



# *fresno county board of education*

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Trustee Area 1  
Kimberly Tapscott-Munson

Trustee Area 2  
Mike Robinson

Trustee Area 3  
Daren A. Miller

Trustee Area 4  
Dr. Marcy Masumoto

Trustee Area 5  
Dr. Allen Clyde

## **MEETING**

### **October 15, 2020**

### **1:30 p.m.**



Jim A. Yovino  
Ex-Officio Secretary and Executive Officer

# *Opening Ceremony*

# *Agenda*



# fresno county board of education

Trustee Area 1      Trustee Area 2      Trustee Area 3      Trustee Area 4      Trustee Area 5  
Kimberly Tapscott-Munson      Mike Robinson      Daren A. Miller      Dr. Marcy Masumoto      Dr. Allen Clyde

## AGENDA October 15, 2020

Pursuant to Executive Orders N-25-20 and N-29-20, this meeting will held electronically at 1:30 p.m.  
For Public Access, See Instructions Below  
Fresno County Office of Education  
1111 Van Ness Avenue  
Fresno, California 93721

**PLEASE NOTE: For public access instructions and opportunities for public comments, please contact Dr. Kathryn Catania at [kcatania@fcoe.org](mailto:kcatania@fcoe.org) or (559) 265-3090 by 12:00 PM on October 15, 2020. Dr. Catania will respond with further instructions.**

**In compliance with the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof, any individual with a disability who requires reasonable accommodation to access the Board's meeting room or to otherwise participate at the meeting, including auxiliary aids or interpreter services, is to contact Angela Bowlin, administrative assistant to the Board, at (559) 265-3090 at least two business days before the meeting.**

**Public records relating to an open session item that are distributed to all or a majority of the Board members prior to a Board meeting are available for public inspection at the Fresno County Office of Education, 1111 Van Ness Avenue, Fresno, California during normal business hours. Open session proceedings are audio recorded and such recording is kept in accordance with Board Bylaws 9324.**

### A. OPENING CEREMONY

#### **President Robinson**

1. Call Meeting to Order
2. Flag Salute
3. Roll Call – Establish Quorum

### B. ADOPT AGENDA

Agenda for October 15, 2020 Board Meeting

### C. APPROVAL OF MINUTES

Minutes for September 17, 2020 Board Meeting

### D. EMPLOYEE OF THE MONTH

The Employee of the Month recognition has been postponed.

### E. RECOGNITION

There will be no Superintendent's Superstar presentation.

### F. RECESS

There will be no recess.

### G. COMMUNITY INPUT

The public may address the Board pursuant to established procedures. No action shall be taken pursuant to California Government Code section 54954.3. Individual speakers shall be allowed three minutes to address the Fresno County Board of Education per Board Bylaw 9323.



H. PUBLIC HEARING

There are no public hearings.

I. REPORTS/INFORMATION

Educational Services  
**Dr. Kathryn Catania**

1. Report/Information on Fresno County Superintendent of Schools Summary Report of LCAP and Differentiated Assistance Support.

Legal Services  
**Jason C. Parkin**

2. Report on First Reading of Amended Superintendent and Board Policy No. 1312.3.

Legal Services  
**Jason C. Parkin**

3. Report on First Reading of Board Policies: Classification – Instruction, 6000s.

J. ACTION ITEMS

Educational Services  
**Dr. Kathryn Catania**  
**Dr. Jeffrey Hunt**

1. Consider Adoption of Resolution No. 2020-17 regarding Crescent View West Public Charter Material Revision.

Educational Services  
**Dr. Kathryn Catania**  
**Dr. Jeffrey Hunt**

2. Consider Approval of Amendment. No. 2 to MOU with Crescent View West Public Charter, Inc.

Educational Services  
**Dr. Kathryn Catania**

3. Consider Adoption of Resolution No. 2020-18 regarding Crescent View West Public Charter Renewal Petition (July 1, 2021 – June 30, 2026).

Educational Services  
**Dr. Kathryn Catania**

4. Consider Adoption of Court & Community Schools' New Curriculum Adoption 2020-21.

Business Services  
**Kevin Otto**

5. Consider Adoption of Resolution No. 2020-14, regarding Actual Appropriations Limit for 2019-20 and the Estimated Appropriations Limit for 2020-21 Fiscal Year.

Business Services  
**Kevin Otto**

6. Consider Adoption of Resolution No. 2020-15, regarding the Exception to the 180-Day Wait Period for Vicente Ortega. (Government Code Section 7522.56)

Business Services  
**Kevin Otto**

7. Consider Adoption of Resolution No. 2020-16, regarding the Exception to the 180-Day Wait Period for Richard Thaxton. (Government Code Section 7522.56)

Administration  
**Superintendent Yovino**

8. Consider Adoption of Resolution No. 2020-19, - Anti-Bullying Toward Sikh Americans.

Administration  
**Superintendent Yovino**

9. Consider Adoption of Resolution No. 2020-20 – Sikh American Awareness and Appreciation Month, November.

Legal Services  
**Jason C. Parkin**

10. Second Reading and Consideration of Adoption of New and Amended Superintendent and Board Policies: Classification – Students, 5000s.

Legal Services  
**Jason C. Parkin**

11. Consider Repeal of Specified Board Policies: Classification – Students, 5000s.

K. CLOSED SESSION

There are no closed session items.

L. TRUSTEE ACTIVITIES

1. Travel Requests - Consider approval of travel requests by Board members.
2. Travel Expenses and Reimbursements – Consider Approval of Travel Expenses and Reimbursements of Board members.
3. Receipt of Correspondence.
4. Comments by Board Members.

M. SUPERINTENDENT'S REPORT

**Administration**

Superintendent Jim Yovino

N. FUTURE AGENDA ITEMS

O. NEXT MEETING

The next regular Board meeting will be held on November 19, 2020 at 1:30 p.m., electronically, Fresno County Office of Education, 1111 Van Ness Avenue, Fresno, CA 93721.

P. ADJOURNMENT

/ab

# *Minutes*



# fresno county board of education

Trustee Area 1      Trustee Area 2      Trustee Area 3      Trustee Area 4      Trustee Area 5  
Kimberly Tapscott-Munson      Mike Robinson      Daren A. Miller      Dr. Marcy Masumoto      Dr. Allen Clyde

## MINUTES

**September 17, 2020**

### A. OPENING CEREMONY

- 1. Call Meeting to Order.** President Robinson called the meeting to order at 4:02 p.m.
- 2. Flag Salute.** The pledge of allegiance was recited.
- 3. Roll Call – Establish Quorum.** Members present: President Robinson, Member Clyde, Vice President Masumoto, Member Miller, and Member Kimberly Tapscott-Munson. A quorum was established.
- 4. Inspirational Reading.** No presentation of an inspirational reading.

County Superintendent and Staff Present: Jim A. Yovino, Fresno County Superintendent of Schools, and Ex-Officio Officer and Executive Officer of the Board; Dr. Kathryn Catania, Deputy Superintendent Educational Services; Kevin Otto, Deputy Superintendent Business Services; Jason Parkin, General Counsel; and Angela Bowlin, Administrative Assistant to the Board. Lisa Birrell, Public Relations Officer; was absent.

### B. ADOPT AGENDA

**Adopted Agenda for September 17, 2020 Board Meeting.** Motion to adopt agenda was made by Member Tapscott-Munson, seconded by Vice President Masumoto; motion carried by the following roll call vote:

President Robinson – Yes  
Member Clyde – Yes  
Vice President Masumoto - Yes  
Member Miller - Yes  
Member Tapscott-Munson – Yes

### C. APPROVAL OF MINUTES

**Approved Minutes for August 20, 2020 Board Meetings.** Motion to approve minutes was made by Member Tapscott-Munson, seconded by Vice President Masumoto; motion carried by the following roll call vote:

President Robinson – Yes  
Member Clyde – Yes  
Vice President Masumoto - Yes  
Member Miller - Yes  
Member Tapscott-Munson – Yes

### D. EMPLOYEE OF THE MONTH

The employee of the month presentation was postponed.

### E. RECOGNITION

The Superintendent's Superstar presentation was postponed.

### F. RECESS

There was no recess.

### G. COMMUNITY INPUT

**Received community input from Jasmine Levia – Power California.org, Katie Moua – Hmong Innovating Politics, and Eva Ruiz – CTA Board of Directors regarding endorsement of Proposition 15.**

## H. REPORTS/INFORMATION

1. Kevin Gordon from Capital Advisors Group, LLC provided information regarding the potential effect/impact of Proposition 15 on public schools and the programs of the County Superintendent and County Board.
2. Report on First Reading of Board Policies: Classification – Students, 5000's.

## I. PUBLIC HEARING

1. Held Public Hearing for Crescent View West Charter High School Material Revision dated August 2020 to current petition (July 1, 2016 – June 30, 2021). The public hearing was called to order at 4:48 p.m. Received comments from Shellie Hanes – Lead Petitioner/Learn for Life, Rafael Aguilar-Site Administrator in Mendota, and Clare Crawford - In the Public Interest. The public hearing was closed at 5:01 p.m.
2. Held Public Hearing for Crescent View West Charter High School Petition Renewal for the term (July 1, 2021 – June 30, 2026). The public hearing was called to order at 5:02 p.m. Received comments from Sarah Luna-Principal Crescent View charter, Arturo De Los Santos – Parent, Marina De Los Santos – Student, Joseph Amador – Retired Law Enforcement Officer, Clare Crawford – In the Public Interest and Shellie Hanes – Lead Petitioner Learn for Life. The public hearing was closed at 5:18 p.m.
3. Held Public Hearing in the matter regarding Sufficiency or Insufficiency of Instructional Materials of the Fresno County Superintendent of Schools Court Schools and Special Education Programs. The public hearing was called to order at 5:19 p.m. There were no comments from the public. The public hearing was closed at 5:20 p.m.

## J. ACTION ITEMS

1. **No Action Was Taken in Support of Resolution No. 2020-13, in opposition to, or remaining neutral on Proposition 15. Motion to support Proposition 15 was made by Member Miller. No member seconded the motion. No other motions were made. No action was taken by the Board.**
2. **Approved the Learning Continuity and Attendance Plan.** Motion to approve was made by Member Miller; seconded by Member Tapscott-Munson; motion carried by the following roll call vote:
  - President Robinson – Yes
  - Member Clyde – Yes
  - Vice President Masumoto - Yes
  - Member Miller - Yes
  - Member Tapscott-Munson – Yes
3. **Adopted Resolution No. 2020-11, in the matter regarding Sufficiency or Insufficiency of Instructional Materials of the Fresno County Superintendent of Schools Court Schools and Special Education Programs with the correction to Daren Miller's name on the resolution.** Motion to adopt with the correction was made by Member Tapscott-Munson; seconded by Member Miller; motion carried by the following roll call vote:
  - President Robinson – Yes
  - Member Clyde – Yes
  - Vice President Masumoto - Yes
  - Member Miller - Yes
  - Member Tapscott-Munson – Yes

4. **Adopted Resolution No. 2020-12, Proclamation for Recognition of the Week of September 6-12, 2020 as Suicide Prevention Week.** Motion to adopt was made by Member Tapscott-Munson; seconded by Vice President Masumoto; motion carried by the following roll call vote:  
President Robinson – Yes  
Member Clyde – Yes  
Vice President Masumoto – Yes  
Member Miller – Yes  
Member Tapscott-Munson – Yes

K. CLOSED SESSION

There were no closed session items.

