that the student's name not be disclosed.)~~

STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter and will vote in open session as indicated in the agenda.

STUDENT EXPULSION

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter and will vote in open session as indicated in the agenda.

STUDENT GRADE CHANGE APPEAL

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter.

CONFIDENTIAL STUDENT MATTER

Action Under Consideration: _____

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter.

Security Matters

Action taken: _____
(e.g., consultation with law enforcement; approval of contract or memorandum of understanding; approval of tactical response plan, without disclosing the details of the plan)

Board member votes/abstentions: _____

THREAT TO PUBLIC SERVICES OR FACILITIES

*(If applicable) Board consulted with: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)*

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

(If applicable) Board approved a Tactical Response Plan.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Recused: _____
(Enter names of Board members)

Real Property Negotiations

Action taken: _____
(Report if Board approves a final agreement concluding real estate negotiations. If final approval rests with the other party, report as soon as the other party has approved the agreement.)

Substance of the agreement: _____

Board member votes/abstentions: _____

Existing Litigation

Action taken related to existing litigation:

(e.g., approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation; or approval to legal counsel of a settlement of pending litigation at any stage prior to or during a judicial or quasi-judicial proceeding. If final approval of settlement rests with the other party, report to any person upon request once the settlement is final.)

Adverse party/parties, if known: _____

Substance of the litigation: _____

Board member votes/abstentions: _____

CSBA NOTE: Pursuant to Government Code 54957.1, if the Board approves an agreement concluding real estate negotiations pursuant to Government Code 54956.8 in closed session, it is required to report the vote and the substance of the agreement in open session at the public meeting during which the closed session is held. However, if final approval rests with the other party to the agreement, the Superintendent or designee is required, upon inquiry by any person, to disclose the fact of that approval and the substance of the agreement as soon as the other party or its agent has informed the district of its approval.

(If applicable) Board approved an agreement concluding real estate negotiations and the agreement is final.

Substance Of Agreement: _____

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Anticipated Litigation/Initiation of Litigation

Action taken: The Board has given approval to legal counsel to initiate or intervene in a lawsuit. The action, defendants, and other details will be disclosed to any person upon request after the lawsuit is commenced, unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage. (The report does not need to initially identify the action, defendants, or other details.)

Board member votes/abstentions: _____

CSBA NOTE: Pursuant to Government Code 54957.1, if the Board approves an agreement resolving litigation that is anticipated or litigation that the district was going to initiate, it is required to report the vote and the substance of the agreement in open session at the public meeting during which the closed session is held. However, if final approval rests with the other party to the agreement, the Superintendent or designee is required, upon inquiry by any person, to disclose the fact of that approval and the substance of the agreement as soon as the other party or its agent has informed the district of its approval.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(If applicable) Board has given approval to legal counsel to defend the district against anticipated litigation.

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: [redacted]
(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this matter and the agreement is final.

Adverse Party(s): [redacted]

Substance Of Agreement: [redacted]

Ayes: [redacted]

Nays: [redacted]

Abstentions: [redacted]

Absent: [redacted]

Recused: [redacted]

(Enter names of Board members)

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

CSBA NOTE: Pursuant to Government Code 54957.1, in the case of approval given to initiate litigation, the Board is only required to report that it gave direction to initiate litigation. However, the Superintendent or designee is required, upon inquiry by any person, to disclose additional information regarding the action such as the name(s) of the defendant(s) once the litigation is formally commenced, unless doing so would jeopardize the district's ability to effectuate service of process on one or more unserved parties or conclude existing settlement negotiations to its advantage.

(If applicable) Board has given approval to legal counsel to initiate litigation.

Ayes: [redacted]

Nays: [redacted]

Abstentions: [redacted]

Absent: [redacted]

Recused: [redacted]

(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this matter and the agreement is final.

Adverse Party(s): [redacted]

Substance Of Agreement: [redacted]

Ayes: [redacted]

Nays: [redacted]

Abstentions: [redacted]

Absent: [redacted]

Recused: [redacted]

(Enter names of Board members)

Existing Litigation

CSBA NOTE: Pursuant to Government Code 54957.1, if the Board approves an agreement resolving existing litigation, it is required to report the vote and the substance of the agreement in open session at the public meeting during which the closed session is held. However, if final approval rests with the other party to the agreement, the Superintendent or designee is required, upon inquiry by any person, disclose the fact of that approval and the substance of the agreement as soon as the other party or its agent has informed the district of its approval.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(If applicable) Board has given approval to legal counsel to defend the district, seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in this litigation.

