

# Agenda

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## **SUTTER COUNTY BOARD OF EDUCATION**

### **Regular Meeting**

Wednesday, September 12, 2018 - 5:30 p.m.  
Sutter County Superintendent of Schools Office  
970 Klamath Lane – Board Room  
Yuba City, CA 95993

#### *Public Hearings*

- *Sufficiency of Textbooks and/or Instructional Materials*

A full Board packet is available for review at the Sutter County Superintendent of Schools Office Reception Desk, 970 Klamath Lane, Yuba City, CA (8:00 a.m. – 5:00 p.m., Monday through Friday – excluding legal holidays) and the Sutter County Superintendent of Schools' website at [www.sutter.k12.ca.us](http://www.sutter.k12.ca.us).

**5:30 p.m.** 1.0 Call to Order

2.0 Pledge of Allegiance

3.0 Roll Call of Members:

Victoria Lachance, President  
Jim Richmond, Vice President  
Karm Bains, Member  
June McJunkin, Member  
Ron Turner, Member

4.0 Items of Public Interest to Come to the Attention of the Board

Members of the public are given an opportunity to address the Board regarding items not listed on the agenda. *The California Government Code, Section 54954.3(a) states, ".....no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2.*

5.0 Approve Minutes of the August 8, 2018 Regular Meeting of the Sutter County Board of Education **[Action Item]**

The minutes of the August 8, 2018 regular meeting of the Sutter County Board of Education are presented for approval.

6.0 Public Hearing on Sufficiency of Textbooks and/or Instructional Materials – Dr. Christine McCormick

Education Code Section 60119 requires a public hearing to encourage participation by parents/guardians, teachers, members of the community and bargaining unit leaders who are interested in addressing the Board regarding sufficiency of textbooks or instructional materials for county-operated programs.

7.0 Adopt Resolution No. 18-19-I – Sufficiency of Instructional Materials – Dr. Christine McCormick **[ACTION ITEM]**

Resolution No. 18-19-I states the sufficiency of textbooks and/or instructional materials for students in county-operated programs are being presented for adoption.

8.0 Business Services Report

8.1 Monthly Financial Report – August 2018 – Aaron Heinz  
8.2 Surplus Report – Barbara Henderson

9.0 Superintendent’s Policies

The following Superintendent’s Policies are being presented as information items – Dr. Christine McCormick

SP and S/AR 5145.13 Response to Immigration Enforcement  
SP 0410 Non Discrimination in Programs & Activities  
SP and S/AR 5125 Student Records  
SP and S/AR 5125.1 Release of Directory Information  
SP and S/AR 5131.6 Alcohol and Other Drugs  
SP and S/AR 5131.7 Weapons and Dangerous Instruments  
SP and S/AR 1312.3 Uniform Complaint Procedures  
SP and S/AR 5020 Parent Rights and Responsibilities  
SP and S/AR 5022 Student Privacy  
SP and S/AR 6174 English Learners

10.0 First Reading (RESCIND) Board Policies

The following Board Policies are being presented for their first reading to Rescind:

BP/AR 6174 – English Learners  
BP/AR 5022 – Student Privacy  
BP/AR 1312 – Uniform Complaint Procedures  
BP 0410 – Non Discrimination in Programs & Activities

11.0 First Reading Board Policies and Administrative Regulations  
Dr. Christine McCormick

AR 3512 – Equipment  
BP and B/AR 3230 – Federal Grant Funds

- 12.0 Closed Session
  - Liability Claims (Government Code §§ 54954.5 and 54956.95)
  - Claimant: TC 18-19-I
  - Agency claimed against: Sutter County Board of Education/Sutter County Superintendent of Schools
  
- 13.0 Liability Claims (Government Code §§ 54654.5 and 54956.95)
  - Claimant: TC 18-19-II
  - Agency claimed against: Sutter County Board of Education/Sutter County Superintendent of Schools
  
- 14.0 Reconvene to Open Session
  
- 15.0 Report of Action Taken in Closed Session
  
- 16.0 Items from the Superintendent/Board
  
- 17.0 Adjournment

*In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the Board Meeting room, to access written documents being discussed at the Board Meeting, or to otherwise participate at Board Meetings, please contact Dr. Baljinder Dhillon at 530-822-2900 for assistance. Notification at least 48 hours prior to the meeting will enable the Superintendent's Office to make reasonable arrangements to ensure accessibility to the Board Meeting and to provide any required accommodations, auxiliary aids or services.*

*All Open Session Agenda related documents, including materials distributed less than 72 hours prior to the scheduled meeting, are available to the public for viewing at the Sutter County Superintendent of Schools Office located at 970 Klamath Lane, Yuba City, CA 95993.*

BOARD AGENDA ITEM: Approve Minutes of the August 8, 2018 Regular Board Meeting

BOARD MEETING DATE: September 12, 2018

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Maggie Nicoletti

SUBMITTED BY:

Dr. Baljinder Dhillon

PRESENTING TO BOARD:

Dr. Baljinder Dhillon

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BACKGROUND AND SUMMARY INFORMATION:

The minutes of the regular meeting of the Sutter County Board of Education held August 8, 2018, are presented for approval.

**Unapproved**  
**SUTTER COUNTY BOARD OF EDUCATION MINUTES**  
**Regular Meeting**  
**August 8, 2018**

1.0 Call to Order

A regular meeting of the Sutter County Board of Education was called to order by President Lachance at 5:30 p.m., August 8, 2018, at the Sutter County Superintendent of Schools Office, 970 Klamath Lane, Yuba City, California.

2.0 Pledge of Allegiance

The Pledge of Allegiance was led by Karm Bains

3.0 Roll call of Members

Victoria Lachance, President – Present  
Jim Richmond, Vice President – Present  
Karm Bains, Member – Present  
June McJunkin, Member – Present  
Ronald Turner, Member – Present

Dr. Baljinder Dhillon, Ex-officio Secretary – Present  
Staff Members Present: Dr. Christine McCormick, Aaron Heinz, Barbara Henderson, Kathy Tamez and Maggie Nicoletti

4.0 Items of Public Interest to come to the attention of the Board

None

5.0 Approve Minutes of the July 11, 2018 Regular Meeting of the Sutter County Board of Education

A motion was made to approve the minutes of the July 11, 2018, Regular Meeting of the Sutter County Board of Education.

*Motion:* June McJunkin                      *Seconded:* Jim Richmond  
*Action:* Motion Carried  
*Ayes:* 5 (McJunkin, Richmond, Bains, Turner and Lachance)  
*Noes:* 0  
*Absent:* 0                                      *Abstain:* 0

6.0 Approval of Annual Declaration of Need for Fully Qualified Educators (2018-2019)

The Declaration of Need for Fully Qualified Educators must be approved and on file with the Commission on Teacher Credentialing before emergency permits can be issued to the Sutter County Superintendent of Schools Office.

A motion was made to approve the annual Declaration of Need for Fully Qualified Educators for 2018-2019.

*Motion:* Karm Bains                              *Seconded:* Jim Richmond  
*Action:* Motion Carried  
*Ayes:* 5 (McJunkin, Turner, Richmond, Bains and Lachance)  
*Noes:* 0  
*Absent:* 0                                      *Abstain:* 0

7.0 Quarterly Report on Williams/Uniforms Complaints (April 1, 2018 – June 30, 2018)

Dr. Christine McCormick shared the Quarterly Report on Williams Uniform Complaints for April 1, 2018 to June 30, 2018, 4th quarter of school year 2017-2018, pursuant to Education Code §35186. No reports were received within Sutter County during the last quarter.

8.0 Disclosure of Collective Bargaining Agreement for Sutter County Superintendent of Schools Employee Association (CSEA), Chapter #634, for July 1 2017 – June 30, 2018

Aaron stated this is an annual report put together after negotiations have settled. There was a 2% salary increase for 17/18. Aaron further stated that this report gives the Board an idea through 19/20. Bal stated that out of all the districts, SCSOS gave the lowest salary increase of all. Jim asked about the MOU for a signing bonus for new teachers that are hired. Barbara addressed this and stated that an MOU was brought to negotiations; however, it has not been finalized yet due to proposed language by both parties

9.0 Business Services Report

9.1 Aaron reviewed the July 2018 monthly Financial Report with the Board. He stated Special Education is reducing salaries and benefits and increasing contracted services; this is due to a shortage of teachers. Aaron further stated that this is a common problem throughout the state.

9.2 Barbara reviewed the June 2018 Investment Statement with the Board. She stated that the interest rate is 1.8828%, it is going up.

10.0 Items from the Superintendent/Board

Dr. Dhillon stated the SCSOS Countywide In-Service is being held on Friday, August 10<sup>th</sup> and invited all the Board Members to attend.

AeroSTEM Academy visited SCSOS today and brought many items that are on their checklist and they are working on additional items that are required. James will look at the Flower Building at the Yuba Sutter Fairgrounds prior to their occupancy.

Jim asked how the summer programs went at Shady Creek. Per Bal, numbers were up this summer.

Vicky asked about the property at Shady Creek; Barbara stated she is in contact with an attorney regarding this matter.

East Nicolaus is having a “Meet the Spartans” luau fundraiser on August 10<sup>th</sup>. Seating begins at 6:00 p.m. and the show begins at 7:15. They will be roasting a pig in the ground and are having a fire dancer from Hawaii.

11.0 Adjournment

A motion was made to adjourn the meeting at 5:53 p.m.

*Motion:* Ron Turner

*Seconded:* June McJunkin

*Action:* Motion Carried

*Ayes:* 5 (McJunkin, Turner, Richmond, Bains and Lachance)

*Noes:* 0

*Absent:* 0

*Abstain:* 0

BOARD AGENDA ITEM: Public Hearing on Sufficiency of Textbooks or Instructional Materials or Both

BOARD MEETING DATE: September 12, 2018

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Angela Gresham

SUBMITTED BY:

Christine McCormick

PRESENTING TO BOARD:

Christine McCormick

BACKGROUND AND SUMMARY INFORMATION:

Education Code Section 60119 requires the governing board to hold a public hearing to encourage participation by parents, teachers, and members of the community interested in the affairs for the County Office of Education, and bargaining unit leaders, to make a determination as to whether each pupil has sufficient textbooks or instructional materials or both, in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education:

- Mathematics
- Science
- History-Social Science
- English/Language Arts, including English Language Development

This public hearing must be held before the eight week of school (between the first day that students attend school and the eight week from that day).

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**SUTTER COUNTY BOARD OF EDUCATION**

**NOTICE OF PUBLIC HEARING**

*The Sutter County Board of Education hereby gives notice that a Public Hearing will be held as follows:*

**TOPIC OF HEARING:**

**Education Code Section 60119 requires the governing board to hold a public hearing to encourage participation by parents, teachers, and members of the community interested in the affairs of the County Office of Education, and bargaining unit leaders, and shall make a determination through a resolution, as to whether each pupil has sufficient textbooks or instructional materials, or both, in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education:**

- (i) Mathematics**
- (ii) Science**
- (iii) History - Social Science**
- (iv) English/Language Arts, including English Language Development**

**HEARING DATE:** September 12, 2018

**TIME:** 5:30 p.m.

**LOCATION:** Sutter County Superintendent of Schools Office  
970 Klamath Lane, Yuba City, CA

For additional information, contact:  
Dr. Bal Dhillon, Sutter County Superintendent of Schools  
970 Klamath Lane, Yuba City, California  
(530) 822-2900.

Posted: 08/30/18



BOARD AGENDA ITEM: Adopt Resolution for Sufficiency of Instructional Materials in  
Science, History/Social Science, Mathematics, and  
English/Language Arts

BOARD MEETING DATE: September 12, 2018

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Angie Gresham

SUBMITTED BY:

Christine McCormick

PRESENTING TO BOARD:

Christine McCormick

BACKGROUND AND SUMMARY INFORMATION:

After the public hearing on the sufficiency of textbooks and/or instructional materials, the board will be asked to adopt a resolution to make a determination as to whether each pupil has sufficient textbooks or instructional materials, or both, in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education.

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**SUTTER COUNTY BOARD OF EDUCATION  
SUTTER COUNTY SUPERINTENDENT OF SCHOOLS**

**RESOLUTION NUMBER 18-19-I**

**SUFFICIENCY OF INSTRUCTIONAL MATERIALS  
2018-19**

**Whereas**, the governing board of Sutter County Superintendent of Schools, in order to comply with the requirements of *Education Code* Section 60119 held a public hearing on September 12, 2018, at 5:30 p.m., which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

**Whereas**, the governing board provided at least 10 days notice of the public hearing posted in at least three public places within the county that stated the time, place, and purpose of the hearing, and;

**Whereas**, the governing board encouraged participation by parents/guardians, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

**FOR A FINDING OF SUFFICIENT INSTRUCTIONAL MATERIALS SCIENCE,  
HISTORY-SOCIAL SCIENCE, MATH AND READING FOR SPECIAL EDUCATION**

**Whereas**, information provided at the public hearing and to the governing board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the district/county office of education, and;

**Whereas**, the definition of "sufficient textbooks or instructional materials" means that each student, including each English learner, has a standards-aligned textbook and/or instructional materials to use in class and to take home, which may include materials in a digital format but shall not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage, and;

**Whereas**, the definition of "sufficient textbooks or instructional materials" also means that all students who are enrolled in the same course within the Sutter County Superintendent of Schools, have standards-aligned textbooks or instructional materials from the same adoption cycle, and;

**Whereas**, sufficient textbooks and instructional materials were provided to each student, including English learners that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

## **Special Education**

Science: K–Grade 5 uses *Pearson Scott Foresman California*. Grade K-8 uses Unique Learning System Online Curriculum. Grade 6 uses *Holt, Rinehart and Winston, California Earth Science*. Grade 7 uses *Holt, Rinehart and Winston California Life Science*. Grade 8 uses *Holt, Rinehart and Winston California Physical Science*.

Science: Grades 9 – 12 uses *McDougal Littell, Biology 2008*.

Science: Grades 9 – 12 uses *Pearson-Prentice Hall, Chemistry 2007-CA Edition*.

Science: Grades 9 – 12 uses Earth Science, Holt, Reinhart & Winston.

Science: Grades 9 – 12 uses Physical Science with Earth Science, Glencoe-McGraw Hill.

Science: Grades 9 – 12 uses Biology, Sixth Edition, Benjamin Cummings, Pearson Education, Inc.

Science: Grades 9-12 uses Unique Learning System, Online Curriculum

History/Social Studies: Grade 12 uses *Holt, Rinehart, and Winston, 2003, Economics* and *Prentice Hall, 2006, American Government*.

History/Social Studies: Grade 11 uses *McDougal Littell, 2003, The Americans*.

History/Social Studies: Grade 10 uses *McDougal Littell, 2006, Modern World History*.

History/Social Studies: Grade 7-12 uses Unique Learning Systems, Online Curriculum

History/Social Studies: Grade 8 uses *Teachers' Curriculum Institute, 2005, History Alive!, The United States Through Industrialism*.

History/Social Studies: Grade 7 uses *Teachers' Curriculum Institute, 2005, History Alive!, The Medieval World and Beyond*.

History/Social Studies: Grade K-6 uses Unique Learning System, Online Curriculum

History/Social Studies: Grade 6 uses *Teachers' Curriculum Institute, 2004, History Alive!, The Ancient World*.

History/Social Studies: Grade 5 uses *Scott Foresman, 2006, Our Nation*.

History/Social Studies: Grade 4 uses *Scott Foresman, 2006, Our California*.

History/Social Studies: Grade 3 uses *Scott Foresman, 2006, Our Communities*.

History/Social Studies: Grade 2 uses *Scott Foresman*, 2006, Then and Now.

History/Social Studies: Grade 1 uses *Scott Foresman*, 2006, Time and Place.

History/Social Studies: Grade K uses *Scott Foresman*, 2006, Learn and Work.

Mathematics curriculum for Grade K-6 Unique Learning System, Online Curriculum

Mathematics curriculum for K-5 enVision Math, *Scott Foresman-Addison Wesley*, 2009.

Mathematics curriculum for Grade 6 Course 1: Numbers to Algebra, *Holt, Rinehart, and Winston*, 2008.

Mathematics curriculum for Grade 6-8 Unique Learning System, Online Curriculum

Mathematics curriculum for Grade 7 Course 2: Pre- Algebra I, *Holt, Rinehart, and Winston*, 2008.

Mathematics curriculum for Grade 8 Course 1: Algebra 1, *Holt, Rinehart, and Winston*, 2008.

Mathematics curriculum for Grades 9 – 12 California Pre-Algebra, *Pearson-Prentice Hall*.

Mathematics curriculum for Grades 9 – 12 Algebra 1 – Classics, *Smith Charles, Pearson-Prentice Hall*.

Mathematics curriculum for Grades 9 – 12 California Geometry, *Pearson-Prentice Hall*.

Mathematics curriculum for Grades 9 – 12 Beginning Algebra with Applications, *Houghton Mifflin*.

Mathematics curriculum for Grades 9 – 12 Algebra 1, *McDougal Littell*.

Mathematics curriculum for Grades 9 – 12 Geometry: Concepts and Skills, *McDougal Littell*.

Mathematics curriculum for Grade 9-12 Unique Learning System, Online Curriculum

English/Language Arts, including the English language development component of an adopted program:

K-Grade 6 uses *Houghton-Mifflin Reading Program*. Grades 7-12 uses *High Point Intervention*.

K-Grade 12 uses Unique Learning System, Online Curriculum

Intervention: Reading, Writing, & Language for Grades 9-12 uses *Hampton-Brown*, 2009, Edge;

Grade 7 uses *Holt, Rinehart and Winston, First Edition*; Grade 8 uses *Holt, Rinehart and Winston*

Grade 7-8 uses High Point Intervention

Grade 7-8 uses Unique-Online Curriculum

**FOR A FINDING OF SUFFICIENT INSTRUCTIONAL MATERIALS SCIENCE,  
HISTORY-SOCIAL SCIENCE, MATH AND READING FOR  
FEATHER RIVER ACADEMY**

**Feather River Academy**

Science: Grades 7-12 uses *Holt, Rinehart and Winston, Holt Science Spectrum Physical Science*. Grades 9-12 uses *Holt, Rinehart and Winston, Holt Biology California*.

History/Social Studies: Grade 7 uses *Teachers' Curriculum Institute, 2005, History Alive!, The Medieval World and Beyond*. Grade 8 uses *Teachers' Curriculum Institute, 2005, History Alive!, The United States Through Industrialism*. Grades 10 uses *McDougal Littell, Modern World History*. Grade 11 uses *McDougal Littell, The Americans*. Grade 12 uses *Prentice Hall, American Government*. Grade 12 uses *Holt, Rinehart and Winston, Economics*.

Mathematics: Grades 7-8 uses *McDougal-Littell, Pre-Algebra*. Grades 9-12 *McDougal-Little, Algebra1*.

English/Language Arts: Grades 9 uses *Holt, Rinehart and Winston, for Literature and Language Arts, Third Course*. Grades 9-12 uses *Holt, Rinehart and Winston, 2003, Literature and Language Arts, Fourth Course*. Grades 9-12 uses *Holt, Rinehart and Winston, 2003, Literature and Language Arts, Fifth Course*.

Intervention: Reading, Writing, & Language for Grades 9-12 uses *Hampton-Brown*, 2009, Edge.