L. TRUSTEES ACTIVITIES

1. **Approval of Travel Requests by Board Members.**
2. **Approved Travel Expenses & Reimbursements.** There were no travel expenses or reimbursements submitted.
3. **Receipt of Correspondence.**
  - **Member Miller:**
    - Received letter from Ms. Crawford
    - Emails regarding Prop 15 from various members of the community
4. **Comments by Board Members.**
  - **Member Tapscott-Munson:**
    - Thanked the board for the flowers
    - Had a conversation with Jim Yovino about West Park Charter
  - **Vice President Masumoto:**
    - Kuddos to the team on the quality of All Staff Day being held virtually
    - Fresno County School Trustees Association event on 9/29/20 – encouraged members to register
    - CCBE Updates
  - **Member Miller:**
    - CCBE Conference – well worth the time
    - Expressed disappointment that Board did not take a position regarding Proposition 15
    - Public needs access to more board meeting information
    - Williams-Textbooks for children should allow for digital copies of books not just hard copies

M. SUPERINTENDENT'S REPORT

Superintendent Yovino reported on the following:

- COVID-19 Update
- Creek Fire Updates – FCSS heavily involved in supporting the families and communities

N. FUTURE AGENDA ITEMS

The following future agenda items were discussed:

- Second Reading and Action Item of Board Policies: Classification – Students, 5000's with requested changes
- Approval of Material Revision for Crescent View West Charter
- Approval of Charter Renewal for Crescent View West Charter

O. NEXT MEETING

The next regular Board meeting will be held pursuant to Executive Orders N-25-20 and N-29-20, this meeting will held electronically at 1:30 p.m. on October 15, 2020, Fresno County Office of Education.

P. ADJOURNMENT

Motion to adjourn meeting was made by Member Tapscott-Munson; seconded by Vice President Masumoto; motion carried out by the following roll call vote:

President Robinson – Yes

Member Clyde – Yes

Vice President Masumoto - Yes

Member Miller - Yes

Member Tapscott-Munson – Yes

The meeting was adjourned at 6:19 p.m.

/ab

*Employee of  
the Month*



# *Recognition*

*Recess*

# *Community Input*

# *Public Hearing*

# *Reports & Information*

## **INFORMATION**

<b>TOPIC</b>	Fresno County Superintendent of Schools Summary Report 2020-2021
<b>ISSUE</b>	The following plan to support districts in implementing LCAPS and Differentiated Assistance procedures and actions adheres to the provisions/requirements as required by California law.
<b>BACKGROUND</b>	Pursuant to California Ed Code 52066 (i) (1), Beginning with the 2018-19 fiscal year and in each fiscal year thereafter, a county superintendent of schools shall prepare a summary of how the county superintendent of schools plans to support school districts and schools within the county in the development and implementation of the LCAP and Differentiated Assistance processes and present the summary to the county board of education at the same public meeting where the LCAP is adopted.
<b>PRESENTER</b>	Kathryn Catania, Ed.D. Deputy Superintendent Educational Services 559.265.3090



## Fresno County Superintendent of Schools COE SUMMARY REPORT - 2020-2021

### Summary

The Office of the Fresno County Superintendent of Schools will support all districts and schools within Fresno County by:

- Supporting LEAs in the development of their LCAP and/or any additional required Annual Review plans through offering professional learning workshops and individual LEAs visits throughout the year.
- Providing the following no cost workshops and network meetings: LCAP and related plan development, State and Federal Programs Network, Counselor's Network, Assessment Network, CALPADS Network, Curriculum Network, CSI Collaborative, District Technology Leads Network, English Learner Network, Alternative Schools Network, and Illuminate Users Group.
- Providing data support, when requested, regarding the Dashboard and Dataquest data.
- Providing up to date communication (via email, our website, shared drives, and meetings) regarding the LCAP and related templates, LCFF requirements, Every Student Succeeds Act (ESSA), the State and Federal Accountability Systems and how they all interrelate as part of a continuous improvement cycle.
- Being available for consultation by phone, email, virtual platforms, and in person.

The Office of the Fresno County Superintendent of Schools will support districts identified for technical assistance by:

- Providing technical assistance through the Differentiated Assistance team which is comprised of members from the following departments: Differentiated Assistance, LCAP and Compliance, Assessments and Accountability, Curriculum and Instruction, Special Education, Student Intervention and Prevention, Pupil Personnel Services, Foster & Homeless Youth Education Services Program, and the Deputy Superintendent of Educational Services that includes:
  - A data deep dive and analysis of the problem
  - A Root Cause analysis
  - Designing a Theory of Action that will improve services to the student group(s) which provided eligibility for Differentiated Assistance
  - Testing improvement ideas through PDSA cycles and implementing Action Plans
- Offering to connect districts with other districts through a Networked Improvement Community (NIC) in order to work through the problem of practice together at an accelerated rate so that the best possible solutions can be generated for increasing student achievement for the student group that provided eligibility for Differentiated Assistance.

The following plan to support districts in implementing LCAPs adheres to the provisions/requirements of [Ed Code 52066](#).

**Goal One: Approve all LCAPs.**

Component	Objective	Metrics/Indicators	Action
<p><b>LCAP Support</b></p> <p>Completing the review of LCAPs submitted by school districts [<a href="#">Ed Code 52070</a>]</p>	<p><b>What are the objectives related to this goal?</b></p>	<p><b>How will you assess progress towards this goal?</b></p>	<p><b>What specific actions will help you achieve this goal?</b></p>
	<p><b>Approve all LCAPs, including fiscal components, no later than September 15th annually</b></p>	<p><i>Metric:</i> Review &amp; approval rate per reviewer</p> <p><i>Target:</i> Minimum approval rate of one per week per reviewer</p>	<ul style="list-style-type: none"> <li>• Provide updated LCFF/LCAP information and district team work time monthly from October through May each year</li> <li>• Provide opportunity and encourage LEAs to seek feedback on draft LCAPs from March through May for both fiscal and narrative portions</li> <li>• Assign specific reviewer as contact for each LEA for both fiscal and narrative reviewers</li> <li>• Maintain protocols for communication both "in-house" and with LEAs for this process, including both fiscal and narrative reviewers</li> </ul>
	<p><b>Monitor and adjust LCAP review process as needed</b></p>	<p><i>Metric:</i> Monitoring &amp; Communication spreadsheet</p> <p><i>Target:</i> LCAP review communication is logged daily</p>	<ul style="list-style-type: none"> <li>• Daily communication and meetings between lead and each reviewer</li> <li>• In person meeting between reviewer and lead prior to LCAP feedback (or approval) being sent to LEA</li> <li>• Each reviewer will keep the communication spreadsheet updated to reflect the current progress status daily</li> </ul>
<p><b>Provide professional learning opportunities to support districts in using the LCAP and Dashboard as continuous improvement tools</b></p>	<p><i>Metric:</i> Sign-in sheets; email logs; surveys</p> <p><i>Targets:</i> All districts participate or receive information</p>	<ul style="list-style-type: none"> <li>• Monitor registration for events and reach out to districts who don't have attendees to encourage attendance</li> <li>• Follow up with districts who were not able to attend to provide information and resources as well as a link to a recording of the event for their access at a later date</li> </ul>	



		Collect survey feedback on the quality of PL/PD offered	<ul style="list-style-type: none"> <li>Analyze and make adjustments as appropriate to the PL/PD in order to best meet the needs of the districts</li> </ul>
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**Goal Two: Utilize the cycle of continuous improvement to provide technical assistance to schools and districts based on need. Technical assistance is provided to districts who are identified as needing assistance as well as those that volunteer for assistance.**

Component	Objective	Metrics/ Indicators	Action
<b>Technical Assistance</b>	<b>What are the objectives related to this goal?</b>	<b>How will you assess progress towards this goal?</b>	<b>What specific actions will help you achieve this goal?</b>
<i>Providing technical assistance to school districts pursuant to subdivisions (a) and (b) of <a href="#">Ed Code 52071</a>.</i>	<b>Complete the Cycle of Improvement with each eligible district in a calendar year</b>	<i>Metric:</i> District Support Form  <i>Target:</i> Minimum number of intentional interactions for each eligible district will be 10 per year	<ul style="list-style-type: none"> <li>Superintendent will communicate eligibility to each district superintendent in person each December or when Dashboard is released</li> <li>DA department will make contact and set up initial meeting in January</li> <li>Each district will create individual plan for DA support each January and adjust as necessary throughout the year</li> <li>DA department will provide support to districts in addressing each step of their individual plan</li> <li>DA department will maintain District Coordination Log throughout the year</li> </ul>
	<b>Offer a variety of pathways in order to differentiate the assistance for each eligible district</b>	<i>Metric:</i> District Pathway List  <i>Target:</i> Each district will have an individually designed pathway by March of each year	<ul style="list-style-type: none"> <li>DA Team will meet with each district and present pathway offerings in January (offerings include NICs, individualized progress through the Improvement Science process, or uniquely designed support to meet the needs of the district)</li> <li>DA department and district will jointly decide which pathway is the best option for DA support</li> </ul>

**Goal Three: Provide support to all districts in implementing their LCAP.**

Component	Objective	Metrics/Indicators	Action
<p><b>Other Support</b>  <i>Providing any other support to school districts and schools within the county in implementing the provisions of <a href="#">Ed Code 52071</a>.</i></p>	<p><b>What are the objectives related to this goal?</b></p>	<p><b>How will you assess progress towards this goal?</b></p>	<p><b>What specific actions will help you achieve this goal?</b></p>
	<p><b>Provide free support to all districts in implementing their LCAP</b></p>	<p><i>Metric:</i> Sign-In Sheets and Feedback Surveys</p> <p><i>Target:</i> 80% of districts participate in at least one Network meeting</p>	<p>The following Networks are offered to support implementation of District LCAPs:</p> <ul style="list-style-type: none"> <li>• Assessment Network</li> <li>• CALPADS Network</li> <li>• State and Federal Programs Network</li> <li>• Counselor's Network</li> <li>• Curriculum Network</li> <li>• District Technology Leads Network</li> <li>• English Learner Network</li> <li>• Illuminate Users Group</li> </ul>
	<p><b>Provide fee-based professional development offerings for districts</b></p>	<p><i>Metric:</i> District Planning Meeting Log</p> <p><i>Target:</i> 100% of districts will participate in annual District Planning Meetings with the Educational Services department</p>	<p>The following options are available to districts, for a fee, in order to assist in the implementation of their LCAP:</p> <ul style="list-style-type: none"> <li>• Leadership Coaching (site and district level)</li> <li>• Content specific coaching</li> <li>• Workshops across all content areas</li> <li>• Nationally recognized speakers on relevant topics, including but not limited to: <ul style="list-style-type: none"> <li>▪ Jim Knight</li> <li>▪ Stephanie Evergreen</li> </ul> </li> <li>• Legal presentations regarding Special Education, discipline, and other relevant topics as needed</li> </ul>