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this litigation and the agreement is final.

Substance Of Agreement: _____

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Tort, Public, or Workers' Compensation Liability

LIABILITY CLAIMS

(If applicable) Board approved disposing of this claim and that disposition is final.

Substance Of Claim, Including Amount Of Payment To Claimant: _____

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Joint Powers Agency Issues

LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY

Name of claimant(s): _____

Name of agency against which the claim is made: _____

Substance of the claim: _____

Monetary settlement agreed upon by the claimant: _____

Board member votes/abstentions: _____

CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT

Name of JPA: _____

Action taken: _____

(Law does not include any specific disclosures to be reported.)

Board member votes/abstentions: _____

INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT

(If applicable) Board heard/discussed this matter.

Review of Audit from State Auditor's Office

Action taken: The Board reviewed the confidential final draft audit report received from the California State Auditor's Office and has prepared a response.

(No additional information is required. Unless otherwise exempted by law, after the audit report is subsequently released to the public, any Board discussion of the report must be conducted in open session.)

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

(If applicable) Board heard/discussed this matter.

Review of Assessment Instruments

Action taken: The Board reviewed the contents of a student assessment instrument approved or adopted for the statewide testing system.

REVIEW OF STUDENT ASSESSMENT INSTRUMENT

(If applicable) Board reviewed the assessment in compliance with the applicable board resolution.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 35145	Public meetings
Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 48912	Governing board suspension
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 49070	Challenging student records
Ed. Code 60617	Meetings of governing board
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950	<u>Brown Act - Meetings</u>
Gov. Code 54950-54963	The Ralph M. Brown Act
Federal	Description
<u>20 USC 1232g</u>	<u>Family Educational Rights and Privacy Act</u>
Management Resources	Description
Attorney General Opinion	57 Ops. Cal. Atty. Gen. 209 (1974)
Attorney General Opinion	59 Ops.Cal.Atty.Gen. 532 (1976)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 218 (1995)
Attorney General Opinion	86 Ops.Cal.Atty.Gen. 210 (2003)
<u>Attorney General Opinion</u>	<u>89 Ops.Cal.Atty.Gen. 110 (2006)</u>
Attorney General Opinion	94 Ops.Cal.Atty.Gen. 82 (2011)
<u>Attorney General Opinion</u>	<u>98 Ops.Cal.Atty.Gen. 41 (2015)</u>
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
<u>Court Decision</u>	<u>Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68</u>
Court Decision	Bell v. Vista Unified School District; (2001) 82 Cal.App. 4th 672
Court Decision	Fischer v. Los Angeles Unified School District; (1999) 70 Cal.App. 4th 87
Court Decision	Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Court Decision	Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners; (2003) 107 Cal.App.4th 860
Court Decision	Roberts v. City of Palmdale; (1993) 5 Cal.App. 4th 363

Court Decision	Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41
Court Decision	San Diego Union v. City Council, (1983) 146 Cal.App.3d 947
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010
Website	CSBA District and County Office of Education Legal Services
Website	League of California Cities
Website	California Attorney General's Office
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1160	Political Processes
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
2120	Superintendent Recruitment And Selection
2121	Superintendent's Contract
2140	Evaluation Of The Superintendent
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District

3515	Campus Security
3515	Campus Security
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.23	Unauthorized Release Of Confidential/Privileged Information
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4143.1	Public Notice - Personnel Negotiations
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4144	Complaints
4144	Complaints
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4212.9	Employee Notifications
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4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.23	Unauthorized Release Of Confidential/Privileged Information
4240	Bargaining Units
4243	Negotiations/Consultation

4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
4244	Complaints
4244	Complaints
4312.1	Contracts
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
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5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
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6162.51	State Academic Achievement Tests
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9121	President
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9130	Board Committees
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9270	Conflict Of Interest
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9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9323.2-E(2)	Actions By The Board

Policy 4117.2: Resignation

Status: ADOPTED

Original Adopted Date: 10/01/1996 | **Last Revised Date:** 10/20/2022 | **Last Reviewed Date:** 10/20/2022

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Board of Trustees encourages employees to provide advance notice that is appropriate for the position they hold.

The Board authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (Education Code 44930, 45201)

Policy 4217.2: Resignation

Status: ADOPTED

Original Adopted Date: 10/01/1996 | **Last Revised Date:** 10/20/2022 | **Last Reviewed Date:** 10/20/2022

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Board of Trustees encourages employees to provide advance notice that is appropriate for the position they hold.