Character Development and Character and Leadership, 2017: Role Models: Examples of Character and Leadership Grades 9-12

**FOR A FINDING OF SUFFICIENT INSTRUCTIONAL MATERIALS SCIENCE,  
HISTORY-SOCIAL SCIENCE, MATH AND READING FOR  
SUTTER COUNTY OPPORTUNITY**

**Opportunity**

Science: Grade 7 uses *Holt, Rinehart and Winston, California Life Science*.

Science: Grade 8 uses *Holt, Rinehart and Winston, California Physical Science*.

Mathematics curriculum for Grade 8 Course 1: Algebra 1, *Holt, Rinehart, and Winston*, 2008.

History/Social Studies: Grade 7 uses *Teachers' Curriculum Institute*, 2005, History Alive!, The Medieval World and Beyond.

History/Social Studies: Grade 8 uses *Teachers' Curriculum Institute*, 2005, History Alive!, The United States Through Industrialism.

English/Language Arts: Grade 7 uses *Holt, Rinehart and Winston*, 2003, for Literature and Language Arts, First Course.

English/Language Arts: Grade 8 uses *Holt, Rinehart and Winston*, 2003, for Literature and Language Arts, Second Course.

Intervention: Reading, Writing, & Language for Grades 9-12 uses *Hampton-Brown*, 2009, Edge.

**Therefore**, it is resolved that for the 2018-19 school year, the Sutter County Superintendent of Schools Office has provided each student with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

**PASSED AND ADOPTED** at a regular meeting of the Sutter County Board of Education on the 12<sup>th</sup> day of September 2018, by the following vote:

McJunkin \_\_\_\_\_; Bains \_\_\_\_\_; Lachance \_\_\_\_\_; Richmond \_\_\_\_\_; Turner \_\_\_\_\_

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

\_\_\_\_\_  
Victoria Lachance, President  
Sutter County Board of Education

\_\_\_\_\_  
Baljinder Dhillon, Ex-officio  
Sutter County Board of Education

BOARD AGENDA ITEM: Business Services Report

BOARD MEETING DATE: September 12, 2018

AGENDA ITEM SUBMITTED FOR:

Action

Reports/Presentation

Information

Public Hearing

Other (specify)

PREPARED BY:

Aaron Heinz

SUBMITTED BY:

Aaron Heinz

PRESENTING TO BOARD:

Aaron Heinz

BACKGROUND AND SUMMARY INFORMATION:

The monthly financial report for August will be reviewed.

## Summary Report of Revenues, Expenditures and Changes in Fund Balance (Unrestricted and Restricted Combined)

### AUGUST REPORT

7/16/2018 - 8/15/2018

Description	Account Codes	Original Budget	Operating Budget	Actuals to Date	Projected Yr Totals	Difference (Col D - B)	2018-19 % Actuals as a % of Budget
		7/1/18 (A)	7/1/18 (B)	8/15/18 (C)	8/15/18 (D)	(E)	
<b>A. Revenues</b>							
1) Local Control Funding Formula	8010-8099	\$ 9,200,409	\$ 9,200,409	\$ 393,647	\$ 9,200,409	-	A 4.3%
2) Federal Revenues	8100-8299	\$ 3,601,163	\$ 3,601,163	\$ 5,202	\$ 3,607,461	6,298	B 0.1%
3) Other State Revenues	8300-8599	\$ 8,661,819	\$ 8,661,819	\$ 317,736	\$ 8,661,819	-	C 3.7%
4) Other Local Revenues	8600-8799	\$ 14,087,690	\$ 14,087,690	\$ 72,650	\$ 14,190,586	102,896	D 0.5%
<b>TOTAL REVENUES</b>		<b>\$ 35,551,081</b>	<b>\$ 35,551,081</b>	<b>\$ 789,235</b>	<b>\$ 35,660,275</b>	<b>\$ 109,194</b>	<b>2.2%</b>
<b>B. Expenditures</b>							
1. Certificated Salaries	1000-1999	\$ 8,294,766	\$ 8,138,242	\$ 340,792	\$ 8,138,242	-	E 4.2%
2. Classified Salaries	2000-2999	\$ 11,366,056	\$ 11,366,056	\$ 624,142	\$ 11,366,056	-	F 5.5%
3. Employee Benefits	3000-3999	\$ 7,372,073	\$ 7,311,608	\$ 376,124	\$ 7,313,858	2,250	G 5.1%
4. Books and Supplies	4000-4999	\$ 915,635	\$ 921,305	\$ 79,077	\$ 946,386	25,081	H 8.6%
5. Services, Other Operation	5000-5999	\$ 4,883,344	\$ 5,110,784	\$ 901,677	\$ 5,215,077	104,293	I 17.6%
6. Capital Outlay	6000-6999	\$ 532,930	\$ 527,930	\$ -	\$ 527,930	-	J 0.0%
7. Other Outgo	7100-7299	\$ 224,896	\$ 224,896	\$ -	\$ 224,896	-	K 0.0%
8. Direct Support/Indirect	7300-7399	\$ (103,258)	\$ (103,259)	\$ (3,648)	\$ (103,259)	-	L 3.5%
9. Debt Service	7400-7499	\$ -	\$ -	\$ -	\$ -	-	M 0.0%
<b>TOTAL EXPENDITURES</b>		<b>\$ 33,486,442</b>	<b>\$ 33,497,562</b>	<b>\$ 2,318,164</b>	<b>\$ 33,629,186</b>	<b>131,624</b>	<b>6.9%</b>
<b>Excess ( Deficiency) of Revenues Over Expenditures Before Other Financing Sources and Uses (A5-B9)</b>							
		<b>\$ 2,064,639</b>	<b>\$ 2,053,519</b>	<b>\$ (1,528,930)</b>	<b>\$ 2,031,089</b>	<b>\$ (22,430)</b>	<b>-75.3%</b>
<b>D. Other Financing Sources/Uses</b>							
1. Transfers In	8910-8979	\$ 163,071	\$ 163,071	\$ -	\$ 170,965	7,894	N 0.0%
2. Transfer Out	7610-7629	\$ 499,598	\$ 499,598	\$ -	\$ 499,598	-	O 0.0%
3. Contributions	8980-8999	\$ -	\$ -	\$ -	\$ -	-	P 0.0%
<b>Total, Other Fin Sources/Uses</b>		<b>\$ (336,527)</b>	<b>\$ (336,527)</b>	<b>\$ -</b>	<b>\$ (328,633)</b>	<b>\$ 7,894</b>	<b>0.0%</b>
<b>E. Net Change to Fund Balance</b>							
		<b>\$ 1,728,112</b>	<b>\$ 1,716,992</b>	<b>\$ (1,528,930)</b>	<b>\$ 1,702,456</b>	<b>\$ (14,536)</b>	
<b>F. Fund Balance (Fund 01 only)</b>							
1. Beginning Balance		\$ 7,416,162	\$ 7,416,162	\$ 7,416,162	\$ 7,416,162	-	
2. Adjustments/Restatements		\$ -	\$ -	\$ -	\$ -	-	
<b>Ending Balance</b>		<b>\$ 9,144,274</b>	<b>\$ 9,133,154</b>	<b>\$ 5,887,232</b>	<b>\$ 9,118,618</b>	<b>\$ (14,536)</b>	
<b>G. Components of Ending Fund Balance</b>							
Designated Amounts	<b>9711-9730</b>	\$ 10,000	\$ 10,000		\$ 10,000	\$ -	
Legally Restricted	<b>9740-9760</b>	\$ 3,292,200	\$ 2,391,121		\$ 2,395,303	\$ -	
Assigned	<b>9780</b>	\$ 4,142,772	\$ 5,027,821		\$ 5,002,407	\$ -	
Restricted Economic Uncertainty	<b>9789</b>	\$ 1,699,302	\$ 1,704,212		\$ 1,710,908	\$ -	
Unassigned/Unappropriated	<b>9790</b>	\$ -	\$ -		\$ -	\$ -	



**Explanation of Differences**  
**Net Change in Current Year Budget AUGUST Board Report**  
**7/16-8/15/2018**

	<u>Amount</u>	<u>Explanation of Differences</u>
<b>A</b> <u>Local Control Funding Formula (8010-8099)</u>	<u>\$ -</u>	
<b>B</b> <u>Federal Revenues (8100-8299)</u>		
Educational Services (ES)	\$ 6,298	<i>Establish Title III revenue expected from prior year</i>
	<u>\$ 6,298</u>	
<b>C</b> <u>Other State Revenues (8300-8599)</u>	<u>\$ -</u>	
<b>D</b> <u>Other Local Revenues (8600-8799)</u>		
County Office	\$ 1,000	<i>Establish budget for Keenan safety incentive credit</i>
Tri County Induction Program (TCIP)	\$ 101,000	<i>Establish California Agriculture Teacher's Association budget</i>
Various departments	\$ 896	<i>Miscellaneous adjustment</i>
	<u>\$ 102,896</u>	
<b>E</b> <u>Certificated Salaries (1000-1999)</u>	<u>\$ -</u>	
<b>F</b> <u>Classified Salaries (2000-2999)</u>	<u>\$ -</u>	
<b>G</b> <u>Employee Benefits (3000-3999)</u>		
Feather River Academy (FRA)	\$ 2,250	<i>Increase budget to match actuals</i>
	<u>\$ 2,250</u>	
<b>H</b> <u>Books and Supplies (4000-4999)</u>		
County Office	\$ 2,613	<i>Increase for Safety supplies</i>
Special Education	\$ 4,113	<i>Increase for Medi-Cal mini grants</i>
One Stop	\$ 8,755	<i>Increase for establishing budget for River Valley Stream, Workforce Investment Opportunity Act supplies</i>
Educational Services (ES)	\$ 3,000	<i>Increase for processing fees</i>
Intervention & Prevention Programs (IPP)	\$ 1,700	<i>Increase for two desktop computers</i>
Special Education Local Plan Area (SELPA)	\$ 5,000	<i>Increase for Yuba College classrooms at Feather River Academy</i>
Various departments	\$ (100)	<i>Miscellaneous adjustments</i>
	<u>\$ 25,081</u>	
<b>I</b> <u>Services, Other Operations (5000-5999)</u>		
County Office	\$ 11,248	<i>Establishing Alice Training, refinement of safety budget</i>
Special Education	\$ 1,000	<i>Increase for professional services</i>
One Stop	\$ (955)	<i>Decrease of budgets to match expenses for Workforce Investment Opportunity Act</i>
Educational Services (ES)	\$ (3,000)	<i>Decrease to match expenditures</i>
Tri County Induction Program (TCIP)	\$ 55,500	<i>Establish budget for California Agriculture Teacher's Association</i>
Regional Occupation Program (ROP)	\$ 30,000	<i>Increase budget based on Ending Fund Balance</i>
Special Education Local Plan Area (SELPA)	\$ 10,000	<i>Establish budget for Yuba College classrooms at Feather River Academy</i>
Various departments	\$ 500	<i>Miscellaneous adjustments</i>
	<u>\$ 104,293</u>	
<b>J</b> <u>Capital Outlay (6000-6999)</u>	<u>\$ -</u>	
<b>K</b> <u>Other Outgo (7100 - 7299)</u>	<u>\$ -</u>	
<b>L</b> <u>Direct Support / Indirect (7300-7399)</u>	<u>\$ -</u>	
<b>M</b> <u>Debt Services (7400 - 7499)</u>	<u>\$ -</u>	
<b>N</b> <u>Transfers In (8910-8979)</u>		
County Office	\$ 7,894	<i>Establish budget in vehicle holding for Technology</i>
	<u>\$ 7,894</u>	
<b>O</b> <u>Transfers Out (7610-7629)</u>	<u>\$ -</u>	
<b>P</b> <u>Contributions (8980-8999)</u>	<u>\$ -</u>	
<b>Net Change in Current Year Budget</b>	<b><u>\$ (14,536)</u></b>	

**Summary Report of Revenues, Expenditures and Changes in Fund Balance  
Combined  
2018-19 Budget**

Description	Account Codes	Projected Year Totals 2018-19	Automatic Changes Assumed	Manual Changes by Departments	Total for Year 2 2019-20	Difference (Col B - D)	2018-19 % Difference	Explanation of Difference See supporting spreadsheets	Automatic Changes Assumed	Manual Changes by Departments	Total for Year 3 2020-21	Difference (Col B - D)	2019-20 % Difference	Explanation of Difference See supporting spreadsheets
<b>A. Revenues</b>														
1) LCFF	8010-8099	\$ 9,200,409	\$ -	-	\$ 9,200,409	-	0.0%		-	-	9,200,409	-	0.0%	
2) Federal Revenues	8100-8299	\$ 3,601,163	-	-	\$ 3,601,163	-	0.0%		-	-	3,601,163	-	0.0%	
3) Other State Revenues	8300-8599	\$ 8,661,819	-	1,188	\$ 8,663,007	1,188	0.0%		-	1,223	8,664,230	1,223	0.0%	
4) Other local Revenues	8600-8799	\$ 14,087,690	-	213,053	\$ 14,300,743	213,053	1.5%		-	130,862	14,431,605	130,862	0.9%	
		\$ -	-	-	\$ -	-			-	-	-	-		
<b>TOTAL REVENUES</b>		<b>\$ 35,551,081</b>	<b>\$ -</b>	<b>\$ 214,241</b>	<b>\$ 35,765,322</b>	<b>214,241</b>			<b>\$ -</b>	<b>\$ 132,085</b>	<b>\$ 35,897,407</b>	<b>132,085</b>		
<b>B. Expenditures</b>														
1. Certificated Salaries	1000-1999	\$ 8,294,766	290,317	62,635	\$ 8,647,718	352,952	4.3%		302,670	-	8,950,388	302,670	3.5%	
2. Classified Salaries	2000-2999	\$ 11,366,056	397,812	47,834	\$ 11,811,702	445,646	3.9%		413,410	88,354	12,313,466	501,764	4.2%	
3. Employee Benefits	3000-3999	\$ 5,367,439	671,248	-	\$ 6,038,687	671,248	12.5%		630,636	-	6,669,323	630,636	10.4%	
Health Benefits	3400-3499	\$ 2,004,634	-	28,028	\$ 2,032,662	28,028	1.4%		-	18,890	2,051,552	18,890	0.9%	
4. Books and Supplies	4000-4999	\$ 915,635	-	31,096	\$ 946,731	31,096	3.4%		-	1,149	947,880	1,149	0.1%	
5. Services, Other Operation	5000-5999	\$ 4,883,344	-	(446,509)	\$ 4,436,835	(446,509)	-9.1%		-	(765,270)	3,671,565	(765,270)	-17.2%	
6. Capital Outlay	6000-6999	\$ 532,930	-	(40,000)	\$ 492,930	(40,000)	-7.5%		-	-	492,930	-	0.0%	
7. Other Outgo	7100-7299	\$ 224,896	-	-	\$ 224,896	-	0.0%		-	-	224,896	-	0.0%	
	7400-7499	\$ -	-	-	\$ -	-			-	-	-	-		
8. Direct Support/Indirect	7300-7399	\$ (103,258)	58,926	17,184	\$ (27,147)	76,111	-73.7%		56,813	11,625	41,291	68,438	-252.1%	
		\$ -	-	-	\$ -	-			-	-	-	-		
<b>TOTAL EXPENDITURES</b>		<b>\$ 33,486,442</b>	<b>\$ 1,418,303</b>	<b>\$ (299,732)</b>	<b>\$ 34,605,013</b>	<b>1,118,571</b>			<b>\$ 1,403,529</b>	<b>\$ (645,252)</b>	<b>\$ 35,363,290</b>	<b>758,277</b>		
Excess ( Deficiency) of Revenues Over Expenditures Before Other Financing Sources and Uses (A5-B9)														
		\$ 2,064,639	\$ (1,418,303)	513,973	\$ 1,160,309	\$ (904,330)			\$ (1,403,529)	777,337	\$ 534,117	\$ (626,192)		
<b>D. Other Financing Sources/Uses</b>														
1. Transfers In	8910-8979	\$ 1,163,071	\$ -	(1,000,000)	\$ 163,071	(1,000,000)	-86.0%		\$ -	-	163,071	-	0.0%	
2. Transfer Out	7610-7629	\$ 499,598	-	-	\$ 499,598	-	0.0%		-	-	499,598	-	0.0%	
3. Contributions	8980-8999	\$ -	-	-	\$ -	-			-	-	-	-		
<b>Total, Other Fin Sources/Uses</b>		<b>\$ 663,473</b>	<b>\$ -</b>	<b>\$ (1,000,000)</b>	<b>\$ (336,527)</b>	<b>(1,000,000)</b>			<b>\$ -</b>	<b>\$ -</b>	<b>\$ (336,527)</b>	<b>-</b>		
<b>E. Net Change to Fund Balance</b>														
		\$ 2,728,112	\$ (1,418,303)	\$ (486,027)	\$ 823,782	\$ (1,904,330)			\$ (1,403,529)	\$ 777,337	\$ 197,590	\$ (626,192)		
<b>F. Fund Balance (Fund 01 only)</b>														
1. Beginning Balance		\$ 7,416,162			\$ 10,144,274						\$ 10,968,056			
2. Adjustments/Restatements		\$ -			\$ -						\$ -			
<b>Ending Balance</b>		<b>\$ 10,144,274</b>			<b>\$ 10,968,056</b>						<b>\$ 11,165,646</b>			

BOARD AGENDA ITEM: Quarterly Report of Surplus Property

BOARD MEETING DATE: September 12, 2018

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Yosa Figueroa

SUBMITTED BY:

Barbara Henderson

PRESENTING TO BOARD:

Barbara Henderson

-

BACKGROUND AND SUMMARY INFORMATION:

In accordance with Board Policy 3270, the County Superintendent of Schools prepares and presents a quarterly report to the Board of items under \$25,000 in value that are being declared surplus.