## Collaboration

The Fresno County Superintendent of Schools will collaborate with the CCEE, the California Department of Education (CDE) other county superintendents (CCSESA), Geographic Lead Agencies as well as System of Support (SOS) Lead Agencies to support school districts and schools within the county implementing LCAPs in the following ways:

Actions	CCEE	CDE	CCSESA	Geo Leads	SOS Leads
Attend and participate in professional learning opportunities provided by each organization including in-person, virtual meetings/trainings, and CDE feedback sessions.	X	X	X	X	X
Monthly SBE update webinar	X				
State & Federal Director's Meeting		X			
Participation in CISC Steering Committee, BASC, SPSSC			X		
Superintendent sits on Advisory Group for CCEE	X				
LCAP and Fiscal Advisory Group			X		

## Budget – COE

Differentiated Assistance & LCAP Support Plan	2020-2021 Estimated Costs	
Salaries and Benefits (\$2,197,574)	Differentiated Assistance Budget:	\$2,100,000
Districts Professional Learning, West Ed Support, Speakers (\$ 250,000)	CSI Budget:	\$ 543,767
FCSS DA Team Conference and Travel (\$ 200,000)		
<b>Total Estimated Cost</b>		<b>\$2,643,767</b>

## REPORT

**TOPIC:** Receive First Reading of Amended Superintendent and Board Policy No. 1312.3

**ISSUE:** Superintendent and Board Policy

**BACKGROUND:** The attached proposed Superintendent and Board Policy No. 1312.3, Community Relations, Uniform Complaint Procedures requires a first reading at this meeting and consideration of adoption thereof at a subsequent meeting. This policy reflects minor changes based upon updates in applicable law.

**PRESENTER** Jason C. Parkin, General Counsel  
Legal Services  
(559) 265-3003

**RESOURCE:** Jason C. Parkin, General Counsel  
Legal Services  
(559) 265-3003

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Community Relations  
UNIFORM COMPLAINT PROCEDURES**

The County Superintendent and County Board recognize the need to comply with state and federal laws and regulations governing educational programs. The County Superintendent and County Board have the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing the educational programs and activities of the County Superintendent and/or County Board. To resolve complaints that require a formal procedure, the County Superintendent and County Board adopt the uniform system of complaint processes specified in 5 CCR 4600-4670. The County Superintendent shall further articulate this procedure in Administrative Regulation 1312.3 – Uniform Complaint Procedures (UCP). The County Board hereby adopts as its own procedure County Superintendent Administrative Regulation 1312.3 – Uniform Complaint Procedures.

Complaints Subject to the UCP

The UCP shall be used to investigate and resolve the following complaints:

1. Any complaint alleging violation of applicable state or federal law or regulations governing the following programs and activities, to the extent such programs/activities are applicable to the County Superintendent and/or County Board:
  - Adult Education.
  - After School Education and Safety.
  - Agricultural Vocational Education.
  - American Indian Education Centers and Early Childhood Education Program Assessments.
  - Bilingual Education.
  - California Peer Assistance and Review Programs for Teachers.
  - Career Technical and Technical Education; Career Technical; Technical Training.
  - Career Technical Education.
  - Child Care and Development.
  - Child Nutrition.
  - Compensatory Education.
  - Consolidated Categorical Aid.
  - Economic Impact Aid.
  - English Learner Programs.
  - Every Student Succeeds Act/No Child Left Behind (Titles I – VII).
  - Migrant Education.
  - Regional Occupational Centers and Programs.
  - School Safety Plans.
  - State Preschool Programs.
  - Tobacco-Use Prevention Education.
  - Any other program implemented by the County Superintendent and/or County Board which is listed in Education Code section 64000(a) or California Code of Regulations, Title 5, section 4610.
  
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student,

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

employee, or other person participating in County Superintendent or County Board 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 status, pregnancy, parental status, physical or mental disability, medical condition, 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.)

3. Any complaint alleging 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.)
4. Any complaint alleging noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and County Superintendent/County Board-imposed graduation requirements (Education Code 46015)
5. Any complaint alleging noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. (5 CCR 4610.)
6. Any complaint alleging noncompliance with legal requirements related to the implementation of the local control and accountability plan. (Education Code 52075.)
7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, to the extent those provisions are applicable to the County Superintendent and County Board for the consolidated application for specified federal and/or state categorical funding. (Education Code 64000-64001, 65000-65001)
8. Any complaint, by or on behalf of any student who is a foster youth, alleging noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from County Superintendent/County Board-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2.)
9. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

defined in Education Code 49701, a migrant student as defined in Education Code 54441, or an immigrant student participating in a newcomer program as defined in Education Code 51225.2, who transfers into a County Superintendent/County Board school after his/her second year of high school, alleging noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from County Superintendent/County Board-imposed graduation requirements. (Education Code 51225.1, 51225.2.)

10. Any complaint alleging noncompliance with the requirements 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 51228.1, 51228.2, 51228.3.)
11. Any complaint alleging noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223.)
12. 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.

The County Superintendent or designee shall investigate complaints listed herein and shall seek to resolve those complaints in accordance with the UCP set forth in Administrative Regulation 1312.3. (5 CCR 4620.)

The County Superintendent 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 County 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.

When an allegation that is not subject to the UCP is included in a UCP complaint, the County Superintendent or designee 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 UCP.

The County 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.

The County Superintendent or designee 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.

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging 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 in accordance with the procedures specified in applicable County Superintendent policy and/or administrative regulation.

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 County Superintendent Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186.)

This policy and related administrative regulations are intended to comply with California Code of Regulations, Title 5, section 4600 *et. seq.*, and are not intended to extend beyond such requirements.

Adopted: 10/18/2018  
Amended: ###/###/2020

**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
- 32280-32289 School safety plan, uniform complaint procedures
- 35186 Williams uniform complaint procedures
- 46015 Parental leave for students
- 48853-48853.5 Foster youth
- 48985 Notices in language other than English
- 49010-49014 Student fees
- 49060-49079 Student records, especially:
- 49069.5 Records of foster youth



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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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49490-49590 Child nutrition programs  
49701 Interstate Compact on Educational Opportunity for Military Children  
51210 Courses of study grades 1-6  
51222 Physical education, secondary schools  
51223 Physical education, elementary schools  
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant 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  
52300-52462 Career technical education  
52500-52616.24 Adult schools  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process; school plan for student achievement  
65000-65001 School site councils

**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  
4600-4670 Uniform complaint procedures  
4680-4687 Williams 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  
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged  
6801-7014 Title III language instruction for limited English proficient and immigrant students

**United States Code, Title 29**

794 Section 504 of Rehabilitation Act of 1973

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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

12101-12213 Title II equal opportunity for individuals with disabilities

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

Uniform Complaint Procedure 2020-21 Program Instrument

Sample UCP Board Policies and Procedures

U.S. Department of Education, Office For Civil Rights Publications

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

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://www2.ed.gov/policy/gen/guid/fpco>

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

## REPORT

**TOPIC:** Receive First Reading of Board Policies: Classification – Instruction, 6000s

**ISSUE:** Board Policies

**BACKGROUND:** The board policies attached in Exhibit A are proposed and require first reading at this meeting and consideration of adoption thereof at a subsequent meeting. Most of the board policies in Exhibit A are proposed amendments of existing policies which reflect changes based on updates in applicable law and/or other minor changes, including formatting changes. The policies proposed to be added are based on applicable law. For the Board's information, attached as Exhibit B are the existing board policies for each of the board policies proposed to be amended.

**PRESENTER** Jason C. Parkin, General Counsel  
Legal Services  
(559) 265-3003

**RESOURCE:** Jason C. Parkin, General Counsel  
Legal Services  
(559) 265-3003

EXHIBIT A

**Classification - Community Relations, 5000s**

Policy/AR No.	Subject	New	Amendment
6000 BP	Concepts and Roles		X
6011 BP	Academic Standards		X
6020 BP	Parent Involvement		X
6111 BP	School Calendar		X
6112 BP	School Day		X
6115 BP	Ceremonies and Observances		X
6120 BP	Response to Instruction and Intervention		X
6141 BP	Curriculum Development and Evaluation		X
6141.2 BP	Recognition of Religious Beliefs and Customs		X
6142.1 BP	Sexual Health and HIV/AIDS Prevention Instruction		X
6142.3 BP	Civic Education		X
6142.5 BP	Environmental Education		X
6142.6 BP	Visual and Performing Arts Education		X
6142.7 BP	Physical Education and Activity		X
6142.8 BP	Comprehensive Health Education		X
6142.91 BP	Reading/Language Arts Instruction		X
6142.92 BP	Mathematics Instruction		X
6142.93 BP	Science Instruction		X
6142.94 BP	History/Social Science Instruction		X
6143 BP	Courses of Study		X
6144 BP	Controversial Issues		X
6145 BP	Extracurricular and Cocurricular Activities		X
6145.5 BP	Student Organizations and Equal Access		X
6145.8 BP	Assemblies and Special Events		X
6146.1 BP	High School Graduation Requirements		X
6146.11 BP	Alternative Credits Toward Graduation		X
6146.2 BP	Certificate of Proficiency/High School Equivalency		X
6146.3 BP	Reciprocity of Academic Credit		X
6146.4 BP	Differential Graduation and Competency Standards for Students with Disabilities		X
6154 BP	Homework/Makeup Work		X
6155 BP	Challenging Course by Examination		X
6159 BP	Individualized Education Program	X	
6159.1 BP	Procedural Safeguards and Complaints for Special Education	X	

6159.3 BP	Appointment of Surrogate Parent for Special Education Students		X
6161.1 BP	Selection and Evaluation of Instructional Materials		X
6161.11 BP	Supplementary Instructional Materials		X
6161.2 BP	Damaged or Lost Instructional Materials		X
6162.5 BP	Student Assessment		X
6162.51 BP	State Academic Achievement Tests		X
6162.54 BP	Test Integrity/Test Preparation		X
6162.6 BP	Use of Copyrighted Materials		X
6163.1 BP	Library Media Centers		X
6163.2 BP	Animals at School		X
6163.4 BP	Student Use of Technology		X
6164.2 BP	Guidance/Counseling Services		X
6164.4 BP	Identification and Evaluation of Individuals for Special Education		X
6164.5 BP	Student Success Teams		X
6164.6 BP	Identification and Education under Section 504		X
6171 BP	Title I Programs		X
6172.1 BP	Concurrent Enrollment in College Classes		X
6173.2 BP	Education of Children of Military Families		X
6174 BP	Education for English Language Learners		X
6178 BP	Career Technical Education		X
6178.2 BP	Regional Occupational Center/Program		X
6179 BP	Supplemental Instruction		X
6190 BP	Evaluation of the Instructional Program		X
6200 BP	Adult Education		X

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
CONCEPTS AND ROLES**

The County Superintendent and County Board desire to provide a comprehensive, research-based curriculum that motivates every student to succeed. The County Superintendent's educational program shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school and develop to their full potential.