The Board authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (Education Code 44930, 45201)

Policy 4317.2: Resignation

Status: ADOPTED

Original Adopted Date: 10/01/1996 | **Last Revised Date:** 10/20/2022 | **Last Reviewed Date:** 10/20/2022

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Board of Trustees encourages employees to provide advance notice that is appropriate for the position they hold.

The Board authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (Education Code 44930, 45201)

- | | |
|---|--|
| <input type="checkbox"/> Student Learning and Achievement | <input type="checkbox"/> Consent |
| <input checked="" type="checkbox"/> Health and Safety of Students and Schools | <input type="checkbox"/> Action/Discussion |
| <input checked="" type="checkbox"/> Credibility and Communication | <input checked="" type="checkbox"/> Information/Discussion |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: Review of the Governor’s Budget Proposal for 2024-25

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Joshua Jorn, Assistant Superintendent

RECOMMENDATION:

The District Administration recommends the Board review the information provided regarding Governor Newsom’s Budget Proposal for 2024-25.

BACKGROUND:

Each January, the Governor issues his Governor’s Budget Proposal which is the first official announcement of the state budget for the coming fiscal year. In May, the Governor presents the May Revision, which provides more detail and any revisions to the initial budget proposal made in January. School districts (LEA’s) watch closely for the release of these two documents and use them as the basis for developing their own district budgets, which must be adopted by July 1st each year.

INFORMATION:

Below is a summary of the 2024-25 Governor’s Budget Proposal by the California Association of School Business Officials (CASBO).

Next Steps: The Governor’s budget proposal marks the beginning of the budget cycle. Between January and May, when the Governor’s May Revision is issued, the Legislature provides more input on this proposal, and subsequent information will be released.

The next report to the PGUSD Board will be made in May, after the Governor’s May Revision has been released.

FISCAL IMPACT:

The Governor’s 2024-25 Proposed Budget is summarized below as captured from California Association of School Business Officials (CASBO) and Capitol Advisors Group workshops.

K-12 Highlights

- 0.76% cost-of-living adjustment (COLA) – no mention of Basic Aid LEA’s
- Expansion of Transitional Kindergarten
 - No additional budget consideration for Community Funded Districts
 - 10:1 ration implementation for 2025-26 with TK 4-year olds in classrooms
 - No facility expansion considerations in budget
- \$6 million in one-time Proposition 98 General Fund proposed for researching hybrid and remote learning models
- Proposed ELOP ongoing funding \$4 Billion (no COLA)
- Proposed CTEIG ongoing funding \$300 Million (no COLA)
- Increase ongoing funding for Universal Meals Program (with COLA)
- \$500 Million in one-time funding for green school bus program
- School Employer Pension COsts
 - STRS 19.1% (remains fully funded)
 - PERS 26.68% (increased 1.31%)
 - Discussion about buying down rates but no plan as of yet
- If revenues come in lower in April 2024, which is likely, the May Revision be a significant change to this Budget Proposal
 - 2023-24 revenue growth needs to outweigh 2022-23 levels by 8%, and this is not tracking well thus far in 2023-24 (+/- 5% actuals)

Proposition 98 General Fund

- Ensures K12 schools and community colleges receive minimum funding levels as prescribed in the state constitution
- Prop 98 Guarantee proposed to be reduced in the prior fiscal year - TBD in trailer bill early February
 - \$98.3 billion in 2022-23 (actual tax receipts)
 - Almost \$10 billion less than projected
 - \$105.6 billion in 2023-24 (projected)
 - \$109.1 billion in 2024-25 (projected)
- These revised Proposition 98 General Fund levels represent a decrease of approximately
 - \$11.3 billion over the three-year period relative to last year
 - The budget proposes \$8 billion in statutory changes to address this shortfall.
 - The \$8 billion comes from a prior year adjustment based on the delayed tax receipts over multi year and not anticipated to take money back from schools.
 - The rest would be covered by the rainy-day fund.
- The Budget includes total funding of \$126.8 billion (\$76.4 billion General Fund and \$50.4 billion other funds) for all K-12 education programs, with per-pupil funding totaling \$17,653 and \$23, 519 per pupil when accounting for all funding sources. Due to continued declining enrollment, per-pupil funding remains relatively stable.