**SUTTER COUNTY SUPERINTENDENT OF SCHOOLS  
SURPLUS REQUEST FORM**

DATE: 2/23/2018

PREPARED BY: Jaicee Thompson

TURNED IN TO AARON: 6/4/2018

E-WASTE PICK UP DATE: \_\_\_\_\_

**AH**  
**6-5-18**

Reviewed by Asst Superintendent

Reviewed by Cabinet

Reviewed by Board

Deliver to Director FMOF

*SA*  
8/11/18

PURCHASE DATE

ASSET TAG	DEPT	DESCRIPTION	* SERIAL #	* MFR	* MODEL	** CONDITION	OR AGE	EST.VALUE	NOTES
2589	Sp Ed	Desktop	2023808	HP	E6300	Obsolete	5/10/2011	0.00	
2619	Sp Ed	Desktop	MXL11522YV	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2620	Sp Ed	Desktop	MXL11522Y9	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2621	Sp Ed	Desktop	MXL11522YQ	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2622	Sp Ed	Desktop	MXL11522YG	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2624	Sp Ed	Desktop	MXL11522YW	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2625	Sp Ed	Desktop	MXL11522YL	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2626	Sp Ed	Desktop	MXL11522YD	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2627	Sp Ed	Desktop	MXL120292K	HP	Compaq 8100 Elite	Obsolete	6/17/2011	0.00	
2628	Sp Ed	Desktop	MXL11522Y7	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2630	Sp Ed	Desktop	MXL11522Y8	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2631	Sp Ed	Desktop	MXL11522Y4	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2632	Sp Ed	Desktop	MXL11522YT	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2633	Sp Ed	Desktop	MXL11522Y3	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2636	Sp Ed	Desktop	SMXL10303NL	HP	HP6000P Tower	Obsolete	5/10/2011	0.00	
2637	Sp Ed	Desktop	MXL11522YF	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2638	Sp Ed	Desktop	MXL11522Y6	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2643	Sp Ed	Desktop	SMCL10303NP	HP	HP6000P Tower	Obsolete	5/10/2011	0.00	
2645	Sp Ed	Desktop	MXL11522YP	HP	Compaq 8100 Elite	Obsolete	6/21/2011	0.00	
2647	Sp Ed	Desktop	SMXL10303NS	HP	HP6000P Tower	Obsolete	5/10/2011	0.00	
2649	Sp Ed	Desktop	SMXL10303NR	HP	HP6000P Tower	Obsolete	5/10/2011	0.00	
2650	Sp Ed	Camera	SMXL10303NM	Unknown	Visual Tech ELM TT02-S Doc	Obsolete	5/10/2011	0.00	
2731	Sp Ed	Desktop	MXL11522YK	HP	Compaq 8100 Elite	Obsolete	6/14/2011	0.00	
2747	Sp Ed	Desktop	MXL2141RRC	HP	Compaq 8100 Elite	Obsolete	7/17/2012	0.00	
2761	Sp Ed	Desktop	2UA9240X2M	HP	dc5800	Obsolete	9/27/2012	0.00	
2762	Sp Ed	Desktop	2UA9240WRN	HP	dc5801	Obsolete	9/27/2012	0.00	
3238	Sp Ed	Monitor	727364476C	Unknown	ELO 1725L LCD Touch Screen	Obsolete	1/31/2008	0.00	
3376	SELPA	Tablet	DLXFQ3H5DFHY	Apple	IPAD 32GB A1395	Obsolete	6/23/2011	0.00	
3606	Sp Ed	Desktop	2UA0321R2M	HP	Compaq 8000 Elite	Obsolete	2/4/2014	0.00	
3608	Sp Ed	Desktop	2UA00602GH	HP	Compaq 8000 Elite	Obsolete	2/5/2014	0.00	
3915	HR	Tablet	DMPQ2B3PG5VW	Apple	iPad Air	Broken	7/10/2015	0.00	Replaced under warranty
4253	One Stop	Desktop	GD55HB	Dell	Optiplex GX620	Obsolete	9/7/2006	0.00	
4358	One Stop	Desktop	3T4TFK1	Dell	Optiplex 960	Obsolete	12/3/2009	0.00	
4780	Sp Ed	Tablet	F9FW2AACGHKK	Apple	iPad Air Mini	Broken	4/2/2018	0.00	Replaced under warranty

Submit form to Surplus Specialist for processing

**Value based on approximate depreciation**

Capital Asset - Bold

\*\* Indicate if: excellent, good, fair, poor, broken, or obsolete

\*\*\* Vehicle value is Kelley Bluebook value



BOARD AGENDA ITEM: Superintendent's Policies

BOARD MEETING DATE: September 12, 2018

AGENDA ITEM SUBMITTED FOR:

PREPARED BY:

Action

Christine McCormick

Reports/Presentation

SUBMITTED BY:

Information

Christine McCormick

Public Hearing

PRESENTING TO BOARD:

Other (specify)

Christine McCormick

BACKGROUND AND SUMMARY INFORMATION:

The following policies are being presented for information only:

- SP and S/AR 5145.13 Response to Immigration Enforcement
- SP 0410 Non Discrimination in Programs & Activities
- SP and S/AR 5125 Student Records
- SP and S/AR 5125.1 Release of Directory Information
- SP and S/AR 5131.6 Alcohol and Other Drugs
- SP and S/AR 5131.7 Weapons and Dangerous Instruments
- SP and S/AR 1312.3 Uniform Complaint Procedures
- SP and S/AR 5020 Parent Rights and Responsibilities
- SP and S/AR 5022 Student Privacy
- SP and S/AR 6174 English Learners

*Series 5000 – Students*

**Response to Immigration Enforcement**

The Superintendent of Schools is committed to the success of all students and believe that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

County Office staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement, except as may be required by state and federal law. (Education Code 234.7)

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the County Office of Education’s programs and activities on the basis of his/her immigration status. (Education Code 200, 220, 234.1)

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

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

(cf. 5145.6 - Parental Notifications)

Consistent with requirements of the California Office of the Attorney General, the County Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to records, school sites, or students for the purpose of immigration enforcement.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

Teachers, school administrators, and other school staff shall receive training regarding immigration issues, including information on responding to a request from an immigration officer to visit a school site or to have access to a student.

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

The County Superintendent or designee shall document in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such documentation shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

Legal Reference:

EDUCATION CODE

200 Educational equity  
220 Prohibition of discrimination  
234.1 Safe Place to Learn Act  
234.7 Student protections relating to immigration and citizenship status  
48204.4 Evidence of residency for school enrollment  
48980 Parental notifications  
48985 Notices to parents in language other than English

GOVERNMENT CODE

8310.3 California Religious Freedom Act

PENAL CODE

422.55 Definition of hate crime  
627.1-627.6 Access to school premises, outsiders

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

COURT DECISIONS

Plyler v. Doe, 457 U.S. 202 (1982)

Management Resources:

CSBA PUBLICATIONS

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

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, April 2018

WEB SITES

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

California Office of the Attorney General: <http://oag.ca.gov>

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

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

California Department of Justice: <http://www.justice.gov>

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

U.S. Immigration and Customs Enforcement: <http://www.ice.gov>

U.S. Immigration and Customs Enforcement, Online Detainee Locator System: <http://locator.ice.gov/odls>



*Series 5000 – Students***Response to Immigration Enforcement**

## Responding to Requests for Information

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 USC 1232g, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The Superintendent or designee shall annually notify parents/guardians that the school will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, staff shall:

1. Notify the Superintendent or designee about the information request
2. Provide students and families with appropriate notice and a description of the immigration officer's request
3. Document any request for information by immigration authorities
4. Provide students and parents/guardians with any documents provided by the immigration enforcement officer, unless such disclosure is prohibited by a subpoena served on the school or in cases involving investigations of child abuse, neglect, or dependency

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Resources and data collected by the county shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination.

(Government Code 8310.3)

## Responding to Requests for Access to Students or School Grounds

School staff shall receive parent/guardian consent before a student is interviewed or searched by any officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's

parent/guardian shall be immediately notified if a law enforcement officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

(cf. 5145.12 - Search and Seizure)

All visitors and outsiders, including immigration enforcement officers, shall register with the principal or designee upon entering school grounds during school hours. Each visitor or outsider shall provide the principal or designee with his/her name, address, occupation, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law. (Penal Code 627.2, 627.3)

(cf. 1250 - Visitors/Outsiders)

School staff shall report the presence of any immigration enforcement officers to appropriate administrators.

(cf. 3515.3 - District Police/Security Department)

As early as possible, county staff shall notify the Superintendent or designee of any request by an immigration enforcement officer for access to the school or a student or for review of school documents, including service of lawful subpoenas, petitions, complaints, warrants, or other such documents.

In addition, county staff shall take the following actions in response to an officer present on the school campus specifically for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the Superintendent or designee, except under exigent circumstances that necessitate immediate action
2. Request to see the officer's credentials, including his/her name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information
3. Ask the officer for his/her reason for being on school grounds and document the response
4. Request that the officer produce any documentation that authorizes his/her school access
5. Make a copy of all documents produced by the officer and retain one copy for school records
6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, comply with the officer's orders and immediately contact the Superintendent or designee

7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation, as follows:
  - a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, county staff shall inform the agent that they cannot consent to any request without first consulting with legal counsel or other designated county official.
  - b. If the officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, county staff shall promptly comply with the warrant. If feasible, county staff shall consult with legal counsel or designated administrator before providing the officer with access to the person or materials specified in the warrant.
  - c. If the officer has a subpoena for production of documents or other evidence, county staff shall inform legal counsel or other designated official of the subpoena and await further instructions as to how to proceed.
8. Do not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, county staff shall document the officer's actions while on campus.
9. After the encounter with the officer, promptly make written notes of all interactions with the officer, including:
  - a. A list or copy of the officer's credentials and contact information
  - b. The identity of all school personnel who communicated with the officer
  - c. Details of the officer's request
  - d. Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant or subpoena, and whether the warrant or subpoena was signed by a judge
  - e. County staff's response to the officer's request
  - f. Any further action taken by the officer
  - g. A photo or copy of any documents presented by the officer
10. Provide a copy of these notes and associated documents collected from the officer to legal counsel or other designated county office official

Legal counsel or other designated official shall submit a timely report to the Governing Board

regarding the officer's requests and actions and the county office response. (Education Code 234.7)

The Superintendent or designee shall also email the Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

#### Responding to the Detention or Deportation of Student's Family Member

The Superintendent or designee shall encourage students and their families to update their emergency contact information as needed throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable. The Superintendent or designee shall notify students' families that information provided on the emergency cards will only be used in response to specific emergency situations and not for any other purpose.

(cf. 5141 - Health Care and Emergencies)

The Superintendent or designee shall also encourage all students and families to learn their emergency phone numbers and be aware of the location of important documentation, including birth certificates, passports, social security cards, physicians' contact information, medication lists, lists of allergies, and other such information that would allow the students and families to be prepared in the event that a family member is detained or deported.

In the event that a student's parent/guardian is detained or deported by federal immigration authorities, the Superintendent or designee shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The Superintendent or designee shall only contact child protective services if school personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

The Superintendent or designee shall notify a student whose parent/guardian was detained or deported that the student continues to meet the residency requirements for attendance in a county school, provided that the parent/guardian was a resident of California and the student lived in California immediately before he/she moved out of state as a result of the parent/guardian's departure. (Education Code 48204.4)

(cf. 5111.1 - District Residency)

The Superintendent or designee may refer a student or his/her family members to other resources for assistance, including, but not limited to, an ICE detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.



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*Series 0000 – Philosophy, Goals, Objectives and Comprehensive Plans*

### **Nondiscrimination in Programs and Activities**

The County Superintendent is committed to providing equal opportunity for all individuals in education. County programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4032 - Reasonable Accommodation)  
(cf. 4033 - Lactation Accommodation)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)  
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)  
(cf. 5131.2 - Bullying)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)  
(cf. 5146 - Married/Pregnant/Parenting Students)  
(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6145.2 - Athletic Competition)  
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)  
(cf. 6164.6 - Identification and Education Under Section 504)  
(cf. 6178 - Career Technical Education)  
(cf. 6200 - Adult Education)

All individuals shall be treated equitably in the receipt of services. Personally identifiable information collected in the implementation of any program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

(cf. [3540](#) - Transportation)

(cf. [3553](#) - Free and Reduced Price Meals)

(cf. [5145.13](#) - Response to Immigration Enforcement)

County programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Annually, the Superintendent or designee shall review county programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing county programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. (cf. 1330 - Use of Facilities)

All allegations of unlawful discrimination in county programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the County's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted at the County schools office and other prominent locations and shall be posted on the County's web site and, when available, County-supported social media.

(cf. 1113 - District and School Web Sites)  
(cf. 5145.6 - Parental Notifications)

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code [234.7](#))

The County's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

### **Access for Individuals with Disabilities**

County programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

(cf. 6163.2 - Animals at School)

The Superintendent or designee shall ensure that the County provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, notetakers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

(cf. 6020 - Parent Involvement)  
(cf. 9320 - Meetings and Notices)  
(cf. 9322 - Agenda/Meeting Materials)

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the County's response to complaints and for complying with state and federal civil rights laws is hereby designated as the County's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to programs, services, activities, or facilities.

Human Resources Director  
Sutter County Superintendent of Schools  
970 Klamath Lane, Yuba City, CA 95993  
(530) 822-2900

Legal References:

*EDUCATION CODE*

200-262.4 Prohibition of discrimination  
48985 Notices to parents in language other than English  
51007 Legislative intent: state policy

*GOVERNMENT CODE*

11000 Definitions  
11135 Nondiscrimination in programs or activities funded by state  
11138 Rules and regulations  
12900-12996 Fair Employment and Housing Act  
54953.2 Brown Act compliance with Americans with Disabilities Act

*PENAL CODE*

422.55 Definition of hate crime  
422.6 Interference with constitutional right or privilege

*CODE OF REGULATIONS, TITLE 5*

4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

*UNITED STATES CODE, TITLE 20*

1400-1482 Individuals with Disabilities in Education Act



1681-1688 Discrimination based on sex or blindness, Title IX  
2301-2415 Carl D. Perkins Vocational and Applied Technology Act  
6311 State plans  
6312 Local education agency plans  
*UNITED STATES CODE, TITLE 29*  
794 Section 504 of the Rehabilitation Act of 1973  
*UNITED STATES CODE, TITLE 42*  
2000d-2000d-7 Title VI, Civil Rights Act of 1964  
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
2000h-2000h-6 Title IX  
12101-12213 Americans with Disabilities Act  
*CODE OF FEDERAL REGULATIONS, TITLE 28*  
35.101-35.190 Americans with Disabilities Act  
36.303 Auxiliary aids and services  
*CODE OF FEDERAL REGULATIONS, TITLE 34*  
100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI  
104.1-104.39 Section 504 of the Rehabilitation Act of 1973  
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:  
106.9 Dissemination of policy

Management Resources:

*CSBA PUBLICATIONS*

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

*CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS*

California Law Prohibits Workplace Discrimination and Harassment

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

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Electronic Book Readers, June 29, 2010

Notice of Non-Discrimination, January 1999

Protecting Students from Harassment and Hate Crime, January 1999

Nondiscrimination in Employment Practices in Education, August 1991

*U.S. DEPARTMENT OF JUSTICE PUBLICATIONS*

2010 ADA Standards for Accessible Design, September 2010

Accessibility of State and Local Government Websites to People with Disabilities, June 2003

*WORLD WIDE WEB CONSORTIUM PUBLICATIONS*

Web Content Accessibility Guidelines, December 2008

*WEB SITES*

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

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

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

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

Pacific ADA Center: <http://www.adapacific.org>

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

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

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:

<http://www.ada.gov>

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

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

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**STUDENT RECORDS**

The County Superintendent of Schools recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records consistent with state and federal law.

- (cf. 3580 - District Records)
- (cf. 4040 - Employee Use of Technology)
- (cf. 5125.1 - Release of Directory Information)
- (cf. 5125.3 - Challenging Student Records)

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

All appropriate personnel shall receive training regarding policies and procedures for gathering and handling sensitive student information.

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

The school shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If a county employee receives such a request, he/she shall immediately report the request to the Superintendent. (Education Code 234.7)

- (cf. 5145.13 - Response to Immigration Enforcement)

The Superintendent or designee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor shall he/she disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. Such

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information may only be compiled or exchanged with other local, state, or federal agencies if the information is aggregated and is not personally identifiable. (Government Code 8310.3)

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

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

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

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

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

- (cf. 3312 - Contracts)

#### Legal Reference:

#### EDUCATION CODE

- 234.7 Student protections relating to immigration and citizenship status
- 17604 Contracts
- 48201 Student records for transfer students who have been suspended/expelled
- 48853.5 Foster youth; placement, immunizations
- 48902 Notification of law enforcement of specified violations
- 48904-48904.3 Withholding grades, diplomas, or transcripts
- 48918 Rules governing expulsion procedures
- 48980 Parental notifications
- 48985 Notices in parent/guardian's primary language
- 49060-49079 Student records
- 49091.14 Parental review of curriculum
- 51747 Independent study
- 56041.5 Rights of students with disabilities
- 56050 Surrogate parents
- 56055 Foster parents

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69432.9 Cal Grant program; notification of grade point average  
BUSINESS AND PROFESSIONS CODE  
22580-22582 Digital privacy  
22584-22585 Student Online Personal Information Protection Act  
22586-22587 Early Learning Personal Information Protection Act  
CODE OF CIVIL PROCEDURE  
1985.3 Subpoena duces tecum  
FAMILY CODE  
3025 Access to records by noncustodial parents  
6552 Caregiver's authorization affidavit  
GOVERNMENT CODE  
6252-6260 Inspection of public records  
HEALTH AND SAFETY CODE  
120440 Immunizations; disclosure of information  
PENAL CODE  
245 Assault with deadly weapon  
WELFARE AND INSTITUTIONS CODE  
681 Truancy petitions  
701 Juvenile court law  
16010 Health and education records of a minor  
CODE OF REGULATIONS, TITLE 5  
430-438 Individual student records  
16020-16027 Destruction of records of school districts  
UNITED STATES CODE, TITLE 20  
1232g Family Educational Rights and Privacy Act  
1232h Protection of Pupil Rights Amendment  
UNITED STATES CODE, TITLE 26  
152 Definition of dependent child  
UNITED STATES CODE, TITLE 42  
11434a McKinney-Vento Homeless Assistance Act; definitions  
CODE OF FEDERAL REGULATIONS, TITLE 16  
Part 312 Children's Online Privacy Protection Rule  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy  
300.501 Opportunity to examine records for parents of student with disability

**Management Resources:**

**CSBA PUBLICATIONS**

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

**CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS**

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, April 2018

**FEDERAL REGISTER**

**Final Rule and Analysis of Comments and Changes, Family Educational Rights and**

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Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

IDEA and FERPA Confidentiality Provisions, 2014

Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007

WEB SITES

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

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

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Family Policy Compliance,  
<http://www.ed.gov/policy/gen/guid/fpc>

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**STUDENT RECORDS**

**Definitions**

Student means any individual who is or has been in attendance at a county operated school and regarding whom the county maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the school that are directly related to an identifiable student and maintained by the county, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the county. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

3. Records of the law enforcement unit of the county, subject to 34 CFR 99.8

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

4. Records created or received by the county after an individual is no longer a student and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

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Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the county reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)



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Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose duties, responsibilities, or contractual obligations to the county, whether routine or as a result of special circumstances, require him/her to have access to student records.

School officials and employees are officials or employees whose duties and responsibilities to the county programs, whether routine or as a result of special circumstances, require that they have access to student records.