Strategies for improving the educational program shall take into consideration the needs of individual students and subpopulations of students. Students who are failing or at risk of failing to meet academic standards shall be provided with alternative programs and/or supplemental assistance designed to raise achievement.

Inasmuch as parents/guardians are critical partners in their children's education, parents/guardians shall be provided with opportunities to be meaningfully involved both in support of their children's education program at school and with learning at home.

The County Superintendent and County Board shall:

1. Establish standards of student achievement for core subjects at each grade level that are aligned with the County Superintendent's vision for student learning, the specific needs and strengths of the students, the expectations of parents/guardians, the community, and available resources;
2. Establish graduation requirements;
3. Ensure that a process is in place, involving teachers, administrators, students, and parents/guardians, for the development and review of the County Superintendent's curriculum;
4. Adopt the County Superintendent's curriculum and courses of study to be offered;
5. Adopt textbooks and other instructional materials;
6. Support the professional staff's implementation of the curriculum by providing consistent policy direction, allocating resources based on educational program priorities, ensuring that collective bargaining agreements do not constrain the County Superintendent's ability to achieve curricular goals, recognizing staff accomplishments, and including reasonable annual goals related to student learning;
7. Provide a continuing program of professional development to keep instructional staff and administrators updated about current issues and research pertaining to curriculum, instructional strategies, and student assessment;

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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8. Review and evaluate the educational program on the bases of state and federal accountability measures, disaggregated student achievement data, and other indicators and ensure that evaluation results are used to improve programs, curriculum, and/or instructional practices as necessary to enhance student achievement; and
9. Communicate clear information about County Superintendent instructional goals, programs, and progress in student achievement to the community and media

The County Superintendent or designee shall:

1. Review research related to curriculum issues;
2. Select and/or develop curricula for recommendation to the County Board in accordance with the County Superintendent's curriculum development and review process;
3. Ensure the articulation of the curriculum between grade levels and with postsecondary education and the workplace;
4. Determine the general methods of instruction to be used;
5. Assign instructors and schedule classes for all curricular offerings;
6. Recommend instructional materials to the County Board and direct the purchase of approved materials and equipment; and
7. Evaluate and report to the County Board on student achievement as demonstrated through testing and other types of appraisal, and recommend necessary changes in curriculum, programs, and instruction as indicated by student performance data.

**Comparability in Instruction**

The County Superintendent shall provide comparable educational opportunities for all students. Instruction in the core curriculum shall be in no way diminished when students receive supplementary services funded by special governmental programs. Services funded by any categorical program shall supplement, not supplant, the County Superintendent-provided core curriculum and any services which may be provided by other categorical programs.

Adopted: 12/08/2011

Amended: ###/###/20##

**Legal Reference****EDUCATION CODE**

51000-51007 Legislative intent, educational program

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

**CODE OF REGULATIONS, TITLE 5**

3940 Maintenance of effort

4424 Comparability of services

**UNITED STATES CODE, TITLE 20**

6321 Fiscal requirements/comparability of services

**Management Resources**

**WEB SITES**

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

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



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
ACADEMIC STANDARDS**

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

In developing these recommended standards, the County Superintendent or designee shall use a process that involves teachers, school site and administrators, students, parents/guardians, representatives from business/industry and postsecondary institutions, and/or community members. County Superintendent or designee shall ensure the proper articulation of standards between grade levels and the alignment of the standards with the County Superintendent's vision and goals, graduation requirements, college entrance requirements, and other desired student outcomes. County Superintendent or designee also shall ensure that the standards are easily understandable and measurable.

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

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

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

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

Staff shall continually assess students' progress toward meeting the standards, report each student's progress to the student and his/her parents/guardians, and offer remedial assistance in accordance with County Superintendent and County Board policy and administrative regulations.

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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Adopted: 05/17/2012

Amended: ###/##/20##

**Legal Reference**

Education Code

44662 Evaluation of certificated employees

51003 Statewide academic standards

60605-60605.9 Adoption of statewide academically rigorous content and performance standards

United States Code, Title 20

6311 State academic standards and accountability for Title I, Part A

**Management Resources**

CSBA Publications

Common Core Standards, Fact Sheet, August 2010

California Department of Education Publications

Next Generation Science Standards for California Public Schools, Kindergarten Through Grade Twelve, September 2013

California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. March 2013

California Career Technical Education Model Curriculum Standards, January 2013

California Common Core State Standards: Mathematics, rev. January 2013

California Preschool Learning Foundations, Vol. 3, 2012

English-Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve, November 2012

California Preschool Learning Foundations, Vol. 2, 2010

Model School Library Standards for California Public Schools, Kindergarten Through Grade Twelve, September 2010

World Language Content Standards for California Public Schools, Kindergarten Through Grade Twelve, January 2009

California Preschool Learning Foundations, Vol. 1, January 2008

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, March 2008

Physical Education Model Content Standards for California Public Schools, Kindergarten Through Grade Twelve, January 2005

Visual and Performing Arts Content Standards for California Public Schools, Prekindergarten Through Grade Twelve, January 2001

History-Social Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, October 1998

Websites

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

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

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

Common Core State Standards Initiative: <http://www.corestandards.org>

Council of Chief State School Officers: <http://www.ccsso.org>

National Governors Association Center for Best Practices: <http://www.nga.org/center>

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
PARENT INVOLVEMENT**

The County Superintendent and County Board recognize that parents/guardians are their children's first and most influential teachers and that sustained parent/guardian involvement in the education of their children contributes greatly to student achievement and a positive school environment. The County Superintendent or designee shall work with parents/guardians and family members to jointly develop and agree upon strategies to meaningfully involve parents/guardians and family members in school activities at all grade levels; advisory, decision-making, and advocacy roles; and activities to support learning at home.

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

The County Superintendent's local control and accountability plan (LCAP) shall include goals and strategies for parent/guardian involvement and family engagement, including efforts to seek parent/guardian input in program and school site decision making and to promote parent/guardian participation in programs for English learners, foster youth, students eligible for free and reduced-price meals, and students with disabilities. (Education Code 42238.02, 52060)

The County Superintendent or designee shall regularly evaluate and report on the effectiveness of parent/guardian and family engagement efforts, including, but not limited to, input from parents/guardians, family members, and school staff on the adequacy of involvement opportunities and on barriers that may inhibit participation.

**Title I Schools**

The County Superintendent or designee shall involve parents/guardians and family members in establishing expectations and objectives for meaningful parent/guardian and family engagement in schools supported by Title I funding, developing strategies that describe how the County Superintendent will carry out each activity listed in 20 USC 6318, as contained in the accompanying administrative regulation, and implementing and evaluating such programs, activities, and procedures. As appropriate, the County Superintendent or designee shall conduct outreach to all parents/guardians and family members. (Education Code 11503; 20 USC 6318)

When the County Superintendent's Title I, Part A allocation exceeds the amount specified in 20 USC 6318, the County Superintendent shall reserve at least one percent of the funding to implement parent/guardian and family engagement activities and shall distribute at least 90 percent of those reserved funds to eligible schools, with priority given to high-need schools as defined in 20 USC 6631. The County Superintendent or designee shall involve parents/guardians and family members of participating students in decisions regarding how the Title I funds will be allotted for parent/guardian and family engagement activities. (20 USC 6318)

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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Expenditures of such funds shall be consistent with the activities specified in this policy and shall include at least one of the following: (20 USC 6318)

1. Support for schools and nonprofit organizations in providing professional development for program and school staff regarding parent/guardian and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents/guardians and family members
2. Support for programs that reach parents/guardians and family members at home, in the community, and at school
3. Dissemination of information on best practices focused on parent/guardian and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents/guardians and family members
4. Collaboration, or the provision of sub-grants to schools to enable collaboration, with community-based or other organizations or employers with a record of success in improving and increasing parent/guardian and family engagement
5. Any other activities and strategies that the County Superintendent determines are appropriate and consistent with this policy

If the County Superintendent also receives funds under federal Title IV, Part E, to coordinate and enhance family engagement programs, the County Superintendent or designee shall inform parents/guardians and organizations of the existence of Title IV. (20 USC 6318)

The County Superintendent's and County Board's policy and administrative regulation containing parent/guardian and family engagement strategies shall be incorporated into the County Superintendent's LCAP in accordance with 20 USC 6312. (20 USC 6318)

The County Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent/guardian and family engagement policy in accordance with 20 USC 6318.

County Superintendent and school-level parent/guardian and family engagement policies and administrative regulations shall be distributed to parents/guardians of students participating in Title I programs and shall be available to the local community. Parents/guardians shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC 6318)

**Non-Title I Schools**

The County Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to,

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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strategies describing how the County Superintendent and schools will address the purposes and goals described in Education Code 11502. (Education Code 11504)

Adopted: 02/16/2012  
Amended: ###/###/20##

**Legal Reference**

Education Code

11500-11505 Programs to encourage parent involvement  
48985 Notices in languages other than English  
51101 Parent rights and responsibilities  
52060-52077 Local control and accountability plan  
54444.1-54444.2 Parent advisory councils, services to migrant children  
56190-56194 Community advisory committee, special education  
64001 School plan for student achievement, consolidated application programs

Labor Code

230.8 Time off to visit child's school

Code of Regulations, Title 5

18275 Child care and development programs, parent involvement and education

United States Code, Title 20

6311 State plan  
6312 Local educational agency plan  
6314 Schoolwide programs  
6318 Parent and family engagement  
6631 Teacher and school leader incentive program, purposes and definitions  
7241-7246 Family engagement in education programs

Code of Federal Regulations, Title 28

35.104 Definitions, auxiliary aids and services  
35.160 Communications

**Management Resources**

California Department of Education Publications

Title I School-Level Parental Involvement Policy  
Family Engagement Framework: A Tool for California School Districts, 2014

U.S. Department of Education Publications

Parental Involvement: Title I, Part A, Non-Regulatory Guidance, April 23, 2004

Websites

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
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California Department of Education, Family, School, Community Partnerships:

<http://www.cde.ca.gov/ls/pf>

California Parent Center: <http://parent.sdsu.edu>

California State PTA: <http://www.capta.org>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

National PTA: <http://www.pta.org>

Parent Information and Resource Centers: <http://www.pirc-info.net>

Parents as Teachers National Center: <http://www.parentsasteachers.org>

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

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Instruction**  
**SCHOOL CALENDAR**

For each school, the County Superintendent and County Board shall adopt a school calendar that meets the requirements of law as well as the needs of the community, students, and the work year as negotiated with employee organization(s). As appropriate, the County Superintendent or designee shall ensure that the proposed calendar is aligned with assessment and accountability schedules in order to support the County Superintendent's goals for student achievement.