Proposition 98 Rainy Day Fund

- The Budget reflects revised 2022-23 and 2023-24 payments, and a 2024-25 payment, of roughly \$339 million, \$288 million, and \$752 million, into the Public School System Stabilization Account (PSSSA), and withdrawals of roughly \$3 billion in 2023-24 and

\$2.7 billion in 2024-25, for a total revised account balance of more than \$3.8 billion at the end of 2024-25

- The Budget also reduces the current year Rainy Day fund balance to \$5.7 billion and continues to trigger the statutory 10% school district reserve cap.

Local Control Funding Formula (LCFF)

- In significant contrast to last year's 8.22% cost-of-living adjustment (COLA), the Budget includes an LCFF COLA of 0.76%, resulting in a decrease of about \$1.4 billion.
 - The same 0.76% COLA (\$65 million) is applied to those categorical programs outside of the LCFF, such as special education, school nutrition, LCFF equity multiplier and others.

Instructional Continuity

- To address attendance and instructional challenges, the Budget proposes the following statutory changes:
 - Allow LEAs to add attendance recovery time to the attendance data submitted to the Department of Education, both for funding purposes (ADA reporting) and chronic absenteeism (individual student attendance reporting).
 - Attendance recovery programs can take the form of Saturday school, intersessional school, or before/after school, and would be exempt from minimum day requirements.
 - Require LEAs to provide students with access to remote instruction or support to enroll at a neighboring LEA for emergencies lasting 5 or more days.
 - Encourage LEAs to provide hybrid or remote learning opportunities to students unable to attend school.
- The Budget also includes \$6 million one-time Proposition 98 General Fund to research models of hybrid and remote learning to support attendance and make recommendations for LEAs to be able to report individual absence data to the state, in a disaggregated manner, using local student information systems.

California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (FDK)

- The 2023 Budget Act included a planned \$550 million one-time General Fund investment in 2024-25
- The Budget proposes to delay this \$550 million investment another year, to 2025-26, in anticipation of a November 2024 school bond.

California State Preschool Program (CSPP)

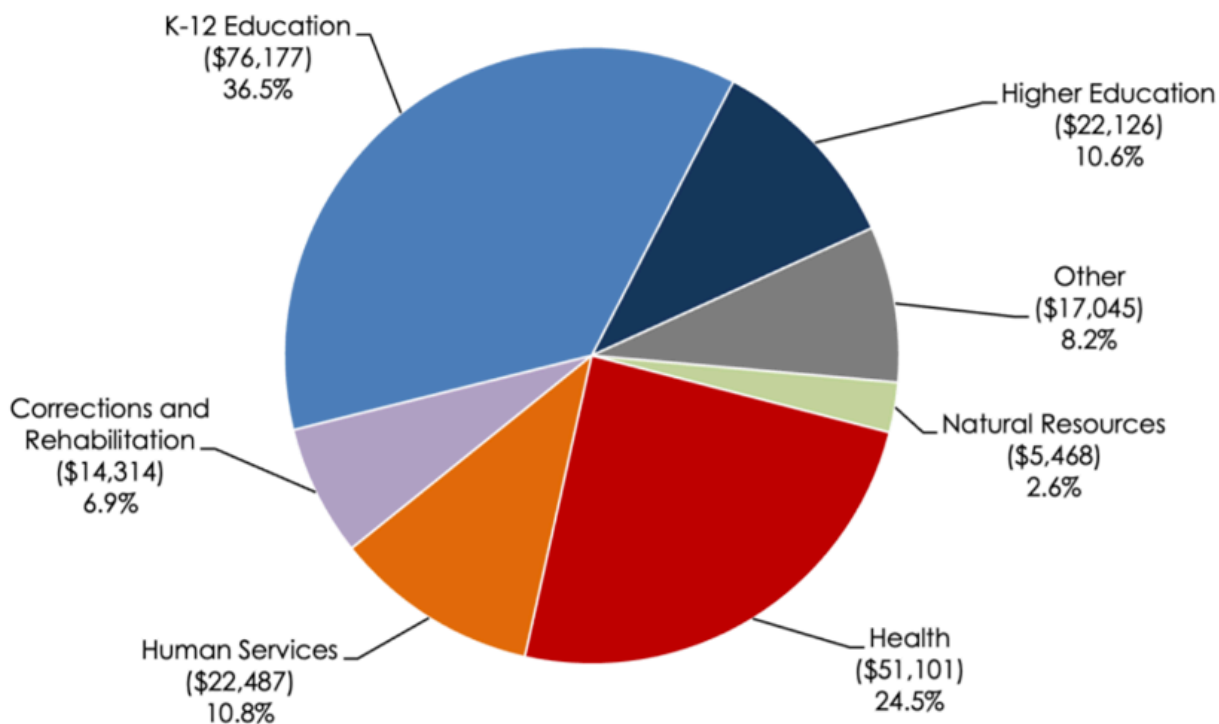
- To support reimbursement rate increases previously supported by available one-time federal stimulus funding, the Budget includes \$53.7 million General Fund.
 - These resources are in addition to the approximately \$140.6 million General Fund and \$206.3 million Proposition 98 General Fund identified in the 2023 budget act.
 - These amounts reflect an identified one-time savings of \$172.1 million General Fund and \$446 million Proposition 98 General Fund.
 - Delays to preschool inclusion grant to 2025-26