Contractor or consultant is anyone with a formal written agreement or contract with the county regarding the provision of services or functions outsourced to him/her by the county. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Custodian of records is the employee responsible for the security of student records maintained by the county and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

**Persons Granted Absolute Access**

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)
2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.3, 99.5)
3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

**Access for Limited Purpose/Legitimate Educational Interest**

The following persons or agencies shall have access to those particular records that are

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relevant to their legitimate educational interest or other legally authorized purpose:

1. Parents/guardians of a student age 18 or older who is a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076; 34 CFR 99.31)
3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)
4. Members of a school attendance review board (SARB) who are authorized representatives of SARB and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 - Chronic Absence and Truancy)  
(cf. 5113.12 - District School Attendance Review Board)

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the county may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

6. The Student Aid Commission, to provide the grade point average (GPA) of all students in grade 12 and, when requested, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

No later than October 15 each year, the Superintendent or designee shall notify each student in grade 12, and his/her parents/guardians if the student is under age 18 years, that the

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student's GPA will be forwarded to the Student Aid Commission unless he/she opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Student's social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

7. Federal, state, and local officials, as needed for an audit, evaluation, or compliance activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)

9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

12. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be

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disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

14. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the county (Education Code 49069.3)

(cf. 6164.6 - Identification and Education Under Section 504)  
(cf. 6173.1 - Education for Foster Youth)

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

(cf. 6173 - Education for Homeless Children)

16. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility for the care and protection of a student, provided that the information is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))

18. Appropriate law enforcement authorities, in circumstances where Education Code

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48902 requires that the county provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

19. Designated peace officers or law enforcement agencies in cases where the county is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the county, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; 34 CFR 99.1-99.67)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the school, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 - Noncustodial Parents)

**Discretionary Access**

At his/her discretion, the Superintendent or designee may release information from a student's records to the following:

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1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

2. Accrediting associations (Education Code 49076; 34 CFR 99.31)

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.

b. The information is destroyed when no longer needed for the purposes for which the study is conducted.

c. The Superintendent or designee enters into a written agreement with the organization that complies with 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the county, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 - Consultants)

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7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or his/her parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31, 99.36)

8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the provisions of 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.31, 99.37)

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

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

**De-identification of Records**

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 34 CFR 99.31)

**Process for Providing Access to Records**

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

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To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When required by law, the parent/guardian shall provide written, signed, and dated consent before the school discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the school shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Within five business days following the date of request, a parent/guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

**Access Log**

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The custodian of records shall also make an entry in the log regarding any request for records that was denied and the reason for the denial.

The log shall include requests for access to records by:



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1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest
6. Law enforcement personnel seeking to enforce immigration laws

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student who is age 16 years or older or who has completed the 10th grade, custodian of records, and certain state or federal officials. (Education Code 49064; 5 CCR 432)

**Duplication of Student Records**

To provide copies of any student record, the school shall charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

(cf. 3260 - Fees and Charges)

**Changes to Student Records**

Only a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

(cf. 5125.3 - Challenging Student Records)

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. However, at the written request of a student or, if appropriate, his/her parents/guardians, the school shall use the student's preferred name and pronouns consistent with his/her gender identity on all other school-related documents.

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(cf. 5145.3 - Nondiscrimination/Harassment)

**Retention and Destruction of Student Records**

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date

(cf. 5111 - Admission)

3. Sex of student
4. Name and address of parent/guardian of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district/school, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has

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left the county operated program. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

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

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

2. A log identifying persons or agencies who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 - Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

5. Language training records

(cf. 6174 - Education for English Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or denial of student participation in specific programs

10. Results of standardized tests administered within the past three years

(cf. 6162.51 - State Academic Achievement Tests)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

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(cf. 6158 - Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

**Transfer of Student Records**

When a student transfers into a county operated program from any school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into a county operated program from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5119 - Students Expelled From Other Districts)

When a student transfers from a county operated program to a school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the receipt of the request for the student's records. The original record or a copy shall be retained permanently by the county operated program. If the transfer is to another California public school, the student's entire mandatory interim

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record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a placing agency to transfer a student in foster care out of a school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the county operated program is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

**Notification of Parents/Guardians**

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the county speak a single primary language other than English, then the county shall provide these notices in that language. Otherwise, the county shall provide these notices in the student's home language insofar as practicable. The county shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by county operated programs and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. Criteria for defining school officials and employees and for determining legitimate educational interest

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5. Policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. 5020 - Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure to comply with 20 USC 1232g
13. A statement that the county operated program forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

**Student Records from Social Media**

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety

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2. Provide a student with access to any information that the school obtained from his/her social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the county program, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or his/her parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.
5. If the county contracts with a third party to gather information on a student from social media, ensure that the contract:
  - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the county, the student, or his/her parent/guardian
  - b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the county notifies the third party that the student has turned 18 years of age or is no longer enrolled in the county operated program, whichever occurs first

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**Release of Directory Information**

The County Superintendent recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, policy, and administrative regulation.

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with policy and administrative regulation.

(cf. 1112 - Media Relations)

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of students. (Education Code 49073)

Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student's name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with law and administrative regulation. (20 USC 7908; 10 USC 503; Education Code 49603)

(cf. 6164.2 - Guidance/Counseling Services)

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with policy. Private schools and colleges may be given the names and addresses of 12th-grade students and students who are no longer enrolled provided that they use this information only for purposes directly related to the institution's academic or professional goals. (Education Code 49073)

(cf. 1113 - District and School Web Sites)

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

49061 Definitions

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers

49603 Public high schools; military recruiting

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act



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7908 Armed forces recruiter access to students and student recruiting information

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA ATTORNEY GENERAL'S OFFICE PUBLICATIONS

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, April 2018

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Access to High School Students and Information on Students by Military Recruiters, 2002

WEB SITES

California Attorney General's Office: <http://oag.ca.gov>

U.S. Department of Education, Family Policy Compliance Office:

<http://www.ed.gov/policy/gen/guid/fpco/index.html>

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#### **Release of Directory Information**

Directory information means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (Education Code 49061; 20 USC 1232g; 34 CFR 99.3)

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study
7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Directory information does not include a student's social security number or student identification number. However, for purposes of accessing or communicating in electronic systems, directory information may include a student identification number, user identification, or other personal identifier used by the student provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR 99.3)

Directory information also does not include a student's citizenship status, immigration status, place of birth, or any other information indicating national origin.

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### *Series 5000 – Students*

#### **Notification to Parents/Guardians**

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the school plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the school designate any or all types of information as directory information, how to refuse release, and the period of time within which a parent/guardian must notify the school in writing that he/she does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37)

(cf. 5125 - Student Records)

(cf. 5145.6 - Parental Notifications)

In addition, the annual parental notification shall include a statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and that the school will not release such information without parental consent or a court order.

(cf. 5145.13 - Response to Immigration Enforcement)

The Superintendent or designee shall notify parents/guardians that they may request that the school not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

#### **Parent/Guardian Consent**

No directory information of a student identified as a homeless child or youth as defined in 42 USC 11434a shall be released, unless the parent/guardian, or the student if he/she is 18 years or older, has provided written consent that directory information may be released. For any other student, directory information shall not be released if his/her parent/guardian notifies the school in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g, 7908)

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

(cf. 9011 - Disclosure of Confidential/Privileged Information)

For a former student, the school shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance unless the opt-out request has been rescinded. (34 CFR 99.37)

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**ALCOHOL AND OTHER DRUGS**

The County Superintendent believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Superintendent or designee shall develop comprehensive programs and activities to foster safe, healthy, and drug-free environments that support academic achievement.

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 4020 - Drug and Alcohol-Free Workplace)  
(cf. 5137 - Positive School Climate)

The alcohol and drug prevention and intervention programs shall be coordinated with other school and community-based services and programs and shall promote the involvement of parents/guardians. The Superintendent or designee may collaborate with the county office of education intervention and prevention staff, community-based organizations, health providers, law enforcement agencies, local child welfare agencies, postsecondary institutions, businesses, and other public and private entities in program planning, implementation, and evaluation.

(cf. 1020 - Youth Services)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 6020 - Parent Involvement)

Prevention and intervention programs and activities may include, but are not limited to:  
(20 USC 7118)

1. Evidence-based drug and violence prevention activities and programs that educate students against the use of alcohol, tobacco, cannabis, smokeless tobacco products, and electronic cigarettes

(cf. 5131.62 - Tobacco)

2. Professional development and training for school staff, specialized instructional support personnel, and interested community members on drug prevention, education, early identification, intervention mentoring, recovery support services, and, where appropriate, rehabilitation referral

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

3. School-based mental health services, including early identification of drug use and referrals to counseling services, and/or partnerships with public or private health care entities that have qualified mental and behavioral health professionals

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(cf. 5141.6 - School Health Services)

4. Programs and activities that provide mentoring and school counseling to all students, including students who are at risk of drug use and abuse

**Instruction**

The school shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

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

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is prohibited. Instruction shall not include any message on responsible use of drugs or alcohol when such use is illegal. (Health and Safety Code 11999.2)

The county shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

**Intervention, Referral, and Student Assistance Programs**

The Superintendent or designee shall inform school staff, students, and parents/guardians about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral, and other student assistance programs.

The Superintendent strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

(cf. 5141.52 - Suicide Prevention)

**Enforcement/Discipline**

Students shall not possess, use, or sell alcohol or other drugs and related paraphernalia on school grounds or at school-sponsored activities.

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 5131 - Conduct)

(cf. 5131.61 - Drug Testing)

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- (cf. 5131.63 - Steroids)
- (cf. 5145.11 - Questioning and Apprehension by Law Enforcement)
- (cf. 5145.12 - Search and Seizure)

The Superintendent or designee shall clearly communicate to all students, staff, and parents/guardians the policies, regulations, and school rules related to the use of alcohol and other drugs.

Any student found to be selling a controlled substance listed in Health and Safety Code 11053-11058 shall be recommended for return to their district of residence in accordance with the County Plan for Expelled Youth. A student found to have committed another drug or alcohol offense, including possession or intoxication, shall be referred to appropriate behavioral interventions or student assistance programs, and may be subject to discipline on a case-by-case basis.

- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 6145 - Extracurricular and Cocurricular Activities)

**Program Evaluation**

The Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of programs in reducing drug and alcohol use. (20 USC 7116)

- (cf. 0500 - Accountability)

**Legal Reference:**

**EDUCATION CODE**

- 44049 Known or suspected alcohol or drug abuse by student
- 44645 In-service training anabolic steroids
- 48900 Suspension or expulsion (grounds)
- 48900.5 Suspension, limitation on imposition; exception
- 48901 Smoking or use of tobacco prohibited
- 48901.5 Prohibition of electronic signaling devices
- 48902 Notification of law enforcement authorities; civil or criminal immunity
- 48909 Narcotics or other hallucinogenic drugs
- 48915 Expulsion; particular circumstances
- 49602 Confidentiality of pupil information
- 51202 Instruction in personal and public health and safety
- 51203 Instruction on alcohol, narcotics and restricted dangerous drugs
- 51210 Areas of study
- 51220 Areas of study, grades 7 to 12
- 51260-51269 Drug education
- 60041 Instructional materials

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60110-60115 Instructional materials on alcohol and drug education

**BUSINESS AND PROFESSIONS CODE**

25608 Alcohol on school property; use in connection with instruction

**HEALTH AND SAFETY CODE**

11032 Narcotics, restricted dangerous drugs and marijuana

11053-11058 Standards and schedules

11353.6 Juvenile Drug Trafficking and Schoolyard Act

11357 Unauthorized possession of marijuana; possession in school or on school grounds

11361.5 Destruction of arrest or conviction records

11372.7 Drug program fund; uses

11802 Joint school-community alcohol abuse primary education and prevention program

11999-11999.3 Alcohol and drug program funding; no unlawful use

124175-124200 Adolescent family life program

**PENAL CODE**

13860-13864 Suppression of drug abuse in schools

**VEHICLE CODE**

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;

**WELFARE AND INSTITUTIONS CODE**

828 Disclosure of information re minors

828.1 Disclosure of criminal records; protection of vulnerable staff & students

**UNITED STATES CODE, TITLE 20**

5812 National education goals

7101-7122 Student Support and Academic Enrichment Grants

**Management Resources:**

**WEB SITES**

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

<http://www.cde.ca.gov/ls/he/at>

California Healthy Kids: <http://www.californiahealthykids.org>

Office of Safe and Healthy Students: <https://www2.ed.gov/about/offices/list/oese/oshs>

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*Series 5000 – Students***ALCOHOL AND OTHER DRUGS****Instruction**

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of tobacco, alcohol, narcotics, dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

(cf. 5131.62 - Tobacco)

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7-12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

(cf. 6142.8 - Comprehensive Health Education)

Secondary school instruction shall also include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

(cf. 6143 - Courses of Study)

Instruction shall be provided by appropriately trained instructors who have demonstrated competencies, as determined by the principal or designee, in the following areas: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

**Intervention**

Staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who have a reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.



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*Series 5000 – Students*

If the principal or designee, in his/her professional capacity or in the course of his/her employment, knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5141 - Health Care and Emergencies)

(cf. 6164.2 - Guidance/Counseling Services)

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**WEAPONS AND DANGEROUS INSTRUMENTS**

The County Superintendent recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3515.3 - District Police/Security Department)
- (cf. 5116.1 - Intradistrict Open Enrollment)
- (cf. 5131 - Conduct)
- (cf. 5138 - Conflict Resolution/Peer Mediation)

**Possession of Weapons**

The Superintendent prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted by the Superintendent to protect the safety of students, staff, and others on county property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

- (cf. 4158/4258/4358 - Employee Security)

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, policy, the County Plan for Expelled Youth and administrative regulations.

- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7961)

- (cf. 3515.2 - Disruptions)

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*Series 5000 - Students*

**Advance Permission for Possession of a Weapon for Educational Purposes**

The parent/guardian of a student who desires to possess a firearm, imitation firearm, or other prohibited weapon on school grounds for an educational purpose shall, at least five school days in advance of the planned possession, submit a written request to the principal which explains the planned use of the weapon and the duration. The student shall also submit a written explanation from the staff person responsible for the school-sponsored activity or class.

The principal may grant permission for such possession when he/she determines that it is necessary for a school-sponsored activity or class or as part of the educational program. Factors that shall be considered include, but are not limited to, the planned use of the weapon, the duration and location of the planned use, whether an audience is expected, and any perceived adverse effects to the safety and well-being of students or staff. If the principal grants such permission, he/she shall provide the student and staff person with a written explanation regarding any limitations and the permissible duration of the student's possession.

When the principal or designee grants permission, he/she shall take all necessary precautions to ensure the safety of all persons on school grounds, including, but not limited to, inspecting a firearm to verify that no live ammunition is present. Any weapon allowed shall be stored in a locked vehicle or in an appropriate, locked container before and after its authorized use.

A student granted permission to possess a weapon may be suspended and/or expelled if he/she possesses or uses the weapon inappropriately.

**Possession of Pepper Spray**

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

**Reporting of Dangerous Objects**

The Superintendent encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

(cf. 5125 - Student Records)

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The

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Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

Legal Reference:

EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission

49330-49335 Injurious objects

PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school

653k Switchblade knife

16100-17350 Definitions

22810-23025 Tear gas weapon (pepper spray)

25200-25225 Firearms, access to children

30310 Prohibition against ammunition on school grounds

UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act, especially:

7961 Gun-Free Schools Act

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition,  
October 2011

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act,  
January 2004

WEB SITES

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

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>

National Alliance for Safe Schools: <http://www.safeschools.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug Free Schools:  
<http://www.ed.gov/about/offices/list/osdfs>

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**WEAPONS AND DANGEROUS INSTRUMENTS**

Prohibited weapons and dangerous instruments include, but are not limited to: (Education Code 48915, 49330; Penal Code 626.10, 16100-17350, 30310)

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. Ammunition or reloaded ammunition
3. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade
4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun
6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
7. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the county office of education. (Education Code 49331, 49332)

(cf. 5145.12 - Search and Seizure)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

1. Confiscate the object and deliver it to the principal immediately

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2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 3515.3 - District/Police Security Department)  
(cf. 4158/4258/4358 - Employee Security)

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of the possession.

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 49332)

Series 1000 – Community Relations

### **Uniform Complaint Procedures (UCP)**

The County Superintendent recognizes its role in developing policies to comply with applicable state and federal laws and regulations governing the County Office of Education's (COE) educational programs. The County Superintendent encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the County Superintendent adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

### **Complaints Subject to UCP**

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

1. Any complaint alleging COE violation of applicable state or federal law or regulations governing adult education programs, after school education and safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other or any other COE-implemented program which is listed in Education Code 64000(a) (5 CCR 4610).  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 3555 - Nutrition Program Compliance)  
(cf. 5131.62 - Tobacco)  
(cf. 5148 - Child Care and Development)  
(cf. 5148.2 - Before/After School Programs)  
(cf. 5148.3 - Preschool/Early Childhood Education)  
(cf. 6159 - Individualized Education Program)  
(cf. 6171 - Title I Programs)  
(cf. 6174 - Education for English Learners)  
(cf. 6175 - Migrant Education Program)  
(cf. 6178 - Career Technical Education)  
(cf. 6178.1 - Work-Based Learning)  
(cf. 6178.2 - Regional Occupational Center/Program)  
(cf. 6200 - Adult Education)
2. Any complaint alleging the occurrence of unlawful discrimination (such as

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discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in COE programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610).

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging COE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222).

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

4. Any complaint alleging COE noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, as defined in Education Code 49010 (5 CCR 4610).

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

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging COE noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the COE's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school, school transfer, or the grant of an exemption from graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2).

(cf. 6173.1 - Education for Foster Youth)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a



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or a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the COE after his/her second year of high school alleging COE noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or the grant of an exemption from graduation requirements (Education Code 51225.1, 51225.2).

(cf. 6173 - Education for Homeless Children)  
(cf. 6173.2 - Education of Children of Military Families)  
(cf. 6173.3 - Education for Juvenile Court School Students)

8. Any complaint alleging COE noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3).

(cf. 6152 – Class Assignment)

9. Any complaint alleging COE noncompliance with the physical education instructional minutes requirements for students in elementary school (Education Code 51210, 51223).

(cf. 6142.7 – Physical Education and Activity)

10. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy (5 CCR 4621).

11. Any other complaint as specified in a County Board policy or a County Superintendent policy.

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

The COE shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory

harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

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

The Superintendent or designee shall provide training to staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

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

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent policies and procedures.

(cf. 3580 – Records)

### **Non-UCP Complaints**

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.

(cf. 5141.4 – Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

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3. Any complaint alleging fraud shall be referred to the Legal Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal References:

*EDUCATION CODE*

200-262.4 Prohibition of discrimination  
222 Reasonable accommodations; lactating students  
8200-8498 Child care and development programs  
8500-8538 Adult basic education  
18100-18203 School libraries  
32289 School safety plan, uniform complaint procedures  
35186 Williams uniform complaint procedures  
44500-44508 California Peer Assistance and Review Program for Teachers  
48853-48853.5 Foster youth  
48985 Notices in language other than English  
49010-49013 Student fees  
49060-49079 Student records  
49069.5 Rights of parents  
49490-49590 Child nutrition programs  
49701 Interstate Compact on Educational Opportunity for Military Children  
51210 Courses of study grades 1-6  
51223 Physical education, elementary schools  
51225.1-51225.2 Foster youth,homeless children, former juvenile court school students and military connected students; course credits; graduation requirements  
51226-51226.1 Career technical education  
51228.1-51228.3 Course periods without educational content  
52060-52077 Local control and accountability plan, especially  
52075 Complaint for lack of compliance with local control and accountability plan requirements  
52160-52178 Bilingual education programs  
52300-52490 Career technical education  
52500-52616.24 Adult schools

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54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process

*GOVERNMENT CODE*

11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act

*HEALTH AND SAFETY CODE*

104420 Tobacco-Use Prevention Education

*PENAL CODE*

422.55 Hate crime; definition  
422.6 Interference with constitutional right or privilege

*CODE OF REGULATIONS, TITLE 2*

11023 Harassment and discrimination prevention and correction

*CODE OF REGULATIONS, TITLE 5*

3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

*UNITED STATES CODE, TITLE 20*

1221 Application of laws  
1232g Family Educational Rights and Privacy Act  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6577 Title I basic programs  
6801-6871 Title III language instruction for limited English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs  
12101-12213 Title II equal opportunity for individuals with disabilities

*UNITED STATES CODE, TITLE 29*

794 Section 504 of Rehabilitation Act of 1973

*UNITED STATES CODE, TITLE 42*

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
6101-6107 Age Discrimination Act of 1975

*CODE OF FEDERAL REGULATIONS, TITLE 28*

35.107 Nondiscrimination on basis of disability; complaints

*CODE OF FEDERAL REGULATIONS, TITLE 34*

99.1-99.67 Family Educational Rights and Privacy Act

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

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter: Title IX Coordinators, April 2015

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

Dear Colleague Letter: Harassment and Bullying, October 2010

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

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition

Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

*WEB SITES*

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

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

U.S. Department of Justice: <http://www.justice.gov>

Series 1000 – Community Relations

### **Uniform Complaint Procedures (UCP)**

Except may otherwise specifically provide in other policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

- (cf. 1312.1 - Complaints Concerning Employees)
- (cf. 1312.2 - Complaints Concerning Instructional Materials)
- (cf. 1312.4 - Williams Uniform Complaint Procedures)
- (cf. 4030 - Nondiscrimination in Employment)

### **Compliance Officers**

The County Office designates the individual(s) identified below as the employee(s) responsible for coordinating the county's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure compliance with law.

- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)

Human Resources Director  
970 Klamath Lane  
Yuba City, CA 95993  
(530) 822-2900

Director – Student Services  
970 Klamath Lane  
Yuba City, CA 95993  
(530) 822-2900

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such

employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)  
(cf. 9124 – Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent or the Superintendent's designee to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the County Office issues its final written decision, whichever occurs first.

### **Notifications**

This UCP policy and administrative regulation shall be posted in all county office locations, including staff lounges. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of UCP, to students, employees, parents/guardians, advisory committees, appropriate private school officials or representatives, and other interested parties. The notification shall include information regarding prohibition of discrimination, harassment, intimidation and bullying; unlawful student fees' local control and accountability plan (LCAP) requirements; and requirements related to the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)  
(cf. 0460 - Local Control and Accountability Plan)  
(cf 1220 – Citizen Advisory Committees)  
(cf. 3260 - Fees and Charges)  
(cf 4112.9/4212.9/4312.9 – Employee Notifications)  
(cf. 5145.6 - Parental Notifications)  
(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 – Education for Children of Military Families)  
(cf. 6173.3 - Education for Juvenile Court School Students)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
  - a. The county office has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, staff shall assist him/her in the filing of the complaint.
  - e. If a complaint is not filed in writing but the county office receives notice of any allegation that is subject to the UCP, the county office shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, the county office will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.
  - f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the schools educational program, including curricular and extracurricular activities.



g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the county office liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the county office and another district.

i. A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into a county high school shall be notified of the county office responsibility to:

(1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

(2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

(3) If the student has completed his/her second year of high school before the transfer, provide the student information about county-adopted coursework and imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

j. The complainant has a right to appeal the decision to CDE by filing a written appeal within 15 calendar days of receiving the decision.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with CDE in the same manner as the complainant, if he/she is dissatisfied with the county office decision.

k. The appeal to CDE must include a copy of the complaint filed with the county office and a copy of the county office decision.

l. Copies of the county office UCP are available free of charge.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the County web site and may be provided through county-supported social

media, if available.

(cf. 1113 - District and School Web Sites)  
(cf. 1114 – District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the county's policy, regulation, forms, and notices concerning the UCP.

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

### **County Office Responsibilities**

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the county's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the county office shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

All complaints shall be protected from retaliation.

### **Filing of Complaints**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is

unable to put a complaint in writing due to conditions such as a disability or illiteracy, county office staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging county office violation of applicable state or federal law or regulations governing the programs specified in the accompanying policy (item #1 of the section "Complaints Subject to UCP" may be filed by an individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the county's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the County office shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

## **Mediation**

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the county's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the County office shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the County office shall then continue with subsequent steps specified in this administrative regulation.

### **Investigation of Complaint**

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the County's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the County's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the County office shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the county to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

### **Report of Findings**

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Superintendent.

The Superintendent may consider the matter and may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Superintendent hears the complaint, the compliance officer shall send the decision to the complainant within 60 calendar days of the initial receipt of the complaint by the county office or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the county's

decision and, in the same manner as the complainant, may file a complaint with the Superintendent if dissatisfied with the decision.

### **Final Written Decision**

The County's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

In consultation with legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the county's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the county office shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory

harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. The manner in which the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The relationship between the alleged victim(s) and offender(s)
  - d. The number of persons engaged in the conduct and at whom the conduct was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
  - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the decision to the CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the County's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

### **Corrective Actions**

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or county environment may include, but are not limited to, actions to reinforce policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice



8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the county office shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The county office may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the county does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the county office shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the county shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

### **Appeals to the California Department of Education**

Any complainant who is dissatisfied with the final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the decision. (5 CCR 4632)

Upon notification by the CDE that the complainant or respondent has appealed the decision of the county office, the Superintendent or designee shall forward the following documents to the CDE (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the county office, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the uniform complaint procedures
7. Other relevant information requested by the CDE



*Series 5000 - Students*

**PARENT RIGHTS AND RESPONSIBILITIES**

The County Superintendent recognizes that parents/guardians have certain rights as well as responsibilities related to the education of their children.

The Superintendent believes that the education of students is a shared responsibility. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code 51100)

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

The Superintendent or designee shall ensure that county office staff understand the rights of parents/guardians afforded by law and policy and follow acceptable practices that respect those rights.

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

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

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Legal Reference:

EDUCATION CODE

33126 School accountability report card

35291 Disciplinary rules

48070.5 Promotion and retention of students

48985 Notice to parent in language other than English

49091.10-49091.19 Parental review of curriculum and instruction

49602 Confidentiality of pupil information

51100-51102 Parent/guardian rights

51513 Personal beliefs

60510 Disposal of surplus instructional materials

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

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

*Series 5000 – Students*

**PARENTS RIGHTS AND RESPONSIBILITIES**

**Parent/Guardian Rights**

The rights of parents/guardians of district students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled (Education Code 51101)

Parents/guardians may observe instructional and other school activities that involve their child in accordance with policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by a parent/guardian, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with policy and administrative regulations. (Education Code 49091.10)

(cf. 6116 - Classroom Interruptions)

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal (Education Code 51101)

3. Under the supervision of county employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (Education Code 51101)

4. To be notified on a timely basis if their child is absent from school without permission (Education Code 51101)

(cf. 5113 - Absences and Excuses)

5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests (Education Code 51101)

For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. (Education Code 51101.1)

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6174 - Education for English Learners)

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6. To request a particular school for their child and to receive a response from the county. (Education Code 51101)

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

7. To have a school environment for their child that is safe and supportive of learning (Education Code 51101)

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 3515 - Campus Security)  
(cf. 5131 - Conduct)  
(cf. 5137 - Positive School Climate)  
(cf. 5142 - Safety)

8. To examine the curriculum materials of the class(es) in which their child is enrolled (Education Code 51101; 20 USC 1232h)

Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, audio and video recordings, and software. (Education Code 49091.10)

Each school site shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. (Education Code 49091.14)

The school may charge an amount not to exceed the cost of duplication. (Education Code 49091.14)

(cf. 1312.2 - Complaints Concerning Instructional Materials)  
(cf. 1312.4 - Williams Uniform Complaint Procedures)  
(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 6161.11 - Supplementary Instructional Materials)

9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child (Education Code 51101)

(cf. 5121 - Grades/Evaluation of Student Achievement)  
(cf. 6020 - Parent Involvement)

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10. For parents/guardians of English learners, to support their child's advancement toward literacy (Education Code 51101.1)

The Superintendent or designee may make available, to the extent possible, surplus or undistributed instructional materials to parents/guardians pursuant to Education Code 60510. (Education Code 51101.1)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

11. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures and school improvement efforts (Education Code 51101.1)

12. To have access to the school records of their child (Education Code 51101)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

13. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish (Education Code 51101)

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

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

14. To be informed in advance about school rules, including disciplinary rules and procedures in accordance with Education Code 48980, attendance policies, dress codes and procedures for visiting the school (Education Code 51101)

(cf. 1250 - Visitors/Outsiders)

(cf. 5132 - Dress and Grooming)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

15. To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal such a decision (Education Code 51101)

(cf. 5123 - Promotion/Acceleration/Retention)

16. To receive information about any psychological testing the school does involving their child and to deny permission to give the test (Education Code 51101)



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- (cf. 6164.2 - Guidance/Counseling Services)
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education Under Section 504)

17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or testing, any nonacademic home-based counseling program, parent training, or any prescribed family education service plan and to inspect any survey collecting personal information (Education Code 49091.18; 20 USC 1232h)

- (cf. 5022 - Student and Family Privacy Rights)

18. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations (Education Code 51101)

For parents/guardians of English learners, this right shall include the right to participate in advisory bodies in accordance with federal and state law and regulations. (Education Code 51101.1)

- (cf. 0420 - School Plans/Site Councils)
- (cf. 1220 - Citizen Advisory Committees)
- (cf. 6171 - Title I Programs)
- (cf. 6175 - Migrant Education Program)

19. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school (Education Code 51101)

- (cf. 5125.3 - Challenging Student Records)

20. To provide informed, written parental consent before their child is tested for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (Education Code 49091.12)

- (cf. 5131.6 - Alcohol and Other Drugs)
- (cf. 5141.3 - Health Examinations)

**Parent Responsibilities**

Parents/guardians may support the learning environment of their child by: (Education Code 51101)

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1. Monitoring attendance of their child
2. Ensuring that homework is completed and turned in on time  
(cf. 6154 - Homework/Makeup Work)
3. Encouraging their child to participate in extracurricular and co-curricular activities  
(cf. 6145 - Extracurricular and Co-curricular Activities)
4. Monitoring and regulating the television viewed by their child
5. Working with their child at home in learning activities that extend the classroom learning
6. Volunteering in their child's classroom(s) or for other school activities  
(cf. 1240 - Volunteer Assistance)
7. Participating in decisions related to the education of their own child or the total school program as appropriate

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**5000 Series – Students**

**STUDENTS AND FAMILY PRIVACY RIGHTS**

The County Superintendent respects the rights of county office students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5021 - Noncustodial Parents)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 6162.8 - Research)

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

5. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

The Superintendent or designee is prohibited from collecting, disclosing, or using

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a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose
2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
  - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
  - b. Instructional materials used as part of their children's educational curriculum
4. Any nonemergency physical examinations or screenings that the school may administer

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committee)  
(cf. 1230 - School-Connected Organizations)

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status  
49076.7 Privacy of student records; social security numbers 49450-49458  
Physical examinations  
49602 Confidentiality of personal information received during counseling

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51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs

51514 Nonremoval of survey questions pertaining to sexual orientation or gender identity

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

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

U.S. Department of Education, Family Policy Compliance Office:

<http://www.ed.gov/offices/OM/fpco>

**Superintendent Policies and Regulations Manual  
Sutter County Superintendent of Schools**

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*Series 5000 – Students*

**STUDENT AND FAMILY PRIVACY RIGHTS**

**Surveys Requesting Information about Beliefs and Practices**

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148 - Child Care and Development)

Notwithstanding the above requirements, the county office may administer to students in grades 7-12, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student's attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

If the school administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions. (Education Code 51514)

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If a student participates in a survey requesting information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.8 - Research)

**Parent/Guardian Access to Surveys and Instructional Materials**

The parent/guardian of any student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices
2. Any instructional material to be used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

**Health Examinations**

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification. (20 USC 1232h)

*Invasive physical examination* means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion or injection into the body, but does not include a properly authorized hearing, vision or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)

(cf. 5141.3 - Health Examinations)

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**Notifications**

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The County office’s policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this administrative regulation and the accompanying Board Policy.
3. The specific or approximate dates during the school year when the following activities are scheduled:
  - a. Survey requesting personal information
  - b. Physical exams or screenings
  - c. Collection of personal information from students for marketing or sale

Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in grades 7-12, the county office shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)



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*Series 6000 - Instruction*

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The Superintendent intends to provide English language learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement within the student's regular course of study.

The county shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

(cf. 0460 - Local Control and Accountability Plan)  
(cf. 3100 - Budget)

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners.

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 6020 - Parent Involvement)

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level, integrated across all subject areas, and aligned with the state content standards. The program shall be based on sound instructional theory, use standards-aligned instructional materials, emphasize inquiry-based learning and critical thinking skills, and provide students with access to the full educational program.

(cf. 6011 - Academic Standards)  
(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 6161.11 - Supplementary Instructional Materials)  
(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Learners)

The county shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to

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understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

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

To support students' English language development, the Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

**Identification and Assessment**

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the accompanying administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 854.1-854.3. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 854.1-854.3)

(cf. 6162.51 - State Academic Achievement Tests)

**Language Acquisition Programs**

The county shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

At a minimum, the county shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English,

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but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

The language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

In establishing language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

(cf. 5145.6 - Parental Notifications)

Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

**Reclassification**

When an English learner is determined based on state and county reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

**Program Evaluation**

To evaluate the effectiveness of the educational program for English learners, the Superintendent or designee shall review, at least annually, the:

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1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the LCAP
7. A comparison of current data with data from at least the previous year in regard to items #1-6 above
8. A comparison of data between the different language acquisition programs offered

The Superintendent or designee shall also review regular reports from any English learner advisory committees.

Legal Reference:

EDUCATION CODE

300-340 English language education, especially:

305-310 Language acquisition programs

313-313.5 Assessment of English proficiency

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33050 State Board of Education waiver authority

42238.02-42238.03 Local control funding formula

44253.1-44253.11 Qualifications for teaching English learners

48980 Parental notifications

48985 Notices to parents in language other than English

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

52160-52178 Bilingual Bicultural Act

56305 CDE manual on English learners with disabilities

60603 Definition, recently arrived English learner

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60640 California Assessment of Student Performance and Progress  
60810-60812 Assessment of language development  
62002.5 Continuation of advisory committee after program sunsets  
CODE OF REGULATIONS, TITLE 5  
854.1-854.3 CAASPP and universal tools, designated supports, and accommodations  
854.9 CASSPP and unlisted resources for students with disabilities  
11300-11316 English learner education  
11510-11517.5 California English Language Development Test  
11517.6-11519.5 English Language Proficiency Assessments for California  
UNITED STATES CODE, TITLE 20  
1412 Individuals with Disabilities Education Act; state eligibility  
1701-1705 Equal Educational Opportunities Act  
6311 Title I state plan  
6312 Title I local education agency plans  
6801-7014 Title III, language instruction for English learners and immigrant students  
7801 Definitions  
CODE OF FEDERAL REGULATIONS, TITLE 34  
100.3 Discrimination prohibited  
200.16 Assessment of English learners  
COURT DECISIONS  
Valeria O. v. Davis, (2002) 307 F.3d 1036  
California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271  
F.3d 1141  
McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196  
Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698  
ATTORNEY GENERAL OPINIONS  
83 Ops.Cal.Atty.Gen. 40 (2000)

Management Resources:

CSBA PUBLICATIONS

English Learners in Focus: The English Learner Roadmap: Providing Direction for  
English Learner Success, Governance Brief, February 2018  
English Learners in Focus, Issue 4: Expanding Bilingual Education in California after  
Proposition 58, Governance Brief, March 2017  
English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of  
California's English Learners, Governance Brief, rev. September 2016  
English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners,  
Governance Brief, July 2016  
English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs,  
Governance Brief, September 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California English Learner Roadmap: Strengthening Comprehensive Educational Policies,  
Programs and Practices for English Learners, 2018  
Matrix One: Universal Tools, Designated Supports, and Accommodations for the  
California Assessment of Student Performance and Progress for 2017-18, rev. August 2017  
Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017

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Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015  
Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015  
English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014  
Common Core State Standards for Mathematics, rev. 2013  
English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012  
**THE EDUCATION TRUST- WEST PUBLICATIONS**  
Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018  
Unlocking Learning: Science as a Lever for English Learner Equity, January 2017  
**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**  
Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017  
Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017  
English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016  
English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016  
Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015  
**WEB SITES**  
CSBA: <http://www.csba.org>  
California Association for Bilingual Education: <http://www.gocabe.org>  
California Department of Education: <http://www.cde.ca.gov/sp/el>  
National Clearinghouse for English Language Acquisition: <http://www.ncela.us>  
The Education Trust-West: <http://west.edtrust.org>  
U.S. Department of Education: <http://www.ed.gov>

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*Series 6000 – Instruction*

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

**Definitions**

*English learner* means a student who is age 3-21 years old, who is enrolled or is preparing to enroll in an elementary or secondary school, and who has difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

Native speaker of English means a student who has learned and used English in his/her home from early childhood and English has been his/her primary means of concept formation and communication. (Education Code 306)

**Identification and Assessment**

Upon enrollment, each student's primary language shall be determined through use of a home language survey. (5 CCR 11307) Within 30 calendar days of enrollment, any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by

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a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The ELPAC shall be administered in accordance with test publisher instructions and 5 CCR 11518.5-11518.20. Variations and accommodations in test administration may be provided to English learners pursuant to 5 CCR 11518.30-11518.35.

Any student with a disability who is identified as an English learner shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP. (5 CCR 11518.25-11518.35; 20 USC 1412)

(cf. 6159 - Individualized Education Program)  
(cf. 6162.51 - State Academic Achievement Tests)  
(cf. 6164.6 - Identification and Education Under Section 504)

The school shall notify parents/guardians of their child's results on the ELPAC within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

(cf. 5145.6 - Parental Notifications)

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following:  
(Education Code 313.2, 440; 20 USC 6312)



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The notice shall include all of the following: (Education Code 440; 20 USC 6312)

1. The reason for the student's classification as English language learner and the need for placement in a language acquisition program.
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement.
3. A description of the the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
  - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
  - b. The manner in which the program will meet the educational strengths and needs of the student
  - c. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation
  - d. The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English language learner students, and the expected rate of graduation from secondary school if applicable
  - e. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request

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6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available
7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

**Language Acquisition Programs**

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the school establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.
2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the county shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.
3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:
  - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program
  - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals

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c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators

d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

The school shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion
2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
4. The manner in which the school has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals
5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
6. The process to request establishment of a language acquisition program not offered at the school
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

**Reclassification/Redesignation**

Sutter County shall continue to provide additional and appropriate educational services to English language learners for the purposes of overcoming language barriers until they: (5

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CCR 11302)

1. Demonstrate English language proficiency comparable to that of the school's average native English language speakers
2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English language learners shall be redesignated as fluent English proficient when they are able to comprehend, speak, read and write English well enough to receive instruction in the regular program and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

The following measures shall be used to determine whether an English learner shall be reclassified as fluent English proficient shall include, but not limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC
2. Participation of the student's classroom teacher(s) and any other certificated staff with direct responsibility for teaching or placement decisions related to the student
3. Parent/guardian opinion and consultation

Parents/guardians shall receive notice and a description of the reclassification process and his/her opportunity to participate in the process and shall encourage his/her involvement in the process

4. Student performance on an objective assessment in basic skills in English that shows whether the student is performing at or near grade level

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least four years following their reclassification to determine whether the student needs any additional academic support.