Each school calendar shall show the beginning and ending school dates, legal and local holidays, staff development days, orientation days, minimum days, vacation periods, and other pertinent dates.

The County Superintendent shall offer a minimum of 175 days of instruction per school year, until it equals or exceeds the local control funding formula target established for it pursuant to Education Code 42238.02, at which time the County Superintendent shall offer 180 days or more of instruction per school year. (Education Code 41420, 46208)

Notification of the schedule of minimum days and student-free staff development days shall be sent to all parents/guardians at the beginning of the school year. If any minimum days or student-free staff development days are added to the schedule, the County Superintendent or designee shall notify parents/guardians of the affected students as soon as possible and at least one month before the scheduled minimum day. (Education Code 48980)

If a school will be used as a polling place on an election day, the County Board shall determine whether to continue school in session, designate the day for staff training and development, or close the school to students and non-classified staff. (Elections Code 12283)

Adopted: 10/20/2011  
Amended: ###/##/20##

**Legal Reference**

Education Code

37200-37202 School calendar  
37220-37223 Holidays  
37600-37672 Continuous school programs: year-round schools, especially:  
37618 School calendar  
37700-37712 Four-day week  
41420 Apportionment withholding, schools not maintained for 175 days  
41422 Schools not maintained for 175 days  
42238.02 Local control funding formula  
46200-46208 Incentives for longer instructional day and year  
46300 Method of computing ADA



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48980 Notice at beginning of term

Elections Code

12283 School closures, election days

Court Decisions

Butt v. State of California, (1992) 4 Cal 4th 668

Public Employment Relations Board Decisions

Davis Joint Unified School District, (1984) PERB Decision No. 474

**Management Resources**

Websites

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

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

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

Secretary of State's Office: <http://www.sos.ca.gov>

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
SCHOOL DAY**

The County Board and County Superintendent shall fix the length of the school day subject to the provisions of law. (Education Code 46100)

The length of the school day shall apply equally to students with disabilities unless otherwise specified in the student's individualized education program or Section 504 plan.

In establishing the daily instructional schedule for each secondary school, the County Superintendent or designee shall give consideration to course requirements and curricular demands, availability of school facilities, and applicable legal requirements.

The County Superintendent encourages flexibility in scheduling so as to provide longer time blocks or class periods when appropriate and desirable to support student learning, provide more intensive study of core academic subjects or extended exploration of complex topics, and reduce transition time between classes.

Prior to implementing a block schedule program in which secondary students attend class for fewer school days, the County Superintendent shall consult with the certificated and classified employees of the school in a good faith effort to reach agreement and shall also consult with parents/guardians of the students who would be affected by the change and the community at large. Such consultation shall include at least one public hearing for which the County Superintendent has given adequate notice to the employees and to the parents/guardians of affected students. (Education Code 46162)

Adopted: 12/08/2011

Amended: ###/##/20##

**Legal Reference**Education Code

8970-8974 Early primary program, including extended-day kindergarten

37202 Equal time in all schools

37670 Year-round schools

46010 Total days of attendance

46100 Length of school day

46110-46119 Kindergarten and elementary schools, day of attendance

46140-46147 Junior high school and high school, day of attendance

46160-46162 Alternative schedule - junior high and high school

46170 Continuation schools, minimum day

46180 Opportunity schools, minimum day

46190-46192 Adult education classes, day of attendance

46200-46206 Minimum instructional time

48200 Compulsory attendance for minimum school day

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48663 Community day school, minimum school day  
48800-48802 Concurrent enrollment in community college  
51222 Physical education, instructional minutes  
51760-51769.5 Work experience education  
52325 Regional occupational center, minimum day

**Management Resources**

National Association For Sport and Physical Education Position Statements  
Recess for Elementary School Students, 2006

State Board of Education Policy Statements  
99-03 Physical Education (PE) Requirements for Block Schedules, July 2006

U.S. Department of Education Publications  
Extending Learning Time for Disadvantaged Students, August 1995

West Ed Publications  
Full-Day Kindergarten: Expanding Learning Opportunities, Policy Brief, April 2005

Websites  
California Department of Education: <http://www.cde.ca.gov>  
National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>  
State Board of Education: <http://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp>  
U.S. Department of Education: <http://www.ed.gov>  
WestEd: <http://www.wested.org>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

**Instruction**  
**CEREMONIES AND OBSERVANCES**

The County Superintendent and County Board recognize the importance of having students observe holidays, celebrate events of cultural or historical significance, and acknowledge the contributions of outstanding individuals in society. On days designated by the County Superintendent, staff shall provide students with appropriate commemorative exercises so that they may acquire the knowledge, skills, and principles essential for informed, responsible citizenship in a democratic society.

County Superintendent/County Board schools shall be closed on the holidays specified in Education Code 37220 and on any other day designated as a holiday by the County Superintendent. The County Superintendent may revise the date upon which schools close in observance of any holiday except Veterans Day, which shall be celebrated on its actual date. (Education Code 37220)

In addition, the County Superintendent may authorize the display of symbolic flags or banners in support of specific awareness months.

Adopted: 10/20/2011  
Amended: ####/20##

**Legal Reference**

Education Code

37220-37222.20 Holidays and commemorative events  
44015.1 Week of the School Administrator  
45203 Paid holidays, classified employees  
45460 Classified School Employee Week  
52720-52730 Patriotic exercises and instruction

Government Code

430-439 Display of flags  
3540-3549.3 Meeting and negotiating

United States Code, Title 4

6 Time and occasion for display of flag  
7 Position and manner of display of flag

Unites State Code, Title 36

106 Constitution Day and Citizenship Day  
106 Note Educational program on the U.S. Constitution

Court Decisions

Newdow v. Rio Linda Union School District, 597 F.3d 1007, 1012 (9th Cir. 2010)

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

West Virginia State Board of Education et al v. Barnette et al (1943) 319 U.S. 624

**Management Resources**

Websites

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

California Department of Education, History/Social Science Instructional Materials:  
<http://www.cde.ca.gov/ci/hs/im>

6115,5/2020; Doc#123405

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Instruction**  
**RESPONSE TO INSTRUCTION AND INTERVENTION**

The County Superintendent and County Board desire to provide a high-quality, data-driven educational program to meet the learning and behavioral needs of each student and to help reduce disparities in achievement among subgroups of students. Students who are not making academic progress pursuant to County Superintendent measures of performance shall receive intensive instruction and intervention supports designed to meet their individual learning needs.

The County Superintendent or designee shall convene a team of certificated personnel, other staff, and parents/guardians, as appropriate, to assist in designing the County Superintendent's Response to Instruction and Intervention (Rtl2) system, based on an examination of indicators of student achievement.

The County Superintendent's Rtl2 system shall include instructional strategies and interventions with demonstrated effectiveness and shall be aligned with the County school curriculum and assessments.

The County Superintendent's Rtl2 system shall include research-based, standards-based, culturally relevant instruction for students in the education program; universal screening and continuous classroom monitoring to determine students' needs and to identify those students who are not making progress; criteria for determining the types and levels of interventions to be provided; and subsequent monitoring of student progress to determine the effectiveness of the intervention and to make changes as needed.

When data from the Rtl2 system indicate that a student may have a specific learning disability, the student may be referred for evaluation for special education or other services.

The County Superintendent shall provide staff development to teachers regarding the use of assessments, data analysis, and research-based instructional practices and strategies. In addition, the County Superintendent's Rtl2 system shall emphasize a collaborative approach of professional learning communities among teachers within and across grade spans.

Staff shall ensure that parents/guardians are involved at all stages of the instructional and intervention process. Parents/guardians shall be kept informed of their child's progress and provided information regarding the services that will be provided, the strategies being used to increase the student's rate of learning, and information about the performance data that will be collected.

Adopted: 10/20/2011  
Amended: ##/##/20##

**Legal Reference**

Education Code

56329 Assessment, written notice to parent  
56333-56338 Eligibility for specific learning disabilities

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

56500-56509 Procedural safeguards

United States Code, Title 20

1400-1482 Individuals with Disabilities Education Act, especially:  
1416 Monitoring, technical assistance, and enforcement

Code of Federal Regulations, Title 34

300.307 Specific learning disabilities  
300.309 Determining the existence of specific learning disabilities  
300.311 Specific documentation for eligibility determination

**Management Resources**

California Department of Education Correspondence  
Response to Instruction and Intervention, 2008

Websites

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

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

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
CURRICULUM DEVELOPMENT AND EVALUATION**

The County Superintendent and County Board desire to provide a research-based, sequential curriculum which promotes high levels of student achievement and emphasizes the development of basic skills, problem solving, and decision making. Upon recommendation of the County Superintendent or designee, the County Board shall adopt a written curriculum which describes, for each subject area and grade level, the content objectives which are to be taught in all County Superintendent-operated schools.

The curriculum shall be aligned with the vision and goals for student learning of County Superintendent/County Board, County Superintendent and County Board policies, academic content standards, state curriculum frameworks, state and local assessments, graduation requirements, school and County Superintendent improvement plans, and, when necessary, related legal requirements.

The County Superintendent or designee shall establish a process for curriculum development, selection, and/or adaptation which utilizes the professional expertise of teachers, principals, and program administrators representing various grade levels, disciplines, special programs, and categories of students as appropriate. The process also may provide opportunities for input from students, parents/guardians, representatives of local businesses and postsecondary institutions, and other community members.

The selection and evaluation of instructional materials shall be coordinated with the curriculum development and evaluation process.

When presenting a recommended curriculum for adoption, the County Superintendent or designee shall provide research, data, or other evidence demonstrating the proven effectiveness of the proposed curriculum. He/she also shall present information about the resources that would be necessary to successfully implement the curriculum and describe any modifications or supplementary services that are needed to make the curriculum accessible to all students.

The County Superintendent and County Board shall establish a review cycle for regularly evaluating the curriculum in order to ensure continued alignment with state and local goals for student achievement. At a minimum, these reviews shall be conducted whenever the State Board of Education adopts new or revised content standards or the curriculum framework for a particular subject or when new law requires a change or addition to the curriculum.

In addition, the County Superintendent and County Board may require a review of the curriculum in one or more subject areas as needed in response to student assessment results; feedback from teachers, administrators, or parent/guardians; new research on program effectiveness; or changing student needs.