School Facility Program

- Due to the projected budget shortfall, the Budget proposes to adjust the investment planned for 2024-25 from \$875 million to \$375 million one-time General Fund.
- Understanding the continued need for facilities, the Budget mentions that the Administration expects to negotiate with the Legislature this spring, to discuss the school facility bond proposals to be considered for the November 2024 ballot.

	2023-24	2024-25
Prior Year Balance	\$42,078	\$8,029
Revenues and Transfers	\$196,859	\$214,699
Total Resources Available	\$238,937	\$222,728
Non-Proposition 98 Expenditures	\$155,337	\$131,824
Proposition 98 Expenditures	\$75,571	\$76,894
Total Expenditures	\$230,908	\$208,718
Fund Balance	\$8,029	\$14,010
Reserve for Liquidation of Encumbrances	\$10,569	\$10,569
Special Fund for Economic Uncertainties	-\$2,540	\$3,441
Public School System Stabilization Account	\$5,730	\$3,852
Safety Net Reserve	\$900	-
Budget Stabilization Account/Rainy Day Fund	\$23,132	\$11,106

Note: Numbers may not add due to rounding.



What's Next:

- Additional details will be released as part of the trailer bill language in the weeks to come.
- CASBO will analyze the Administration's budget proposals and provide recommendations and position statements during this year's budget deliberation process
- May revision by May 15th
- May 15th - June 15th the Legislature will pass a budget

- | | |
|---|--|
| <input type="checkbox"/> Student Learning and Achievement | <input type="checkbox"/> Consent |
| <input type="checkbox"/> Health and Safety of Students and Schools | <input type="checkbox"/> Action/Discussion |
| <input checked="" type="checkbox"/> Credibility and Communication | <input checked="" type="checkbox"/> Information/Discussion |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: Review of Budget Development Calendar for 2024-25

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Joshua Jorn, Assistant Superintendent for Business Services

RECOMMENDATION:

The Administration recommends that the Board review the Budget Development Calendar for fiscal year 2024-25

BACKGROUND:

The development of the annual budget is an important process that helps to ensure fiscal solvency and the achievement of the district's educational goals. This Budget Development Calendar delineates critical dates and milestones during the developmental process of a budget.

INFORMATION:

The budget development process begins early so that timely decisions can be made to adjust existing programs (or not) and to evaluate any new expenditure proposals for possible inclusion in the Adopted Budget.

Dates of scheduled Regular Board Meetings indicated in **bold**:

January 10, 2024	Governor releases proposal for the 2023-24 budget/fiscal year
January 11, 2024	Review of District Enrollment Projections for 2024-25 Review of District Property Tax Revenue for 2023-24
February 1, 2024	Assistant Superintendent attends Governor's Budget Workshop presented by Capital Advisors provided virtually by the Monterey County Office of Education (MCOE)
February 8, 2024	Assistant Superintendent updates the Board on the Governor's proposed budget for 2024-25
March 7, 2024	Presentation of the 2022-23 Annual Audit Report for District Financials by Independent auditor, and acceptance of the report by the Board
March 4 - 31, 2024	Business Services meets with Directors, Principals and Program Managers to develop program and site budgets for 2024-25

- May 12, 2024 Governor proposes 2024-25 state budget revisions in “May (Tentative) Revised”
- May 23, 2024** Governing Board holds public hearing on the 2023-24 District Budget and the 2023-24 Local Control Accountability Plan (LCAP)
- June 6, 2024** Governing Board adopts the 2023-24 District Budget and the 2023-24 LCAP report
- July 1, 2024 Date by which the Board of Education must approve the 2024-25 annual budget and adopt the LCAP report

FISCAL IMPACT:

None

- | | |
|--|--|
| <input checked="" type="checkbox"/> Student Learning and Achievement | <input type="checkbox"/> Consent |
| <input type="checkbox"/> Health and Safety of Students and Schools | <input type="checkbox"/> Action/Discussion |
| <input type="checkbox"/> Credibility and Communication | <input checked="" type="checkbox"/> Information/Discussion |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: Information/Discussion regarding Pacific Grove Middle School’s Teacher on Special Assignment update regarding current and future efforts.