**Reclassification of English Learners (EL) with Significant Disabilities**

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The reclassification of EL students who receive special education is not a delineated IEP team function in federal or state regulations. An IEP team will make reclassification recommendations based on the measures outlined in this policy.

The Ventura County Comprehensive Alternative Language Proficiency Survey for Students with Moderate- Severe Disabilities (VCCALPS) was developed to address the needs of children with significant disabilities from homes where a language other than English is spoken. Only when a student with significant disabilities is unable to respond to or score on the ELPAC shall the VCCALPS be utilized. The VCCALPS will be used to assist in the reclassification of those students who have been identified as English Learners as the assessment of English proficiency as outlined in measure one of this policy.

### **Advisory Committees**

A parent/guardian advisory committee shall be established when there are more than 50 English learners and when there are more than 20 English learners at the school site. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

The English language advisory committee shall advise the Superintendent or designee on at least the following tasks: (5 CCR 11308)

1. The development of a county master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The county needs assessment on a school-by-school basis
3. Establishment of a county program, goals and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the reclassification procedures

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

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In order to assist advisory members in carrying out their responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

**LCAP Advisory Committee**

When there are at least 15 percent English learners, with at least 50 students who are English learners, a county-level English learner parent advisory committee shall be established to review and comment on the county's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 11301, 15495)

(cf. 0460 - Local Control and Accountability Plan)

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

BOARD AGENDA ITEM: First Reading – Board Policies to Rescind

BOARD MEETING DATE: September 12, 2018

AGENDA ITEM SUBMITTED FOR:

PREPARED BY:

Action

Christine McCormick

Reports/Presentation

SUBMITTED BY:

Information

Christine McCormick

Public Hearing

PRESENTING TO BOARD:

Other (specify)

Christine McCormick

BACKGROUND AND SUMMARY INFORMATION:

The following policies are being presented for a first reading to rescind:

BP/AR 6174 – English Learners

BP/AR 5022 – Student Privacy

BP/AR 1312 – Uniform Complaint Procedures

BP 0410 – Discrimination

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**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The Governing Board intends to provide English language learners with challenging curriculum and instruction that maximize the attainment of high levels of develop proficiency in English, advance multilingual capabilities, and facilitate student achievement within the students regular course of study. ~~as rapidly and effectively as possible in order to assist students in accessing the full educational program and achieving the district's academic standards. The district's program shall be based on sound instructional theory and shall be adequately supported so that English language learners can achieve results at the same academic level as their English-proficient peers in the regular course of study.~~

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

(cf. 0460 - Local Control and Accountability Plan)  
(cf. 3100 - Budget)

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners.

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 6020 - Parent Involvement)

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level, integrated across all subject areas, and aligned with the state content standards. The district's program shall be based on sound instructional theory, use standards-aligned instructional materials, emphasize inquiry-based learning and critical thinking skills, and provide students with access to the full educational program.

(cf. 6011 - Academic Standards)  
(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 6161.11 - Supplementary Instructional Materials)  
(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.



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(cf. 4112.22 - Staff Teaching English Learners)

The county shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

To support students' English language development, the Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

**Identification and Assessment**

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the accompanying administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 854.1-854.3. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 854.1-854.3)

(cf. 6162.51 - State Academic Achievement Tests)

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**Language Acquisition Programs**

The county shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

At a minimum, the county shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

In establishing language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

(cf. 5145.6 - Parental Notifications)

Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

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**Reclassification**

When an English learner is determined based on state and county reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

**Program Evaluation**

To evaluate the effectiveness of the educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the LCAP
7. A comparison of current data with data from at least the previous year in regard to items #1-6 above
8. A comparison of data between the different language acquisition programs offered

The Superintendent or designee shall also provide the Board with regular reports from any English learner advisory committees.

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Legal Reference:

EDUCATION CODE

300-340 English language education, especially:

305-310 Language acquisition programs

313-313.5 Assessment of English proficiency

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33050 State Board of Education waiver authority

42238.02-42238.03 Local control funding formula

44253.1-44253.11 Qualifications for teaching English learners

48980 Parental notifications

48985 Notices to parents in language other than English

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

52160-52178 Bilingual Bicultural Act

56305 CDE manual on English learners with disabilities

60603 Definition, recently arrived English learner

60640 California Assessment of Student Performance and Progress

60810-60812 Assessment of language development

62002.5 Continuation of advisory committee after program sunsets

CODE OF REGULATIONS, TITLE 5

854.1-854.3 CAASPP and universal tools, designated supports, and accommodations

854.9 CASSPP and unlisted resources for students with disabilities

11300-11316 English learner education

11510-11517.5 California English Language Development Test

11517.6-11519.5 English Language Proficiency Assessments for California

UNITED STATES CODE, TITLE 20

1412 Individuals with Disabilities Education Act; state eligibility

1701-1705 Equal Educational Opportunities Act

6311 Title I state plan

6312 Title I local education agency plans

6801-7014 Title III, language instruction for English learners and immigrant students

7801 Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Discrimination prohibited

200.16 Assessment of English learners

COURT DECISIONS

Valeria O. v. Davis, (2002) 307 F.3d 1036

California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196

Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 40 (2000)

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Management Resources:

CSBA PUBLICATIONS

English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018

English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017

English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016

English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016

English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018

Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017

Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017

Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015

Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015

English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014

Common Core State Standards for Mathematics, rev. 2013

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

THE EDUCATION TRUST- WEST PUBLICATIONS

Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018

Unlocking Learning: Science as a Lever for English Learner Equity, January 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017

Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017

English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016

English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015

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WEB SITES

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

California Association for Bilingual Education: <http://www.gocabe.org>

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

National Clearinghouse for English Language Acquisition: <http://www.ncela.us>

The Education Trust-West: <http://west.edtrust.org>

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

~~The Board encourages staff to exchange information with staff in other districts and the county office of education about programs, options and strategies for English language learners that succeed under various demographic conditions.~~

~~The Superintendent or designee shall maintain procedures which provide for the identification, assessment and placement of English language learners and for their redesignation based on criteria adopted by the Board and specified in administrative regulations.~~

~~To evaluate program effectiveness, the Superintendent or designee shall regularly examine program results, including reports of the English language learners' academic achievement, their progress towards proficiency in English and the progress of students who have been redesignated as fluent English proficient. The Superintendent or designee shall annually report these findings to the Board and shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.~~

**Type of Instruction**

~~Students who are English language learners shall be educated through "sheltered English immersion" or "structured English immersion" during a temporary transition period not normally intended to exceed one year. "Nearly all" of the classroom instruction in the district's sheltered English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305, 306)~~

~~The county has defined the term "nearly all" as follows: *All classroom instruction will be conducted in English except for clarification, explanation, and support as needed.*~~

~~When an English language learner has acquired a reasonable level of English proficiency as measured by any of the state designated assessments approved by the California Department of Education or any locally developed assessments and using other criteria developed by the district, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is "overwhelmingly" in English. (Education Code 305; 5 CCR 11301)~~

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~~An English language learner has acquired a "reasonable level of English proficiency" when he/she has achieved the following: *Students in Grades 1-2 will have achieved an overall CELDT proficiency level of Early Advanced or higher; a score of 80% or higher on the English/language arts (ELA) midyear publisher summative test; and a recent ELA grade of "C" or higher. Students in Grades 3-12 will have achieved an overall CELDT proficiency level of Early Advanced or higher; a scaled score of 320 or higher on the California Standards Tests (ELA), and a recent ELA grade of "C" or higher.*~~

~~Upon the request of his/her parent/guardian, a student shall be placed in an English language mainstream classroom. (5 CCR 11301)~~

**~~Parental Exception Waivers~~**

~~At any time during the school year, the parent/guardian of an English language learner may have his/her child moved into an English language mainstream program.~~

~~Parent/guardian requests for waivers from Education Code 305 regarding placement in a sheltered English immersion program shall be granted in accordance with law and administrative regulation.~~

~~If the Superintendent or designee denies the waiver request, he/she shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the Superintendent's decision in writing to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Superintendent's decision shall be final. If the Board hears the appeal, the Superintendent shall send the Board's decision to the parent/guardian within seven working days.~~

~~Legal Reference: (see next page)~~

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*Legal Reference:*

EDUCATION CODE

~~300-340 English language education for immigrant children~~

~~430-446 English Learner and Immigrant Pupil Federal Conformity Act 33308.5 CDE guidelines not binding~~

~~44253.5-44253.10 Certification for bilingual cross-cultural competence 48985 Notices to parents in language other than English~~

~~51101 Rights of parents to information~~

~~51101.1 Rights for parents of English learners~~

~~52130-52135 Impacted languages act of 1984~~

~~52160-52178 Bilingual Bicultural Act~~

~~52180-52186 Bilingual teacher training assistance program~~

~~54000-54028 Programs for disadvantaged children~~

~~60810-60812 Assessment of language development~~

~~62001-62005.5 Evaluation and sunseting of programs~~

CODE OF REGULATIONS, TITLE 5

~~4320 Determination of funding to support program to overcome the linguistic difficulties of English learners~~

~~11300-11316 English Language Learner Education~~

~~11510-11517 California English Language Development Test UNITED STATES CODE, TITLE 20~~

~~1701-1705 Equal Educational Opportunities Act~~

~~6312 Local education agency plans~~

~~6801-6871 Title III, Language instruction for limited English proficient and immigrant students COURT DECISIONS~~

~~Valeria G. v. Wilson, (9<sup>th</sup> Circuit) 2002 U.S. App. Lexis 20956~~

~~California Teachers Association et al. v. State Board of Education et al., (9<sup>th</sup> Circuit, 2001) 271 F.3d 1141~~

~~McLaughlin v. State Board of Education, (1999) 75 Cal.App.4<sup>th</sup> 196~~

~~Teresa P. et al. v. Berkeley Unified School District et al., (1989) 724 F.Supp. 698 Casteneda v. Pickard, (5<sup>th</sup> Cir. 1981) 648 F.2d 989~~

ATTORNEY GENERAL OPINIONS

~~83 Ops.Cal.Atty.Gen. 40 (2000)~~

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~Guidelines for Reclassification of English Learners, September 2002~~

~~Accommodations for the California English Language Development Test, Revised 8/13/01 WEB SITES~~

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

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



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**Sutter County Superintendent of Schools (SCSOS)  
EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

**Definitions**

*English learner* means a student who is age 3-21 years old, who is enrolled or is preparing to enroll in an elementary or secondary school, and who has difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

~~does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a limited English proficient or LEP child. (Education Code 306)~~

Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

Native speaker of English means a student who has learned and used English in his/her home from early childhood and English has been his/her primary means of concept formation and communication. (Education Code 306)

~~*English language classroom* means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. (Education Code 306)~~

~~*English language mainstream classroom* means a classroom in which the students either~~

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~~are native English language speakers or already have acquired reasonable fluency in English. (Education Code 306)~~

~~Sheltered English immersion or structured English immersion means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students who are learning the language. (Education Code 306)~~

~~Bilingual education/native language instruction means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the student's native language. (Education Code 306)~~

**Identification and Assessment**

Upon enrollment, each student's primary language shall be determined through use of a home language survey. (5 CCR 11307) Within 30 calendar days of enrollment, any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The ELPAC shall be administered in accordance with test publisher instructions and 5 CCR 11518.5-11518.20. Variations and accommodations in test administration may be provided to English learners pursuant to 5 CCR 11518.30-11518.35.

~~Within 30 calendar days of their initial enrollment, students who are identified as having a primary language other than English, as determined by the home language survey, and for whom there is no record of results from an English language development test shall be assessed using the California English Language Development Test (CELDT). (5 CCR 11511). The CELDT testing window for annual assessments will be July 2 through October 31.~~

~~Students in kindergarten through Grade 2 may be assessed only in comprehension and speaking. All students shall have sufficient time to complete the CELDT as provided in the directions for test administration. (5 CCR 11516)~~

Any student with a disability who is identified as an English learner shall be allowed to take

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~~the assessment shall take the CELDT~~ with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP. (5 CCR 11518.25-11518.35; 20 USC 1412)

(cf. 6159 - Individualized Education Program)

(cf. 6162.51 - State Academic Achievement Tests)

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

~~that are appropriate and necessary to address the student's individual needs. (5 CCR 11516.5)~~

SCSOS shall notify parents/guardians of their child's results on the ~~CELDT~~TELPAC within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

(cf. 5145.6 - Parental Notifications)

~~Within 90 days of initial enrollment, students identified as having limited English proficiency shall be further assessed for primary language proficiency in comprehension, speaking, reading and writing. The Superintendent or designee shall develop criteria for determining student needs on the basis of these assessments. (former Education Code 52164.1, 62002)~~

~~Before students are enrolled in a program for English language learners, parents/guardians shall receive information about the program and their opportunities for parental involvement. This information shall include the fact that an individual student's participation in the program is voluntary on the part of the parent/guardian. (Education Code 52173)~~

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided nNot later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

~~each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency.~~

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The notice shall include all of the following: (Education Code 440; 20 USC 6312)

1. The reason for the student's classification as English language learner and the need for placement in a language acquisition program.
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement.
3. A description of the the language acquisition program in which the student is, or will be, participating, program for English language development instruction, including a description of all of the following:
  - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
  - ~~ab.~~ The manner in which the program will meet the educational strengths and needs of the student
  - ~~b-c~~ The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation
  - ~~e-d~~ The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English language learner students, and the expected rate of graduation from secondary school if Title I funds are used for students in secondary schools applicable
  - ~~d-e~~ Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
- 4.5 Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request regarding a parent/guardian's option to decline to allow the student to become enrolled in the program or to choose to allow the student to become enrolled in an alternative program

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- 5.6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available
- 7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

~~Parent/guardians also shall be notified of the results of any reassessments. (Education Code 52164.3)~~

**Language Acquisition Programs**

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the school establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

- 1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.
- 2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the county shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.
- 3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:
  - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program
  - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals

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c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators

d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

The school shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion
2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
4. The manner in which the school has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals
5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
6. The process to request establishment of a language acquisition program not offered at the school
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

**~~Parental Exception Waivers~~**

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~~At the beginning of each school year, parents/guardians shall be informed of the placement of their children in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)~~

~~A parent/guardian may request that SCSOS waive the requirements of Education Code 305, pertaining to the placement of a student in a structured English immersion program if the one of the following circumstances exists:~~

- ~~1. — Students who already know English: The student already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth grade average, whichever is lower. (Education Code 311(a))~~
- ~~2. — Older students: The student is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills. (Education Code 311(b))~~
- ~~3. — Students with special needs: The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the student has special physical, emotional, psychological or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311(e))~~

~~The parent/guardian shall personally visit the school to apply for the waiver. (Education Code 310)~~

~~Upon request for a waiver, the Superintendent or designee shall provide to the parents/guardians: (Education Code 310, 311; 5 CCR 11309)~~

- ~~1. — A full written description, and a spoken description upon request, of the intent and content of the structured English immersion program, any alternative courses of study and all educational opportunities offered by the county and available to the student, and the educational materials to be used in the different educational program choices~~
- ~~2. — For a request for waiver pursuant to Education Code 311(e) for students with special needs, notification that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the Superintendent must approve the waiver pursuant to Governing Board guidelines~~

~~Pursuant to Education Code 311(b) and 311(c), the principal and educational staff may recommend a waiver to a parent/guardian for a student 10 years or older and a student~~

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~~with special needs. Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with district procedures and requirements otherwise applicable to a parental exception waiver, including Education Code 310. (5 CCR 11309)~~

~~When evaluating waiver requests pursuant to Education Code 311(a) for students who already know English and other waiver requests for those students for whom standardized assessment data are not available, other equivalent assessment measures may be used. These equivalent measures may include local assessments, local standards and teacher evaluations.~~

~~Parental exception waivers pursuant to Education Code 311(b) for students 10 years or older shall be granted if it is the informed belief of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (Education Code 311)~~

~~Parental exception waivers pursuant to Education Code 311(c) for students with special needs shall be granted if it is the informed belief of the principal and educational staff that, due to the student's special physical, emotional, psychological or educational needs, an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311)~~

~~The principal shall consider all waiver requests made pursuant to Education Code 311(e) for students with special needs and shall submit a rationale of the decision regarding the waiver to the Superintendent or designee. When determining whether or not to recommend the approval of the waiver request, the principal shall assume that the facts justifying the request attested by the parent/guardian are a true representation of the child's condition.~~

~~Each waiver shall be considered on its individual merits with great deference given to parental preference for student placement. The principal or designee shall act upon all parental exception waivers within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to Education Code 311(e) for students with special needs shall not be acted upon during the 30-day placement in an English language classroom. These waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the principal, whichever is later. (5 CCR 11309)~~



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~~All parental exception waivers shall be granted unless the principal and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the student. (5 CCR 11309)~~

~~Individual schools in which 20 students or more of a given grade level receive a waiver shall be required to offer such a class; otherwise they must allow the students to transfer to a public school in which such a class is offered. (Education, Code 310)~~

~~Students wishing to transfer shall be subject to the county's attendance policies and administrative regulations. Students wishing to transfer to a district shall also be subject to the receiving district's interdistrict attendance policies and administrative regulations.~~

~~In cases where a parental exception waiver pursuant to Education Code 311(b) or (c) is denied, the parent/guardian shall be informed in writing of the reason(s) for the denial and advised that he/she may appeal the decision to the Board if the Board authorizes such an appeal, or to the court. (5 CCR 11309)~~

~~Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)~~

**Reclassification/Redesignation**

SCSOS shall continue to provide additional and appropriate educational services to English language learners for the purposes of overcoming language barriers until ~~they; the English language learners have;~~ (5 CCR 11302)

1. Demonstrated English language proficiency comparable to that of the ~~district's~~ schools average native English language speakers
2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English language learners shall be redesignated as fluent English proficient when they are able to comprehend, speak, read and write English well enough to receive instruction in the regular program and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

The following measures shall be used to determine whether an English ~~language~~ learner shall be reclassified as fluent English proficient shall include, but not limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC ~~utilizing the CELDT as the primary criterion, and objective assessment of the student's English~~

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~~reading and writing skills~~

2. Participation of the student's classroom teacher(s) and any other certificated staff with direct responsibility for teaching or placement decisions related to the student

3. Parent/guardian opinion and consultation during a redesignation interview

Parents/guardians shall receive notice and a description of the redesignation reclassification process and his/her opportunity to, ~~including notice of their right to participate in the process. Parent/guardian participation and shall encourage his/her involvement~~ in the process ~~shall be encouraged.~~

4. Student Comparison of performance on an objective assessment in basic skills in English that shows whether the student is performing at or near grade level, including performance on the English Language Arts section of the California Standards Test

~~5. Objective data on the student's academic performance in English~~

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least four years following their reclassification to determine whether the student needs any additional academic support.

~~The Superintendent or designee shall provide subsequent monitoring and support for redesignated students, including but not limited to monitoring the performance of redesignated students in the core curriculum in comparison with their native English speaking peers, monitoring the rate of redesignation, and ensuring correct classification and placement.~~

~~The Superintendent or designee shall develop a process to monitor the effectiveness of the district's program for English language learners. SCSOS's program shall be modified as needed to help ensure language and academic success for each English language learner.~~

**Reclassification of English ~~Language~~ Learners with Significant Disabilities**

The reclassification of EL students who receive special education is not a delineated IEP team function in federal or state regulations. An IEP team will make reclassification recommendations based on the measures outlined in this policy.