Adopted: 10/20/2011

Amended: ###/###/20##



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

**Legal Reference**

Education Code

221.5 Equal opportunity  
35160 Authority of governing boards  
35160.1 Broad authority of school districts  
51050-51057 Enforcement of courses of study  
51200-51263 Required courses of study  
51500-51540 Prohibited instruction  
51720-51879.9 Authorized classes and courses of instruction  
60000-60424 Instructional materials

Government Code

3543.2 Scope of representation

Code of Regulations, Title 5

4000-4091 School improvement programs  
4400-4426 Improvement of elementary and secondary education

**Management Resources**

California Department of Education Publications

Content Standards for California Public Schools: Kindergarten Through Grade 12  
Curriculum Frameworks for California Public Schools: Kindergarten Through Grade 12

Website

CSBA: <http://www.csba.org>  
Association for Supervision and Curriculum Development: <http://www.ascd.org>  
Association of California School Administrators: <http://www.acsa.org>  
California Association for Supervision and Curriculum Development: <http://www.cascd.org>  
California Department of Education, Curriculum and Instruction: <http://www.cde.ca.gov/ci>

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction****RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS**

The County Superintendent and County Board recognize that students' education would be incomplete without an understanding of the role of religion in society. As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature or the arts. The County Superintendent and County Board expect that such instruction will identify principles common to all religions and foster respect for the diversity of religions and customs in the world.

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is clearly forbidden in the public schools. Instruction about religion shall not promote or denigrate the beliefs or customs of any particular religion or sect, nor should a preference be shown for one religious viewpoint over another. County Superintendent staff members shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces.

County Superintendent staff shall not endorse, encourage or solicit religious or anti-religious expression or activities among students during class time. As part of their official duties, staff shall not lead students in prayer or other religious activities. However, staff shall not prohibit or discourage any student from praying or otherwise expressing his/her religious belief as long as this does not disrupt the classroom.

Students may express their beliefs about religion in their homework, artwork and other class work if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards.

While teaching about religious holidays is a permissible part of the educational program, celebrating religious holidays is not allowed in the public schools. School-sponsored programs shall not be, nor have the effect of being, religiously oriented or a religious celebration. School and classroom decorations may express seasonal themes that are not religious in nature.

Music, art, literature or drama programs having religious themes are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of the cultural and religious heritage. The use of religious symbols that are part of a religious holiday is permitted as a teaching aid or resource provided that such symbols are displayed as an example of cultural and religious heritage of the holiday and are temporary in nature.

Adopted: 10/20/2011

Amended: ###/##/20##

**Legal Reference**

Education Code

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

38130-38138 Civic Center Act

46014 Absences for religious purposes

51511 Religious matters properly included in courses of study

51938 Right of parent/guardian to excuse from sexual health instruction

United States Code, Title 20

4071-4074 Equal Access Act

6061 School prayer

7904 School prayer

Court Decisions

Lassonde v. Pleasanton Unified School District, (2003, 9th Cir.) 320 F.3d 979

Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092

Lemon v. Kurtzman, (1971) 403 U.S. 602

**Management Resources**

U.S. Department of Education Publications

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools,  
February 2003

Websites

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

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

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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction****SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION**

The County Superintendent and County Board desire to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The educational program shall address the goals of the California Healthy Youth Act pursuant to Education Code 51930-51939, including providing students with the knowledge and skills necessary to protect them from risks presented by sexually transmitted infections, unintended pregnancy, sexual harassment, sexual assault, sexual abuse, and human trafficking and to have healthy, positive, and safe relationships and behaviors. The educational program shall also promote students' understanding of sexuality as a normal part of human development and their development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family.

The instruction shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

Comprehensive sexual health education and HIV prevention education shall be offered to all students in grades 7-12 at least once in junior high or middle school and at least once in high school. (Education Code 51934)

The comprehensive sexual health education program shall include information on the affirmative consent standard. Affirmative consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. Teachers delivering such instruction shall consult information related to sexual harassment and violence in the state health curriculum framework. (Education Code 51225.36, 67386)

The County Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to the comprehensive sexual health and HIV prevention education. The County Superintendent or designee shall use such identified methods to inform parents/guardians of students in grades 6-12 about human trafficking prevention resources, as required pursuant to Education Code 49381.

**Parent/Guardian Consent**

At the beginning of each school year or at the time of a student's enrollment, parents/guardians shall be notified, in the manner specified in the administrative regulation, that they may request in writing that their child be excused from participating in comprehensive sexual health and HIV prevention education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51938, 51939)

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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Adopted: 03/18/2010

Amended: ###/###/20##

**Legal Reference**

Education Code

220 Prohibition of discrimination

33544 Inclusion of sexual harassment and violence in health curriculum framework

48980 Notice at beginning of term

49381 Human trafficking prevention resources

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation

51240 Excuse from instruction due to religious beliefs

51513 Test, questionnaire, survey, or examination containing questions about beliefs or practices

51930-51939 California Healthy Youth Act

51950 Abuse, sexual abuse, and human trafficking prevention education

67386 Student safety; affirmative consent standard

Health and Safety Code

1255.7 Parents surrendering physical custody of a baby

Penal Code

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

United States Code, Title 20

1232h Protection of student rights

7906 Sex education requirements and prohibited use of funds

**Management Resources**

CSBA Publications

Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014

California Department of Education Publications

Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008

Health Framework for California Public Schools: Kindergarten through Grade 12, 2003

Human Rights Campaign Foundation Publications

California LGBTQ Youth Report, January 2019

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

Websites

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

California Department of Education, Sex Education and HIV/AIDS/STD Instruction:  
<http://www.cde.ca.gov/ls/he/se>

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

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

California Partnership to End Domestic Violence: <http://www.cpedv.org>

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

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

Human Rights Campaign: <http://www.hrc.org/hrc-story/hrc-foundation>

U.S. Food and Drug Administration: <http://www.fda.gov>

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**CIVIC EDUCATION**

The County Superintendent and County Board recognize that involvement in civic and political institutions is essential to a democratic government and desires to provide a comprehensive civic education program to help students acquire the knowledge, skills, and principles essential for informed, engaged, and responsible citizenship.

The County Board shall approve, upon the recommendation of the County Superintendent or designee, academic standards and curriculum in civics and government that are aligned with state academic standards and curriculum frameworks.

The County Superintendent or designee shall determine specific courses within the K-12 curriculum in which civic education and government may be explicitly and systematically taught. He/she shall also encourage the integration of civic education into other subjects as appropriate.

The County Superintendent's civic education program shall provide students with an understanding of the rights and responsibilities of citizens in American democracy and the workings of federal, state, and local governments. As appropriate, instruction should include an examination of fundamental American documents, including, but not limited to, the Declaration of Independence, the United States Constitution, the Federalist Papers, and other significant writings and speeches. Instruction should also promote a student's understanding of shared democratic principles and values, such as personal responsibility, justice, equality, respect for others, civic-mindedness, and patriotism, and enable students to make their own commitment to these civic values.

Service learning, extracurricular and cocurricular activities, class and school elections, simulations of government, student-led debates, voter education, and observation of local government processes may be used to reinforce classroom instruction by linking civic knowledge to practical experience and encouraging civic involvement.

Whenever civic education includes topics that may be controversial due to political beliefs or other influences, instruction shall be presented in a balanced manner that does not promote any particular viewpoint. Students shall not be discriminated against for expressing their ideas and opinions and shall be encouraged to respect different points of view.

Constitution/Citizenship Day

Each year on or near September 17, in commemoration of Constitution and Citizenship Day, the County Superintendent may hold an educational program for students in grades K-12 pertaining to the United States Constitution which shall include exercises and instruction in the purpose, meaning, and importance of the Constitution, including the Bill of Rights. (Education Code 37221; 36 USC 106 Note)

Student Voter Registration

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

To encourage students to participate in the elections process when they are of voting age, the County Superintendent or designee may provide high school students with voter registration information, including information regarding the state's online voter registration system.

The County Superintendent or designee may identify an employee at each high school whom the California Secretary of State may contact to facilitate the distribution of voter registration forms to eligible students. The County Superintendent or designee may provide the business address, phone number, and email address of each contact person to the Secretary of State. (Elections Code 2148)

The designated employee may determine the most effective means of distributing voter registration forms provided by the Secretary of State, which may include, but are not limited to, distributing the forms at the start of the school year with orientation materials, placing voter registration forms at central locations, including voter registration forms with graduation materials, and/or providing links and the web site address of the Secretary of State's online voter registration system on the County Superintendent's web site and in email notices sent to students.

The lead site administrator or designee may appoint one or more students enrolled at each high school to serve as voter outreach coordinators at that school. The voter outreach coordinator(s) may coordinate voter registration activities at the school to encourage eligible persons to register to vote. With the approval of the lead site administrator or designee, the voter outreach coordinator(s) may also coordinate election-related activities on campus, including voter registration drives, mock elections, debates, and other election-related student outreach activities. (Education Code 49041)

During the last two full weeks in April and September, in areas on each high school campus that are reasonably accessible to all students as designated by the lead site administrator or designee, the county elections official shall be allowed to register students and school personnel to vote. (Education Code 49040)

Adopted: 10/20/2011

Amended: ###/##/20##

**Legal Reference**

Education Code

54 Student service on boards and commissions

233.5 Teaching of principles

33540 Standards for government and civics instruction

37221 Commemorative exercises including anniversary of U.S. Constitution

48205 Absence from school for jury duty or precinct board service

49040-49041 Student voter registration

51210 Courses of study, grades 1-6

51220 Courses of study, grades 7-12



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51470-51474 State Seal of Civic Engagement

Elections Codes

2146 Student voter registration

2148 Student voter registration, contact person

12302 Precinct boards, appointment of students

United States Codes, Title 20

6711-6716 Education for Democracy Act

United States Code, Title 36

101-144 Patriotic observances

**Management Resources**

American Bar Association Publications

Essentials of Law-Related Education, rev. 2003

California Department of Education Publications

History-Social Science Content Standards

History-Social Science Framework for California Public Schools

Center for Civic Education Publications

Education for Democracy: California Civic Education Scope & Sequence, 2003

National Standards for Civics and Government, 1994

National Assessment of Educational Progress (NAEP) Publications

Civics Assessment

Websites

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

American Bar Association: [http://www.americanbar.org/groups/public\\_education.html](http://www.americanbar.org/groups/public_education.html)

American Political Science Association: <http://www.apsanet.org>

Bill of Rights Institute: <http://www.billofrightsinstitute.org>

California Association of Student Leaders: <http://www.casl1.org>

California Council for the Social Studies: <http://www.ccss.org>

California Secretary of State Online Voter Registration: <http://registertovote.ca.gov>

Center for California Studies: <http://www.csus.edu/calst>

Center for Civic Education: <http://www.civiced.org>

Center for Information and Research on Civic Learning and Engagement:

<http://www.civicyouth.org>

Constitutional Rights Foundation: <http://www.crf-usa.org>

National Assessment of Educational Progress, Civics Assessment:

<http://nces.ed.gov/nationsreportcard/civics>

National Council for the Social Studies: <http://www.ncss.org>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

**Instruction  
ENVIRONMENTAL EDUCATION**

The County Superintendent and County Board recognize that schools play a crucial role in educating students about the importance of the environment and in preparing them to be stewards of natural resources. The County Superintendent and County Board believe that students should value the environment, respect all life forms, understand the basic ecological principles which support the planet, and live an ecologically responsible life-style.