DATE: January 29, 2024

PERSON(S) RESPONSIBLE: Sean Roach, Pacific Grove Middle School Principal/Brice Gamble Teacher on Special Assignment (TOSA) at PGMS

RECOMMENDATION:

The District Administration recommends the Board receive information on the first semester initiatives/achievements of Mr. Gamble and learn more about the second semester goals for the 2023/24 school year.

BACKGROUND:

The Teacher on Special Assignments role was created to assist the administration is supporting efforts that support and expand opportunities for all students in learning at high levels.

INFORMATION:

Information provided in regards to our annual initiatives, progress monitoring and goals for the second semester 23/24. Initiatives include Universal Design for Learning, Grading for Mastery, Grade Book assistance, Education Technologies, Cross Curricular lesson planning and guidance, Learning Walks and supported teacher planning pullout days.

FISCAL IMPACT:

N/A

At this point 3/4 of our students (in Tech Essentials and CORE) are trained in:

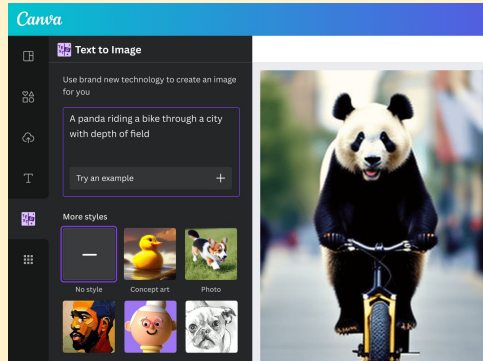
Google: Slides/Docs/Forms/Drive



CapCut (on Chromebooks not phones)



Canva: (presentations, videos, narrations, AI picture maker)



I continue to meet with all of the school's D/F students

We discuss their grades, what to improve on.

Creating habits: when to complete missing work.

Study skills.

Wanting to do better in school.

Sometimes I provide a one-on-one

Instructional Assistant!



Multiple Attempt Assessments

Multiple Attempt Assessment on Standards Based Grading

The staff has taken the above “Test” where if they get an answer wrong, it leads them to a brief reading and they have another opportunity to answer the question correctly.

8th Grade History has taken two Multiple Attempt Assessments in lieu of the traditional test.

I continue to push into classes bringing more choice (UDL) and rubrics (Grading for Mastery).

Chapter 12 Reading:

[Ch 12. Dilemma #1](#)

[Ch 12. Dilemma #2](#)

[Ch 12. Dilemma #3](#)

[Ch 12. Dilemma #4](#)

[Chapter 12 Play:](#)



[How to change a
ScreenCastify or Video
into an audio Mp3](#)

I continue to push into classes bringing more choice (UDL) and rubrics (Grading for Mastery).

[Student Animation Programs Project - the Moon](#)

[Phases of the Moon](#)

[Importance of the Moon](#)

[Solar and Lunar Eclipses of the Moon](#)

[Animaker Moon Fact Example](#)

[Animaker Tutorials and How To Videos](#)

[Canva Phases of Moon Example](#)

[Canva Tutorials and How To Videos](#)

[CapCut Solar/Lunar Eclipses Example](#)

[CapCut Tutorial](#)

[How add Drive on cell phone](#)

[Powtoons Importance of Moon Example](#)

[Powtoons Tutorials and How To Videos](#)

[Rubric for The Moon Project](#)

Grading for Mastery



Accurate



Bias-Resistant



Motivational



As a staff we have not only actively but willingly(!) participated in discussions on best practices regarding Grading for Mastery. Specifically:

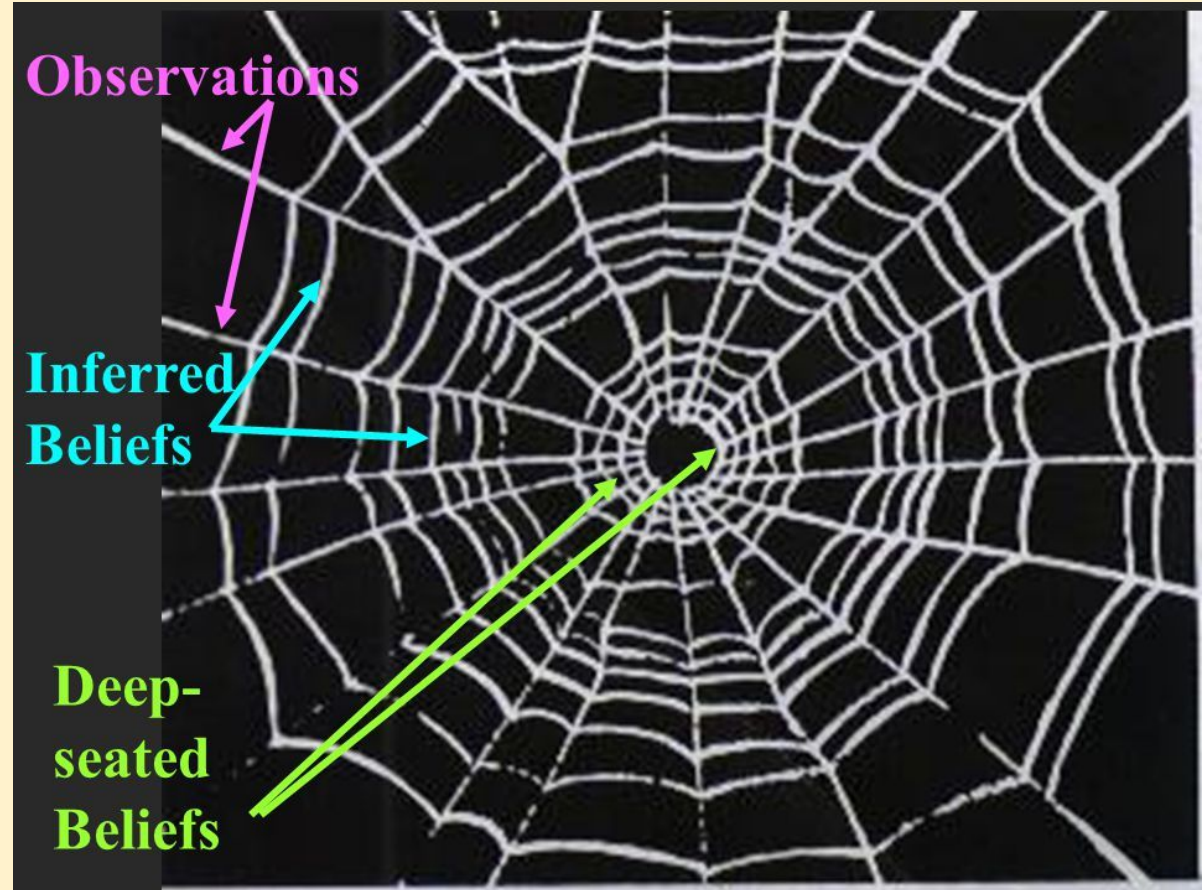
- **Rubrics**
- **Grading A to F (what do our grades mean?)**
- **The use of zeros (are they a place holder, or a grade?)**

The teachers guide on what we will learn next with [Exit Tickets](#)

Grading for Mastery - Web of Beliefs

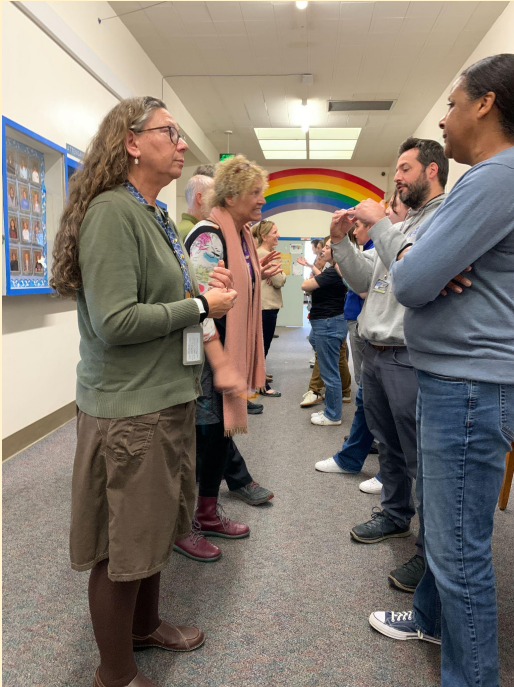
523/528

This is a very slow process, but we are going very deep with it, hearing from every teacher and discussing its importance.