The ~~Alternate Language Proficiency Instrument (ALPI)-Ventura County Comprehensive Alternative Language Proficiency Survey for Students with Moderate- Severe Disabilities~~

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~~(VCCALPS) was developed to address the needs of children with significant disabilities from homes where a language other than English is spoken. Only when a student with significant disabilities is unable to respond to or score on a State-approved English Language Proficiency test (CELDT) the ELPAC should shall the ALPI-VCCALPS be utilized. The VCCALPS will be used to assist in the reclassification of those students who have been identified as English Learners as the assessment of English proficiency as outlined in measure one of this policy. The ALPI observation instruments are completed by school personnel during the required testing window (July 1—October 31) until the student is reclassified. The English Learner Version of the Student Annual Needs Determination Inventory (SANDI) allows IEP teams to review the language proficiency status of these students and make a determination as to whether the student should be reclassified from an English Learner (EL) to Fluent English Proficient (FEP) or English Only (EO). Once the student is reclassified, academic progress is monitored and documented on the IEP for two years in order to review whether or not the student is making satisfactory or unsatisfactory process. A designation of satisfactory/unsatisfactory would indicate that the student is/is not progressing at the average level of other students in the same class.~~

**Advisory Committees**

~~A parent/guardian advisory committee shall be established when there are more than 50 English learners and when there are more than 20 English learners at the school site. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)~~

~~At the county level when there are more than 50 English language learners in the county programs and at each school with more than 20 English language learners, parent/guardian advisory committees shall be maintained to serve the advisory functions specified in law. (5 CCR 11308)~~

~~Parents/guardians of English language learners shall constitute committee membership in at least the same percentage as their children represent of the total number of students in the school. (Education Code 52176)~~

SCSOS's English language advisory committee shall advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a county master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The county needs assessment on a school-by-school basis
3. Establishment of a county program, goals and objectives for programs and services for English learners

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4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the ~~district's~~ reclassification procedures

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

~~7. Review of and comments on the written notification required to be sent to  
parents/guardians pursuant to 5 CCR 11300-11316~~

In order to assist advisory members in carrying out their responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

**LCAP Advisory Committee**

When there are at least 15 percent English learners in the county program, with at least 50 students who are English learners, a county-level English learner parent advisory committee shall be established to review and comment on the county's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 11301, 15495)

(cf. 0460 - Local Control and Accountability Plan)

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

*Legal Reference:*

*EDUCATION CODE*

*300-340 English language education for immigrant children*

*430-446 English Learner and Immigrant Pupil Federal Conformity Act*

*33308.5 CDE guidelines not binding*

*44253.5-44253.10 Certification for bilingual cross-cultural competence*

*48985 Notices to parents in language other than English*

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~~51101 Rights of parents to information~~

~~51101.1 Rights for parents of English learners~~

~~52130-52135 Impacted languages act of 1984~~

~~52160-52178 Bilingual-Bicultural Act~~

~~52180-52186 Bilingual teacher training assistance program~~

~~54000-54028 Programs for disadvantaged children~~

~~60810-60812 Assessment of language development~~

~~62001-62005.5 Evaluation and sunseting of programs~~

~~CODE OF REGULATIONS, TITLE 5~~

~~4320 Determination of funding to support program to overcome the linguistic difficulties of English learners~~

~~11300-11316 English Language Learner Education~~

~~11510-11517 California English Language Development Test~~

~~UNITED STATES CODE, TITLE 20~~

~~1701-1705 Equal Educational Opportunities Act~~

~~6312 Local education agency plans~~

~~6801-6871 Title III, Language instruction for limited~~

~~English proficient and immigrant students — COURT~~

~~DECISIONS~~

~~Valeria G. v. Wilson, (9<sup>th</sup> Circuit) 2002 U.S. App. Lexis 20956~~

~~California Teachers Association et al. v. State Board of Education et al., (9<sup>th</sup> Circuit, 2001) 271 F.3d 1141~~

~~McLaughlin v. State Board of Education, (1999) 75~~

~~Cal.App.4<sup>th</sup> 196~~

~~Teresa P. et al. v. Berkeley Unified School District et al.,~~

~~(1989) 724 F.Supp. 698 Casteneda v. Pickard, (5th Cir. 1981)~~

~~648 F.2d 989~~

~~ATTORNEY GENERAL OPINIONS~~

~~83 Ops.Cal.Atty.Gen. 40 (2000)~~

~~Management Resources:~~

~~CALIFORNIA DEPARTMENT OF EDUCATION~~

~~PUBLICATIONS~~

~~Guidelines for Reclassification of English Learners,~~

~~September 2002~~

~~Accommodations for the California English Language~~

~~Development Test, Revised 8/13/01 WEB SITES~~

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

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

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**5000 Series – Students**

**STUDENTS AND FAMILY PRIVACY RIGHTS**

The Governing Board respects the rights of county office students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information. ~~The Superintendent or designee shall develop regulations to ensure compliance with law when the county office requests, retains, discloses, or otherwise uses the personal information of its students and their families.~~

- (cf. 5020 - Parent Rights and Responsibilities)
- (cf. 5021 - Noncustodial Parents)
- (cf. 5125 - Student Records)
- (cf. 5125.1 - Release of Directory Information)
- (cf. 6162.8 - Research)

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

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

5. The sale by students of products or services to raise funds for school-related or education-related activities

- (cf. 1321 - Solicitation of Funds from and by Students)

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6. Student recognition programs

(cf. 5126 - Awards for Achievement)

~~The regulations shall, at a minimum, address the following: (20 USC 1232h)~~

~~1. Whether the county office may collect the personal information of students for marketing or sale~~

~~2. How the county office will administer surveys that may request information about the personal beliefs and practices of students and their families~~

~~3. The rights of parents/guardians to inspect:~~

~~a. Survey instruments requesting information about their personal beliefs and practices or those of their children~~

~~b. Instructional materials used as part of their children's educational curriculum~~

~~4. Whether the county office may administer any nonemergency invasive physical examination or screening~~

~~5. Notifications that the county office will provide to students and parents/guardians with respect to their privacy rights~~

The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following:~~the procedures.~~ (20 USC 1232h)

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose

2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families

3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period

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of time:

a. Survey instruments requesting information about their personal beliefs and practices or those of their children

b. Instructional materials used as part of their children's educational curriculum

4. Any nonemergency physical examinations or screenings that the school may administer

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committee)  
(cf. 1230 - School-Connected Organizations)

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

49076.7 Privacy of student records; social security numbers

49450-49458 Physical examinations

49602 Confidentiality of personal information received during counseling

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs

51514 Nonremoval of survey questions pertaining to sexual orientation or gender identity

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

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

U.S. Department of Education, Family Policy Compliance Office:



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| <http://www.ed.gov/offices/OM/fpco>

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**STUDENT AND FAMILY PRIVACY RIGHTS**

**~~Collection of Personal Information for Marketing or Sale~~**

~~Personal information for marketing or sale means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)~~

~~County office staff shall not administer or distribute to students any survey instrument that is designed for the purpose of collecting personal information for marketing or sale.~~

~~Requirements regarding the collection of personal information for marketing or sale shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)~~

- ~~1. — College or other postsecondary education recruitment or military recruitment~~
- ~~2. — Book clubs, magazines, and programs providing access to low-cost literary products~~
- ~~3. — Curriculum and instructional materials used by elementary and secondary schools~~
- ~~4. — Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments~~

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

- ~~5. — The sale by students of products or services to raise funds for school-related or education-related activities~~

~~(cf. 1321 — Solicitation of Funds from and by Students)~~

- ~~6. — Student recognition programs~~

~~(cf. 5126 — Awards for Achievement)~~

**Surveys Requesting Information about Beliefs and Practices**

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

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1. Political affiliations or beliefs of the student or his/her family
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148 - Child Care and Development)

Notwithstanding the above requirements, the county office may administer to students in grades 7-12, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student's attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

If the district administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions. (Education Code 51514)

If a student participates in a survey requesting information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.8 - Research)

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**Parent/Guardian Access to Surveys and Instructional Materials**

The parent/guardian of any student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices
2. Any instructional material to be used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

**Health Examinations**

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification. (20 USC 1232h)

*Invasive physical examination* means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion or injection into the body, but does not include a properly authorized hearing, vision or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)  
(cf. 5141.3 - Health Examinations)

**Notifications**

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The County office's policy regarding student privacy

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2. The process to opt their children out of participation in any activity described in this ~~policy and~~ administrative regulation and the accompanying Board Policy.
3. The specific or approximate dates during the school year when the following activities are scheduled:
  - a. Survey requesting personal information
  - b. Physical exams or screenings
  - c. Collection of personal information from students for marketing or sale

Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in grades 7-12, the county office shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Series 1000 – Community Relations

## Uniform Complaint Procedures (UCP)

The County Board of Education recognizes its role in developing policies to comply with applicable state and federal laws and regulations governing the County Office of Education's (COE) educational programs. The County Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the County Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and ~~the accompanying administrative regulation. incorporates any County Superintendent approved procedures implementing this policy.~~

### Complaints Subject to UCP

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

1. Any complaint alleging COE violation of applicable state or federal law or regulations governing adult education programs, after school education and safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other ~~migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, consolidated categorical aid programs,~~ or any other COE-implemented program which is listed in Education Code 64000(a) (5 CCR 4610).  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 3555 - Nutrition Program Compliance)  
(cf. 5131.62 - Tobacco)  
(cf. 5148 - Child Care and Development)  
(cf. 5148.2 - Before/After School Programs)  
(cf. 5148.3 - Preschool/Early Childhood Education)  
(cf. 6159 - Individualized Education Program)  
(cf. 6171 - Title I Programs)  
(cf. 6174 - Education for English Learners)  
(cf. 6175 - Migrant Education Program)

[\(cf. 6178 - Career Technical Education\)](#)  
[\(cf. 6178.1 - Work-Based Learning\)](#)  
[\(cf. 6178.2 - Regional Occupational Center/Program\)](#)  
[\(cf. 6200 - Adult Education\)](#)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any [student, employee, or other](#) person participating in COE programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, [immigration status](#), ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610).

[\(cf. 0410 - Nondiscrimination in District Programs and Activities\)](#)  
[\(cf. 5145.3 - Nondiscrimination/Harassment\)](#)  
[\(cf. 5145.7 - Sexual Harassment\)](#)

3. Any complaint alleging COE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222).

[\(cf. 5146 - Married/Pregnant/Parenting Students\)](#)

4. Any complaint alleging COE noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, as defined in Education Code 49010 (5 CCR 4610).

[\(cf. 3260 - Fees and Charges\)](#)  
[\(cf. 3320 - Claims and Actions Against the District\)](#)

[5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan \(Education Code 52075\)](#)

[\(cf. 0460 - Local Control and Accountability Plan\)](#)

[5.6](#) Any complaint, by or on behalf of any student who is a foster youth, alleging COE noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the COE's educational liaison to the student,

the award of credit for coursework satisfactorily completed in another ~~public~~ school, school transfer, or the grant of an exemption from ~~any additional Board-imposed~~ graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2).

[\(cf. 6173.1 - Education for Foster Youth\)](#)

~~67.~~ Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a or a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the COE after his/her second year of high school as defined in Education Code 51225.2, alleging COE noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another ~~public~~ school or the grant of an exemption from ~~any additional Board-imposed~~ graduation requirements (Education Code 51225.1, 51225.2).

[\(cf. 6173 - Education for Homeless Children\)](#)

[\(cf. 6173.2 - Education of Children of Military Families\)](#)

[\(cf. 6173.3 - Education for Juvenile Court School Students\)](#)

~~78.~~ Any complaint alleging COE noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3).

[\(cf. 6152 – Class Assignment\)](#)

~~9.8.~~ Any complaint alleging COE noncompliance with the physical education instructional minutes requirements for students in elementary school (Education Code 51210, 51223).

[\(cf. 6142.7 – Physical Education and Activity\)](#)

~~10.9.~~ Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy (5 CCR 4621).

~~10.11.~~ Any other complaint as specified in a County Board policy or a County Superintendent policy.

~~All complainants shall be protected from retaliation and the confidentiality of the parties involved shall be protected as required by law.~~

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints



that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The COE shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

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

The Superintendent or designee shall provide training to staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent policies and procedures.

(cf. 3580 – Records)

### **Non-UCP Complaints**

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the

appropriate law enforcement agency.

(cf. 5141.4 – Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

4.3. 2.——Any complaint alleging fraud shall be referred to the Legal Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

#### Legal References:

##### *EDUCATION CODE*

200-262.4 Prohibition of discrimination

222 Reasonable accommodations; lactating students

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

44500-44508 California Peer Assistance and Review Program for Teachers

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49013 Student fees

Policy Adopted: October 11, 2017 Proposed corrections: 08/13/2018

Sutter County Board of Education

Sutter County Superintendent of Schools

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49060-49079 Student records  
49069.5 Rights of parents  
49490-49590 Child nutrition programs  
[49701 Interstate Compact on Educational Opportunity for Military Children](#)  
51210 Courses of study grades 1-6  
51223 Physical education, elementary schools  
51225.1-51225.2 Foster youth, ~~and~~ homeless children, [former juvenile court school students and military connected students;](#) course credits; graduation requirements  
[51226-51226.1 Career technical education](#)  
51228.1-51228.3 Course periods without educational content  
52060-52077 Local control and accountability plan, especially  
52075 Complaint for lack of compliance with local control and accountability plan requirements  
52160-52178 Bilingual education programs  
52300-52490 Career technical education  
52500-52616.24 Adult schools  
~~52800-52870 School-based program coordination~~  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process

*GOVERNMENT CODE*

11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act\_

[HEALTH AND SAFETY CODE](#)

[104420 Tobacco-Use Prevention Education](#)

*PENAL CODE*

422.55 Hate crime; definition  
422.6 Interference with constitutional right or privilege\_

[CODE OF REGULATIONS, TITLE 2](#)

[11023 Harassment and discrimination prevention and correction](#)

*CODE OF REGULATIONS, TITLE 5*

3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

*UNITED STATES CODE, TITLE 20*

1221 Application of laws

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1232g Family Educational Rights and Privacy Act  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6577 Title I basic programs  
6801-6871 Title III language instruction for limited English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs  
12101-12213 Title II equal opportunity for individuals with disabilities

*UNITED STATES CODE, TITLE 29*

794 Section 504 of Rehabilitation Act of 1973

*UNITED STATES CODE, TITLE 42*

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
6101-6107 Age Discrimination Act of 1975

*CODE OF FEDERAL REGULATIONS, TITLE 28*

35.107 Nondiscrimination on basis of disability; complaints

*CODE OF FEDERAL REGULATIONS, TITLE 34*

99.1-99.67 Family Educational Rights and Privacy Act  
100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex  
110.25 Notification of nondiscrimination on the basis of age

*Management Resources:*

[CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS](#)

[Sample UCP Board Policies and Procedures](#)

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
Dear Colleague Letter: Title IX Coordinators, April 2015

~~[Questions and Answers on Title IX and Sexual Violence, April 2014](#)~~

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

~~[Dear Colleague Letter: Sexual Violence, April 2011](#)~~

Dear Colleague Letter: Harassment and Bullying, October 2010

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

*U.S. DEPARTMENT OF JUSTICE PUBLICATIONS*

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

*WEB SITES*

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Policy Adopted: October 11, 2017 [Proposed corrections: 08/13/2018](#)

Sutter County Board of Education  
Sutter County Superintendent of Schools

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

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

U.S. Department of Justice: <http://www.justice.gov>

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Series 1000 – Community Relations

### Uniform Complaint Procedures (UCP)

Except as the Governing Board may otherwise specifically provide in other county policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning Employees)  
(cf. 1312.2 - Complaints Concerning Instructional Materials)  
(cf. 1312.4 - Williams Uniform Complaint Procedures)  
(cf. 4030 - Nondiscrimination in Employment)

### Compliance Officers

The County Office designates the individual(s) identified below as the employee(s) responsible for coordinating the county's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure county compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)

Human Resources Director

~~Superintendent, Educational Services~~

970 Klamath Lane  
Yuba City, CA 95993  
(530) 822-2900

~~Director – Student Services Asst.~~

970 Klamath Lane  
Yuba City, CA 95993  
(530) 822-2900

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 – Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent or the Superintendent's designee to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the County Office issues its final written decision, whichever occurs first.

### Notifications

The County's UCP policy and administrative regulation shall be posted in all county office-locations, including staff lounges. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the County's UCP, to students, employees, parents/guardians, advisory committees, appropriate private school officials or representatives, and other interested parties. The notification shall includeing information regarding prohibition of discrimination, harassment, intimidation and bullying; unlawful student fees; local control and accountability plan (LCAP) requirements; and requirements related to the educational rights of foster youth, homeless students, ~~and former juvenile court school students, and children of military families to students, employees, parents/guardians, school advisory committees, appropriate private school officials or representatives, and other interested parties.~~—(Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf 1220 – Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

(cf 4112.9/4212.9/4312.9 – Employee Notifications)



(cf. 5145.6 - Parental Notifications)  
(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 – Education for Children of Military Families)  
(cf. 6173.3 - Education for Juvenile Court School Students)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
  - a. The county office has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, staff shall assist him/her in the filing of the complaint.
  - e. If a complaint is not filed in writing but the county office receives notice of any allegation that is subject to the UCP, the county office shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination (such as



discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, the county office will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the schools educational program, including curricular and extracurricular activities.

g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the COE liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the COE and another district.

i. A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into a county high school shall be notified of the COE's responsibility to:

(1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

(2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

(3) If the student has completed his/her second year of high school before the transfer, provide the student information about county-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

j. The complainant has a right to appeal the COE's decision to CDE by filing a written appeal within 15 calendar days of receiving the COE's decision.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with CDE in the same manner as the complainant, if he/she is dissatisfied with the COE's decision.

k. The appeal to CDE must include a copy of the complaint filed with the county office and a copy of the COE's decision.

l. Copies of the county office UCP are available free of charge.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the County web site and may be provided through county-supported social media, if available.

(cf. 1113 - District and School Web Sites)  
(cf. 1114 – District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the county's policy, regulation, forms, and notices concerning the UCP.

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).

~~4. Include statements that:~~

- ~~a. The County Office has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.~~
- ~~b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.~~
- ~~c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.~~
- ~~d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, County staff shall assist him/her in the filing of the complaint.~~
- ~~e. If a complaint is not filed in writing but the County receives notice of any allegation that is subject to the UCP, the County Office shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.~~
- ~~— If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, the County will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.~~
- ~~f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the county's educational program, including curricular and extracurricular activities.~~

~~Series 1000 Community Relations AR 1312.3~~

- ~~g.—The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.~~
- ~~h.—A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the county liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between districts.~~
- ~~i.—A foster youth, homeless student, or former juvenile court school student who transfers into a district high school or between district high schools as applicable shall be notified of the county's responsibility to:~~
- ~~(1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed~~
  - ~~(2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency~~
  - ~~(3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1~~
- ~~j.—The complainant has a right to appeal the county's decision to the CDE by filing a written appeal within 15 calendar days of receiving the county's decision.~~
- ~~In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the county's decision.~~
- ~~k.—The appeal to the CDE must include a copy of the complaint filed with the County office and a copy of the county's decision.~~
- ~~l.—Copies of the county's UCP are available free of charge.~~

~~Series 1000—Community Relations—AR—1312.3~~

## County Office Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the county's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the County Office shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

All complaints shall be protected from retaliation.

## Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, County office staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging county office violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board Policy (item #1 of the section "Complaints Subject to UCP" may be filed by an individual, public agency, or organization. ~~adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization.~~ (5 CCR 4630)

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the county's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the County office shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

### **Mediation**

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

**Before initiating the mediation of a complaint alleging retaliation or unlawful**

discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the county's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the County office shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the County office shall then continue with subsequent steps specified in this administrative regulation.

### **Investigation of Complaint**

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the County's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in

the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the County's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the County office shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the county to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

### **Report of Findings**

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the ~~district's~~ initial receipt of the complaint by the county office or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the county's decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

### **Final Written Decision**

The County's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)



In consultation with legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the county's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the County office shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. ~~How~~ The manner in which the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The relationship between the alleged victim(s) and offender(s)
  - d. The number of persons engaged in the conduct and at whom the conduct was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
  - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the County's decision to the CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the County's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal

with the CDE. (Education Code 262.3)

2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

### **Corrective Actions**

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or County environment may include, but are not limited to, actions to reinforce County office policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the County office shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The County office may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the county does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the County office shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the County shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

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## Appeals to the California Department of Education

Any complainant who is dissatisfied with the County's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the County's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the County's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the County's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant or respondent has appealed the ~~district's~~ decision of the county office, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the County office, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the County's uniform complaint procedures
7. Other relevant information requested by the CDE

## Nondiscrimination in Programs and Activities

The Governing Board is committed to providing equal opportunity for all individuals in education. County programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, [immigration status](#), ethnic group identification, [ethnicity](#), age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4032 - Reasonable Accommodation)
- (cf. 4033 - Lactation Accommodation)
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
- (cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
- (cf. 5131.2 - Bullying)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)
- (cf. 5146 - Married/Pregnant/Parenting Students)
- (cf. 6145 - Extracurricular and Cocurricular Activities)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education Under Section 504)
- (cf. 6178 - Career Technical Education)
- (cf. 6200 - Adult Education)

All individuals shall be treated equitably in the receipt of services. Personally identifiable information collected in the implementation of any program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the county shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

(cf. 3540 - Transportation)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5145.13 - Response to Immigration Enforcement)

Series 0000 – Philosophy, Goals, Objectives and Comprehensive Plans ~~BP 0410~~

County programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Annually, the Superintendent or designee shall review county programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing county programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

(cf. 1330 - Use of Facilities)

All allegations of unlawful discrimination in county programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the county's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted at the county schools office and other prominent locations and shall be posted on the County's web site and, when available, county-supported social media.

(cf. 1113 - **District** and School Web Sites)

(cf. 5145.6 - Parental Notifications)

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

The county's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

*Series 0000 – Philosophy, Goals, Objectives and Comprehensive Plans*      ~~BP 0410~~

### **Access for Individuals with Disabilities**

County programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

(cf. 6163.2 - Animals at School)

The Superintendent or designee shall ensure that the County provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, note takers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

(cf. 6020 - Parent Involvement)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the county's response to complaints and for complying with state and federal civil rights laws is hereby designated as the County's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to county programs, services, activities, or facilities.

Human Resources Director  
Sutter County Superintendent of Schools  
970 Klamath Lane, Yuba City, CA 95993  
(530) 822-2900

Legal References:

#### *EDUCATION CODE*

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

#### *GOVERNMENT CODE*



11000 Definitions  
11135 Nondiscrimination in programs or activities funded by state  
11138 Rules and regulations  
12900-12996 Fair Employment and Housing Act  
54953.2 Brown Act compliance with Americans with Disabilities Act

*PENAL CODE*

422.55 Definition of hate crime  
422.6 Interference with constitutional right or privilege

*CODE OF REGULATIONS, TITLE 5*

4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

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*UNITED STATES CODE, TITLE 20*

1400-1482 Individuals with Disabilities in Education Act  
1681-1688 Discrimination based on sex or blindness, Title IX  
2301-2415 Carl D. Perkins Vocational and Applied Technology Act  
6311 State plans  
6312 Local education agency plans

*UNITED STATES CODE, TITLE 29*

794 Section 504 of the Rehabilitation Act of 1973

*UNITED STATES CODE, TITLE 42*

2000d-2000d-7 Title VI, Civil Rights Act of 1964  
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
2000h-2000h-6 Title IX  
12101-12213 Americans with Disabilities Act

*CODE OF FEDERAL REGULATIONS, TITLE 28*

35.101-35.190 Americans with Disabilities Act  
36.303 Auxiliary aids and services

*CODE OF FEDERAL REGULATIONS, TITLE 34*

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI  
104.1-104.39 Section 504 of the Rehabilitation Act of 1973  
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:  
106.9 Dissemination of policy

Management Resources:

*CSBA PUBLICATIONS*

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students  
Against Sex Discrimination, July 2016

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014  
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

*CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
PUBLICATIONS*

California Law Prohibits Workplace Discrimination and Harassment

*Series 0000 – Philosophy, Goals, Objectives and Comprehensive Plans* BP 0410

*U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS*  
Examples of Policies and Emerging Practices for Supporting Transgender Students,  
May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Electronic Book Readers, June 29, 2010

Notice of Non-Discrimination, January 1999

Protecting Students from Harassment and Hate Crime, January 1999

Nondiscrimination in Employment Practices in Education, August 1991

*U.S. DEPARTMENT OF JUSTICE PUBLICATIONS*

2010 ADA Standards for Accessible Design, September 2010

Accessibility of State and Local Government Websites to People with Disabilities, June 2003

*WORLD WIDE WEB CONSORTIUM PUBLICATIONS*

Web Content Accessibility Guidelines, December 2008

*WEB SITES*

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

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

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

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

Pacific ADA Center: <http://www.adapacific.org>

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

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

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:

<http://www.ada.gov>

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

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

BOARD AGENDA ITEM: First Reading – Board Policy and AR

BOARD MEETING DATE: September 12, 2018

AGENDA ITEM SUBMITTED FOR:

PREPARED BY:

Action

Christine McCormick

Reports/Presentation

SUBMITTED BY:

Information

Christine McCormick

Public Hearing

PRESENTING TO BOARD:

Other (specify)

Christine McCormick

BACKGROUND AND SUMMARY INFORMATION:

The following policies are being presented for a first reading to the Board.

- 3512 AR - Equipment
- 3230 BP & B/AR – Federal Grant Funds

**Policies and Regulations Manual**  
**Sutter County Board of Education**

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*Series 3000 – Business and Noninstructional Operations*

**EQUIPMENT**

Equipment shall be used primarily for educational purposes and/or to conduct school business. The Superintendent or designee shall ensure that all employees, students, and other users understand the appropriate use of equipment and that any misuse may be cause for disciplinary action or loss of user privilege.

(cf. 0440 - District Technology Plan)  
(cf. 3515.4 - Recovery for Property Loss or Damage)  
(cf. 3540 - Transportation)  
(cf. 3551 - Food Service Operations/Cafeteria Fund)  
(cf. 4040 - Employee Use of Technology)  
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)  
(cf. 5142 - Safety)  
(cf. 5144 - Discipline)  
(cf. 6000 - Concepts and Roles)  
(cf. 6163.4 - Student Use of Technology)  
(cf. 6171 - Title I Programs)

School-connected organizations may be granted reasonable use of the equipment for school-related matters as long as it does not interfere with the use by students or employees or otherwise disrupt school operations.

(cf. 1230 - School-Connected Organizations)  
(cf. 1330 - Use of School Facilities)

The Superintendent or designee shall approve the transfer of any equipment from one work site to another and the removal of any equipment for off-site use. When any equipment is taken off site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

Employees transferred to another work site shall take with them only those personal items that have been purchased with their own funds unless otherwise authorized by the Superintendent or designee or applicable Board policy.

The Superintendent or designee shall maintain an inventory of all equipment currently valued in excess of \$500. (Education Code 35168; 5 CCR 3946)

(cf. 3440 - Inventories)

When equipment is unusable or is no longer needed, it may be sold, donated, or disposed of in accordance with Education Code 17540-17555 or 2 CFR 200.313, as applicable.

**Policies and Regulations Manual  
Sutter County Board of Education**

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*Series 3000 – Business and Noninstructional Operations*

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

Equipment Acquired with Federal Funds

The Superintendent or designee shall obtain prior written approval from the California Department of Education or other awarding agency before purchasing equipment with federal funds. (2 CFR 200.48, 200.313, 200.439)

(cf. 3230 - Federal Grant Funds)

(cf. 3300 - Expenditures and Purchases)

All equipment purchased for federal programs funded through the consolidated application pursuant to Education Code 64000-64001 shall be labeled with the name of the project, identification number, and name of the county office. (2 CFR 200.313; 5 CCR 3946)

For any equipment acquired in whole or in part with federal funds, the Superintendent or designee shall develop adequate maintenance procedures to keep the property in good condition. He/she shall also develop adequate safeguards to prevent loss, damage, or theft of the property and shall investigate any loss, damage, or theft. (2 CFR 200.313) The purchases will adhere to procurement methods as outlined in CFR 200.320.

(cf. 3530 - Risk Management/Insurance)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. The equipment may be used in other activities currently or previously supported by a federal agency when such use does not interfere with the work on the project or program for which it was originally acquired or when use of the equipment is no longer needed for the original program. (2 CFR 200.313)

Legal Reference:

EDUCATION CODE

17540-17542 Sale or lease of personal property by one district to another

17545-17555 Sale of personal property

17605 Delegation of authority to purchase supplies and equipment

35160 Authority of governing boards

35168 Inventory of equipment

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal

**Policies and Regulations Manual**  
**Sutter County Board of Education**

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*Series 3000 – Business and Noninstructional Operations*

consolidated application funds  
4424 Comparability of services  
16023 Class 1 - Permanent records  
UNITED STATES CODE, TITLE 20  
6321 Fiscal requirements  
CODE OF FEDERAL REGULATIONS, TITLE 2  
200.0-200.521 Federal uniform grant guidance

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
California School Accounting Manual

WEB SITES

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

Office of Management and Budget: <https://www.whitehouse.gov/omb>

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***Series 3000 – Federal Grant Funds***

**Business and Noninstructional Operations**

The Sutter County Board of Education recognizes the county schools office responsibility to maintain fiscal integrity and transparency in the use of all funds awarded through federal grants. The county schools office shall comply with all requirements detailed in any grant agreement with an awarding agency and with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in 2 CFR 200.0-200.521 and any stricter state laws and county schools office policy.

Any goods or services purchased with federal funds shall be reasonable in cost and necessary for the proper and efficient performance or administration of the program.

The Superintendent or designee shall ensure that the county's financial management systems and procedures provide for the following: (2 CFR 200.302)

1. Identification in county schools office accounts of each federal award received and expended and the federal program under which it was received

(cf. 3100 - Budget)

2. Accurate, current, and complete disclosure of the financial and performance results of each federal award or program in accordance with the reporting requirements of 2 CFR 200.327 and 200.328

(cf. 3460 - Financial Reports and Accountability)

3. Records and supporting documentation that adequately identify the source and application of funds for federally funded activities, including information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest

(cf. 1340 - Access to County Records)

(cf. 3580 - County Records)

4. Effective controls and accountability for all funds, property, and other assets and assurance that all assets are used solely for authorized purposes

5. Comparison of actual expenditures with budgeted amounts for each federal award

6. Written procedures to implement provisions governing payments as specified in 2 CFR 200.305

7. Written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award

(cf. 3400 - Management of County Assets/Accounts)

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***Series 3000 – Federal Grant Funds***

The Superintendent or designee shall develop and implement appropriate internal control processes to reasonably assure that transactions are properly executed, recorded, and accounted for so that the county schools office can prepare reliable financial statements and federal reports, maintain accountability over assets, and demonstrate compliance with federal laws, regulations, and conditions of the federal award. (2 CFR 200.61, 200.62, 200.303)

Equipment purchased with federal funds shall be properly inventoried and adequately maintained to safeguard against loss, damage, or theft of the property.

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

(cf. 3440 - Inventories)

(cf. 3512 - Equipment)

All staff involved in the administration or implementation of programs and activities supported by federal funds shall receive information and training on the allowable use of federal funds, purchasing procedures, and reporting processes commensurate with their duties.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The county schools office shall submit performance reports to the awarding agency in accordance with the schedule and indicators required for that federal grant by law and the awarding agency. As required, such reports may include a comparison of actual accomplishments to the objectives of the federal award, the relationship between financial data and performance accomplishments, the reasons that established goals were not met if applicable, cost information to demonstrate cost effective practices, analysis and explanation of any cost overruns or high unit costs, and other relevant information. The final performance report shall be submitted within 90 days after the ending date of the grant. (2 CFR 200.301, 200.328)

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

**Legal Reference:**

**EDUCATION CODE**

42122-42129 Budget requirements

**CODE OF FEDERAL REGULATIONS, TITLE 2**

180.220 Amount of contract subject to suspension and debarment rules

200.0-200.521 Federal uniform grant guidance, especially:

200.1-200.99 Definitions

200.100-200.113 General provisions

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Policy Approved:

Sutter County Board of Education



***Series 3000 – Federal Grant Funds***

200.317-200.326 Procurement standards  
200.327-200.329 Monitoring and reporting  
200.333-200.337 Record retention  
200.400-200.475 Cost principles  
200.500-200.521 Audit requirements  
CODE OF FEDERAL REGULATIONS, TITLE 34  
76.730-76.731 Records related to federal grant programs  
CODE OF FEDERAL REGULATIONS, TITLE 48  
2.101 Federal acquisition regulation; definitions

**Management Resources:**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**  
California Department of Education Audit Guide  
California School Accounting Manual  
**EDUCATION AUDIT APPEALS PANEL PUBLICATIONS**  
Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting  
**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**  
Questions and Answers Regarding 2 CFR Part 200, March 17, 2016  
**WEB SITES**  
California Department of Education: <http://www.cde.ca.gov>  
Education Audit Appeals Panel: <http://www.eaap.ca.gov>  
Office of Management and Budget, Uniform Guidance:  
[https://www.whitehouse.gov/omb/grants\\_docs](https://www.whitehouse.gov/omb/grants_docs)  
State Controller's Office: <http://www.sco.ca.gov>  
System for Award Management (SAM): [www.sam.gov/portal/SAM/##11](http://www.sam.gov/portal/SAM/##11)  
U.S. Department of Education: <http://www.ed.gov>  
U.S. Government Accountability Office: <http://www.gao.gov>

*Series 3000 – Federal Grant Funds*

**Business and Noninstructional Operations**

To ensure the lawful expenditure of any federal formula or discretionary grant funds awarded to the county schools office, the Superintendent or designee shall comply with the requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the "Uniform Guidance"), as contained in 2 CFR 200.0-200.521 and Appendices I-XII.

Allowable Costs

Prior to obligating or spending any federal grant funds, the Superintendent or designee shall determine whether a proposed purchase is an allowable expenditure in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the award. He/she shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be allocated to the federal grant.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

Period of Performance

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 90 days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant. (2 CFR 200.77, 200.308, 200.309, 200.343)

Procurement

When procuring goods and services with a federal grant, the Superintendent or designee shall comply with the standards contained in 2 CFR 200.317-200.326 and Appendix II of Part 200, or with any applicable state law or county office procurement policy that is more restrictive.

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

*Series 3000 – Federal Grant Funds*

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and county schools office regulations and the following requirements:

1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold specified in 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that the county schools office considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases. (2 CFR 200.67, 200.320)

2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit required by Public Contract Code 20111, the Superintendent or designee shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources. (2 CFR 200.320)

3. Contracts for goods or services over the bids limits required by Public Contract Code 20111 shall be awarded pursuant to California law and B/AR 3311 - Bids, unless exempt from bidding under the law.

(cf. 3311 - Bids)

4. If a purchase is exempt from bidding and the county schools office solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered. (2 CFR 200.320)

(cf. 3312 - Contracts)

5. Procurement by noncompetitive proposals (sole sourcing) may be used only when the item is available exclusively from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole sourcing in response to the county schools office request, and/or competition is determined inadequate after solicitation of a number of sources. (2 CFR 200.320)

6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract for which the cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit. (200.328)

For any purchase of \$25,000 or more, the Superintendent or designee shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government. (2 CFR 180.220, 200.213)

All solicitations shall incorporate a clear and accurate description of the technical

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requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall identify all requirements which the offer must fulfill and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

The Superintendent or designee shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price. (2 CFR 200.318)

The Superintendent or designee shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (2 CFR 200.326)

**Capital Expenditures**

The Superintendent or designee shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. (2 CFR 200.12, 200.13, 200.20, 200.33, 200.48, 200.58, 200.89, 200.313, 200.439)

**Conflict of Interest**

No Governing Board member, county schools office employee, or county schools office representative shall participate in the selection, award, or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest, such as when he/she or a member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of them has a financial interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value. (2 CFR 200.318)

Employees engaged in the selection, award, and administration of contracts shall also comply with BB 9270 - Conflict of Interest.

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(cf. 9270 - Conflict of Interest)

Cash Management

The Superintendent or designee shall ensure the county schools office compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to the county schools office and the county schools office disbursement of funds. (2 CFR 200.305)

When authorized by law, the county schools office may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate cash requirements of the county schools office for carrying out the purpose of the program or project. Except under specified conditions, the county schools office shall maintain the advance payments in an interest-bearing account. The county schools office shall remit interest earned on the advanced payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses. (2 CFR 200.305)

When required by the awarding agency, the county schools office instead submit a request for reimbursement of actual expenses incurred. The county schools office may also request reimbursement as an alternative to receiving advance payments. (2 CFR 200.305)

The Superintendent or designee shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

Personnel

All county schools office employees who are paid in full or in part with federal funds, including employees whose salary is paid with state or local funds but is used to meet a required match or in-kind contribution to a federal program, shall document the amount of time they spend on grant activities. (2 CFR 200.430)

Records

Except as otherwise provided in 2 CFR 200.333, or where state law or county schools office policy requires a longer retention period, financial records, supporting documents, statistical records, and all other county schools office records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. (2 CFR 200.333)

(cf. 1340 - Access to Records)

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(cf. 3580 - County Records)

**Audits**

Whenever the county schools office expends \$750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514. (2 CFR 200.501)

The Superintendent or designee shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by the county schools office shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (2 CFR 200.512)

In the event that the audit identifies any deficiency, the Superintendent or designee shall promptly act to either correct the identified deficiency, produce recommended improvements, or demonstrate that the audit finding is invalid or does not warrant action. (2 CFR 200.26, 200.508, 200.511)

BOARD AGENDA ITEM: Tort Claim – Closed Session – Action Taken

BOARD MEETING DATE: September 12, 2018

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Barbara Henderson

SUBMITTED BY:

Dr. Baljinder Dhillon

PRESENTING TO BOARD:

Barbara Henderson

BACKGROUND AND SUMMARY INFORMATION:

Liability Claims (Government Code §§ 54954.5 and 54956.95)

Claim Numbers: TC18-19-I and TC1819-II

Agency Claimed Against: Sutter County Superintendent of Schools