The County Superintendent or designee shall develop an environmental education program that is aligned with state academic standards and curriculum frameworks. The County Superintendent or designee shall determine how the environmental education program will be integrated into the County Superintendent/County Board science curriculum and other subjects and courses in which the concepts may be explicitly and systematically taught.

The goal of the environmental education program shall be to provide students with an understanding of the interactions and interdependence of human societies and natural systems, people's dependence and influence on natural systems, the ways that natural systems change and how people can benefit and influence that change, the fact that there are no boundaries to prevent matter from flowing between systems, and the fact that decisions affecting resources and natural systems are complex and involve many factors.

The environmental education program shall emphasize a coordination of instructional resources with active student participation in onsite resource conservation and management programs and the promotion of service learning partnerships.

Adopted: 10/20/2011

Amended: ###/##/20##

**Legal Reference**

Education Code

- 8700-8707 Environmental education
- 8720-8723 Conservation education service
- 8760-8773 Outdoor science, conservation, and forestry
- 33541 Science requirements
- 51210 Areas of study, grades 1-6
- 51220 Areas of study, grades 7-12
- 51795-51797 School instructional gardens
- 60041 Ecological systems and their protection

Public Resources Code

- 71300-71305 Statewide environmental education

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
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**Management Resources**

Websites

California Environmental Protection Agency, Education and the Environment Initiative:  
<http://www.calepa.ca.gov/Education/EEI>

California Department of Education, Environmental Education:  
<http://www.cde.ca.gov/pd/ca/sc/oeointrod.asp>

California Department of Resources, Recycling and Recovery, Education and Assistance:  
<http://www.calrecycle.ca.gov/Education>

California Regional Environmental Education Community: <http://www.creec.org>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
VISUAL AND PERFORMING ARTS EDUCATION**

The County Superintendent and County Board believe that visual and performing arts are essential to a well-rounded educational program and should be an integral part of the course of study offered to students at all grade levels. The County Superintendent/County Board arts education program shall be designed to foster students' artistic competencies, cultivate students' appreciation and understanding of the arts in ways that are enjoyable, fulfilling, and transferable to students' personal, academic, and professional endeavors, and support students to fully engage in lifelong arts learning.

The County Superintendent and County Board shall adopt academic standards for dance, media arts, music, theatre, and visual arts that lead to artistic literacy and promote access and equity in the arts. The standards shall describe the skills, knowledge, and abilities that students are expected to possess at each grade level and shall meet or exceed state standards.

The County Superintendent or designee shall develop a sequential curriculum for dance, media arts, music, theatre, and visual arts which is consistent with the state curriculum framework and includes the following artistic processes:

1. **Creating:** conceiving and developing new artistic ideas and work.
2. **Performing/producing/presenting:** realizing artistic ideas and work through interpretation and presentation.
3. **Responding:** understanding and evaluating how the arts convey meaning.
4. **Connecting:** relating artistic ideas and work with personal meaning and external content.

The County Superintendent and County Board shall adopt standards-based instructional materials for visual and performing arts which may incorporate a variety of media and technologies.

As appropriate, the County Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of and ability to teach the arts and to implement the arts education program.

The County Superintendent or designee shall encourage the integration of community arts resources into the educational program. Such resources may include opportunities for students to attend musical and theatrical performances, observe the works of accomplished artists, and work directly with artists-in-residence and volunteers. In addition, the County Superintendent or designee may collaborate with community organizations to share resources and seek grant opportunities.

The County Superintendent or designee shall regularly evaluate the implementation of the arts

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education program at each grade level and assess its effectiveness in enabling students to meet academic standards.

Adopted: 10/20/2011

Amended: ###/###/20##

**Legal Reference**

Education Code

- 8950-8957 California summer school for the arts
- 32060-32066 Toxic art supplies
- 35330-35332 Field trips
- 51210 Course of study, grades 1-6
- 51220 Course of study, grades 7-12
- 51225.3 Graduation requirements
- 58800-58805 Specialized secondary programs
- 60200-60213 Instructional materials, elementary schools
- 60400-60411 Instructional materials, high schools
- 99200-99204 Subject matter projects

**Management Resources**

California Alliance for Arts Education Publications

Parents' Guide to the Visual and Performing Arts in California Public Schools

California Department of Education Publications

California Arts Framework for Public Schools, Kindergarten through Grade Twelve  
California Arts Standards for Public Schools, Prekindergarten through Grade Twelve, January 2019

Websites

- CSBA: <http://www.csba.org>
- Arts Education Partnership: <http://aep-arts.org>
- California Alliance for Arts Education: <http://www.artsed411.org>
- California Arts Council: <http://www.cac.ca.gov>
- California Art Education Association: <http://www.caea-arteducation.org>
- California Association for Music Education:  
<http://www.actaonline.org/content/california-association-music-education>
- California Dance Education Association: <http://www.cdeadance.org>
- California Department of Education, Visual and Performing Arts: <http://www.cde.ca.gov/ci/vp>
- California Educational Theatre Association: <http://www.cetoweb.org>
- California Music Educators Association: <http://www.calmusiced.com>
- The California Arts Project: <http://csmmp.ucop.edu/tcap>

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Instruction**  
**PHYSICAL EDUCATION AND ACTIVITY**

The County Superintendent and County Board recognize the positive benefits of physical activity on student health, well-being, and academic achievement. The County Superintendent shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The County Superintendent/County Board physical education and activity programs shall support the County Superintendent/County Board coordinated student wellness program and encourage students' lifelong fitness.

Physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The County Superintendent shall provide instruction in physical education that provides equal access and equal opportunities for participation for all students in grades 1-12 regardless of gender, gender expression, sexual orientation, and mental or physical disability. (Education Code 220, 221.5, 33352; 5 CCR 4900, 4930, 4931, 4940, 4960; 34 CFR 106.33, 106.34, 300.108)

The physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

The physical education program shall engage students in age-appropriate moderate to vigorous physical activity, as defined in administrative regulation, including aerobic, muscle-strengthening, and bone-strengthening activities. The County Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

The County Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

The County Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

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Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

The County Superintendent shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

Physical Fitness Testing

The County Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

Temporary Exemptions

The County Superintendent or designee may grant a student a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet the student's needs cannot be provided.
2. The student is enrolled for one-half time or less.

Two-Year Exemptions

With the student's consent, the County Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade 9. (Education Code 51241)

Upon request by students and/or their parents/guardians, the County Superintendent or designee may administer the FITNESSGRAM to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 33352, 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

Permanent Exemptions

The County Superintendent or designee may grant a student a permanent exemption from physical education under any of the following conditions: (Education Code 51241)

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than the student would have attended if enrolled in a physical education course.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Students who have been granted a permanent exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 33352)

Other Exemptions

The County Superintendent or designee may grant a student an exemption from physical education under the following special circumstances:

1. When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year. (Education Code 51222)
2. When the student is in any of grades 10-12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes. (Education Code 52316)
3. When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

Program Evaluation

County Superintendent staff shall annually report to the County Superintendent each school's FITNESSGRAM results for each applicable grade level, the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the County Superintendent or designee and County Board to evaluate program quality and the effectiveness of the program in meeting goals for physical activity and student well-being.

Adopted: 10/20/2011

Amended: ###/##/20##



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Legal Reference**

Education Code

220 Prohibition of discrimination  
221.5 Sex equity in education  
33126 School accountability report card  
33350-33354 CDE responsibilities re: physical education  
35256 School accountability report card  
44250-44277 Credential types  
49066 Grades; physical education class  
51210 Course of study, grades 1-6  
51220 Course of study, grades 7-12  
51222 Physical education  
51223 Physical education, elementary schools  
51241 Temporary, two-year or permanent exemption from physical education  
51242 Exemption from physical education for athletic program participants  
52316 Excuse from attending physical education classes; regional occupational center/program  
60800 Physical performance test

Code of Regulations, Title 5

1040-1044 Physical performance test  
1047-1048 Testing variations and accommodations  
3051.5 Adapted physical education for individuals with exceptional needs  
4600-4670 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance  
10060 Criteria for high school physical education programs  
80020 Additional assignment authorizations for specific credentials  
80037 Designated subjects teaching credential; special teaching authorization in physical education  
80046.1 Added authorization to teach adapted physical education

United States Code, Title 29

794 Rehabilitation Act of 1973, Section 504

United States Code, Title 42

1758b Local wellness policy

Code of Federal Regulations, Title 34

106.33 Nondiscrimination on the basis of sex; comparable facilities  
106.34 Nondiscrimination on the basis of sex; access to classes and schools  
300.108 Assistance to states for the education of children with disabilities; physical education

Attorney General Opinions

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

53 Ops. Cal. Atty. Gen. 230 (1970)

Court Decisions

Doe v. Albany Unified School District (2010) 190 Cal.App.4th 668

Cal200 et al. v. San Francisco Unified School District et al. (2013), San Francisco Superior Court, Case No. CGC-13-534975

Cal200 et al. v. Oakland Unified School District et al. (San Francisco Superior Court, Case No. CPF-14-513959)

**Management Resources**

CSBA Publications

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012

Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010

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

Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009

Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009

Physical Education and California Schools, Policy Brief, October 2007

California Department of Education Publications

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009

Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005

Centers for Disease Control and Prevention Publications

School Health Index (SHI): A Self-Assessment and Planning Guide, Elementary School, 2017

School Health Index (SHI): A Self-Assessment and Planning Guide, Middle/High School, 2017

Commission on Teacher Credentialing Publications

The Administrator's Assignment Manual, 2019

U.S. Department of Health and Human Services

Physical Activity Guidelines for Americans, 2nd Edition, 2018

Websites

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

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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California Healthy Kids Resource Center: <http://www.californiahealthykids.org>  
California Project LEAN (Leaders Encouraging Activity and Nutrition):  
<http://www.californiaprojectlean.org>  
Centers for Disease Control and Prevention: <http://www.cdc.gov>  
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>  
Healthy People 2010: <http://www.healthypeople.gov>  
National Association for Sport and Physical Education:  
<http://www.pgpedia.com/n/national-association-sport-and-physical-education>  
President's Council on Sports, Fitness and Nutrition: <http://www.fitness.gov>  
U.S. Department of Health and Human Services: <http://www.health.gov>

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Instruction**  
**COMPREHENSIVE HEALTH EDUCATION**

The County Superintendent and County Board believe that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy lives and avoid high-risk behaviors. The County Superintendent/County Board health education program shall be part of a coordinated school health system which supports the well-being of students and is linked to the County Superintendent/County Board and community services and resources.

Goals for the County Superintendent/County Board health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition education and physical activity.

The County Superintendent/County Board shall provide a planned, sequential, research-based, and developmentally appropriate health education curriculum for students in grades K-12 which is aligned with the state's content standards and curriculum framework. The County Superintendent or designee shall determine the grade levels and subject areas in which health-related topics will be addressed, in accordance with law, County Superintendent and County Board policy, and administrative regulation.