Grading for Mastery

524/528



This is a very slow process, but we are going very deep with it, hearing from every teacher and discussing its importance.

Grading for Mastery



Accurate



Bias-Resistant



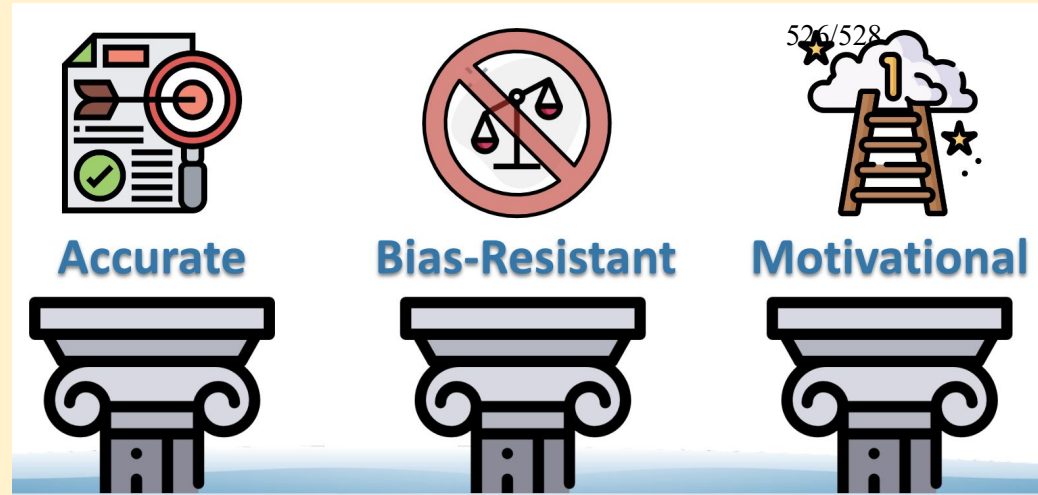
Motivational



Topics we want to cover this year, next year... and the following decade

- **Student Disengagement**
- **Implicit Bias/Bias resistance**
- **Why students cheat**
- **Degrading/Grading Less**
- **Student Motivation in school**
- **Soft Skills vs Academic Skills**
- **Student Led Conferences**
- **Test retakes**
- **Standards Based Grading**
- **0-4 Grading Scale**

Grading for Mastery



Our staff has really great insight and thoughts on how to implement best practices, I am really excited to see where we go with it.

This will take time.

- | | |
|--|--|
| <input type="checkbox"/> Student Learning and Achievement | <input type="checkbox"/> Consent |
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| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability, and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: M.O.T. Quarterly Project Update

DATE: February 8, 2024

PERSON(S) RESPONSIBLE: Jon Anderson, Director of Maintenance, Operations, and Transportation

RECOMMENDATION:

The District Administration recommends that the Board review and enjoy this informational presentation.

BACKGROUND:

Before the summer projects were completed, more projects were already in the planning stages. Some of those projects are already completed, are underway or will soon be underway.

INFORMATION:

A power point presentation will be made giving the details of each project recently completed or underway this quarter.

FISCAL IMPACT:

The costs associated with each project will be displayed on the slides.

PRESENTATION SUMMARY:

1. Measure D Projects
 - a. Varsity Baseball Fencing & Backstop
 - b. PGHS Building A Carpeting (Work in Progress)
 - c. PGHS Wayfinding Signage (Work in Progress)
 - d. PGMS room 39 HVAC upgrade
 - e. RHD room E4 HVAC upgrade
2. Inhouse Deferred Maintenance Projects
 - a. PGMS Performing Arts Center water intrusion prevention
 - b. FGE bench installation (PTA Donated)
 - c. FGE Sandbox installation (PGAE Donated)
 - d. Reinstallation of drinking fountains and addition of 3 bottle filling stations
 - e. FGE walkway patching
 - f. Districtwide Tree Monitoring, Removal & Replacement Plan (Work in Progress)
3. Contracted Deferred Maintenance Projects
 - a. David Ave North Monterey Co. Independent Study Carpet Replacement
 - b. David Ave State Preschool fence installation

- c. FGE Gates (Work in Progress)
- d. RHD Gates (Work in Progress)
- e. PGMS Gym wall repair and prep for mural
- f. FGE Storage container painting and prep for mural
- g. PGHS planting near gym (Hana Nursery Donated) (Work in Progress)