As appropriate, the County Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of the health education program. Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

The County Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards and effective instructional methodologies.

Adopted: 10/20/2011

Amended: ###/##/20##

**Legal Reference**

Education Code

8850.5 Family relationships and parenting education

35183.5 Sun protection

49413 First aid training

49430-49434 Pupil Nutrition, Health and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics and dangerous drugs

51210 Areas of study

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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- 51210.8 State content standards for health education
- 51220.5 Parenting skills; areas of instruction
- 51260-51269 Drug education
- 51513 Personal beliefs
- 51880-51881.5 Health education, legislative findings and intent
- 51890-51891 Comprehensive health education programs
- 51913 District health education plan
- 51920 Inservice training, health education
- 51930-51939 Comprehensive sexual health and HIV/AIDS prevention education

California Code of Regulations, Title 5

11800-11801 District health education plan

United States Code, Title 42

1751-1769j National School Lunch Program

1758b Local wellness policy

1771-1793 Child nutrition programs, including National School Breakfast Program

**Management Resources**

CSBA Publications

Asthma Management in the Schools, Policy Brief, March 2008

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Physical Education and California Schools, Policy Brief, rev. October 2007

Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007

Sun Safety in Schools, Policy Brief, July 2006

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

American Association for Health Education Publications

National Health Education Standards: Achieving Excellence, 2007

California Department of Education Publications

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Websites

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

American Association for Health Education: <http://www.aahperd.org>

American School Health Association: <http://www.ashaweb.org>

California Association of School Health Educators: <http://www.cashe.org>

California Department of Education, Health Education: <http://www.cde.ca.gov/ci/he>

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

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

California Subject Matter Project, Physical Education-Health Project:

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
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<http://csmf.ucof.edu/cpehp>

Center for Injury Prevention Policy and Practice: <http://www.cippf.org>

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

National Center for Health Education: <http://www.nche.org>

National Hearing Conservation Association: <http://www.hearingconservation.org>

6142.8,07/2008; Doc#123569

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction****READING/LANGUAGE ARTS INSTRUCTION**

The County Superintendent and County Board recognize that reading and other language arts constitute the basic foundation for learning in other areas of study. The County Superintendent and County Board desire to offer a comprehensive, balanced reading/language arts program that ensures all students have the skills necessary to read fluently and for meaning and develops students' appreciation for literature. The program shall integrate reading and oral and written language arts activities in order to build effective communication skills.

For each grade level, the County Superintendent and County Board shall adopt academic standards that meet or exceed Common Core State Standards in the following strands:

1. **Reading:** Foundational skills, text complexity and analysis, and the growth of comprehension
2. **Writing:** Text types, responding to reading, production and distribution of writings, and research
3. **Speaking and listening:** Oral language development, comprehension, flexible communication, and collaboration
4. **Language:** Conventions, effective use, knowledge of language, and vocabulary

The County Superintendent or designee shall ensure that the reading/language arts program offers sufficient access to standards-aligned textbooks and other instructional materials. The program shall provide instructional materials of varying levels of difficulty, including fiction and nonfiction works, so that students are continually reading at an appropriate level. In addition, technology should be available to support all areas of literacy.

Teachers are expected to use a variety of instructional strategies to accommodate the needs of beginning readers and the varying abilities of more advanced readers. The program shall provide ongoing diagnosis of students' skills and, as needed, may provide supplementary instruction during the school day and/or outside the regular school session to assist students who are experiencing difficulty learning to read.

The County Superintendent or designee shall make available professional development opportunities that are designed to provide instructional staff with knowledge about how students develop language skills, the ability to analyze students' literacy levels, and mastery of a variety of instructional strategies and materials.

County Superintendent staff shall regularly provide County Superintendent and County Board with data from reading assessments and program evaluations to enable the County Superintendent and County Board to monitor program effectiveness.

Adopted: 10/20/2011

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

Amended: **###/##/20##**

**Legal Reference**

Education Code

41505-41508 Pupil Retention Block Grant  
41530-41532 Professional Development Block Grant  
44735 Teaching as a Priority Block Grant  
44755-44757.5 Teacher Reading Instruction Development Program, K-3  
51210 Areas of study, grades 1-6  
51220 Areas of study, grades 7-12  
60119 Sufficiency of textbooks and instructional materials  
60200.4 Fundamental skills  
60207 Curriculum frameworks  
60350-60352 Core reading program instructional materials  
60605 State-adopted content and performance standards in core curricular areas  
60605.8 Common Core standards  
99220-99221 California Reading Professional Development Institutes  
99230-99242 Mathematics and Reading Professional Development Program (AB 466 trainings)

Code of Regulations, Title 5

11980-11985 Mathematics and Reading Professional Development Program (AB 466 trainings)  
11991-11991.2 Reading First achievement index

United States Code, Title 20

6381-6381k Even Start Family Literacy Program  
6383 Improving literacy through school libraries

**Management Resources**

CSBA Publications

Governing to the Core, Governance Briefs

California Department of Education Publications

California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, March 2013  
Common Core State Standards for English Language Arts, August 2010  
English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve  
Recommended Literature: Kindergarten Through Grade Twelve

Websites

CSBA: <http://www.csba.org>  
California Department of Education, Reading/Language Arts: <http://www.cde.ca.gov/ci/rl>  
6142.91,12/2013; Doc#123574



FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**MATHEMATICS INSTRUCTION**

The County Superintendent and County Board desire to offer a rigorous mathematics program that progressively develops the knowledge and skills students will need to succeed in college and career. The County Superintendent/County Board mathematics program shall be designed to teach mathematical concepts in the context of real-world situations and to help students gain a strong conceptual understanding, a high degree of procedural skill and fluency, and ability to apply mathematics to solve problems.

The County Superintendent/County Board mathematics program shall address the following standards for mathematical practices which are the basis for mathematics instruction and learning:

1. Overarching habits of mind of a productive mathematical thinker: Making sense of problems and persevering in solving them; attending to precision
2. Reasoning and explaining: Reasoning abstractly and quantitatively; constructing viable arguments and critiquing the reasoning of others
3. Modeling and using tools: Modeling with mathematics; using appropriate tools strategically
4. Seeing structure and generalizing: Looking for and making use of structure; looking for and expressing regularity in repeated reasoning

In addition, the program shall be aligned with grade-level standards for mathematics content.

For grades K-8, content shall address, at appropriate grade levels, counting and cardinality, operations and algebraic thinking, number and operations in base ten, fractions, measurement and data, geometry, ratios and proportional relationships, functions, expression and equations, the number system, and statistics and probability. Students shall learn the concepts and skills that prepare them for the rigor of higher mathematics.

For higher mathematics, the County Superintendent shall offer a pathway of courses through which students shall be taught concepts that address number and quantity, algebra, functions, modeling, geometry, and statistics and probability.

The County Superintendent or designee shall ensure that students are appropriately placed in mathematics courses and are not required to repeat a course that they have successfully completed in an earlier grade level. Placement decisions shall be based on consistent protocols and multiple academic measures.

The County Superintendent or designee shall ensure that certificated staff have opportunities to participate in professional development activities designed to increase their knowledge and skills in effective mathematics teaching practices.

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The County Superintendent or designee shall ensure that students have access to sufficient instructional materials, including manipulatives and technology, to support a balanced, standards-aligned mathematics program.

County Superintendent staff shall provide the County Superintendent and County Board with data mathematics assessments and program evaluations to enable the County Superintendent and County Board to monitor program effectiveness.

Adopted: 10/20/2011

Amended: ##/##/20##

**Legal Reference**Education Code

51210 Areas of study, grades 1-6

51220 Areas of study, grades 7-12

51224.5 Algebra in course of study for grades 7-12

51224.7 California Mathematics Placement Act of 2015

51225.3 High school graduation requirements

51284 Financial literacy

60605 State-adopted content and performance standards in core curricular areas

60605.8 Common Core standards

**Management Resources**CSBA Publications

Governing to the Core, Governance Briefs

California Department of Education Publications

Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve, 2013

California Common Core State Standards: Mathematics, rev. January 2013

Common Core State Standards Initiative Publications

Appendix A: Designing High School Mathematics Courses Based on the Common Core State Standards

Websites

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

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

Common Core State Standards Initiative: <http://www.corestandards.org/math>

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Instruction**  
**SCIENCE INSTRUCTION**

The County Superintendent and County Board believe that science education should focus on giving students an understanding of the biological and physical aspects of science, key scientific concepts, and methods of scientific inquiry and investigation. Students should become familiar with the natural world and the interrelationship of science, mathematics, technology, and engineering. As part of science instruction, students should learn how to apply scientific knowledge and reasoning.

Philosophical and religious theories that are based, at least in part, on faith and are not subject to scientific test and refutation shall not be discussed during science instruction.

The County Superintendent/County Board academic standards for science instruction shall meet or exceed the California Next Generation Science Standards (CA-NGSS). The County Superintendent or designee shall ensure that curricula used in County Superintendent-operated schools are aligned with these standards and the state curriculum framework.

The County Superintendent or designee shall ensure that students have access to and are enrolled in a broad course of study including science courses.

The County Superintendent or designee shall provide certificated staff with opportunities to participate in professional development activities designed to enhance their knowledge of County Superintendent/County Board-adopted academic standards, instructional strategies for teaching science, and changes in scientific theories.

The County Superintendent or designee shall develop and implement appropriate safety measures for science laboratory classes, including, but not limited to, staff and student safety training, use of eye safety devices, hearing protection, first aid procedures, regular equipment maintenance, safe use of heat sources, safe use and disposal of hazardous chemicals, proper ventilation, prevention of exposure to bloodborne pathogens from sharp instruments, fire prevention and control, an emergency response plan, and evacuation procedures. Parents/guardians shall be informed of the types of science laboratory activities that will be conducted and encouraged to sign consent forms for their child's participation.

Adopted: 10/20/2011

Amended: ###/##/20##

**Legal Reference**

Education Code

8774 Residential outdoor science program

32030-32034 Eye safety

32255-32255.6 Student's right to refrain from harmful or destructive use of animals

33475-33475.5 Model curriculum on stem cell science

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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- 49340-49341 Hazardous substances education
- 51210 Areas of study, grades 1 through 6
- 51210.3 Elementary science coach
- 51220 Areas of study, grades 7 through 12
- 51225.3 High school graduation
- 52060-52077 Local control and accountability plan
- 60640-60649 California Assessment of Student Performance and Progress

Code of Regulation, Title 5

- 14030 Science laboratories, design specifications

Code of Regulations, Title 8

- 5191 Occupational exposure to hazardous chemicals in laboratories; chemical hygiene plan

**Management Resources**

CSBA Publications

Supporting Implementation of the California Next Generation Science Standards (CA-NGSS), Governance Brief, November 2016

California Department of Education Publications

- Science Framework for California Public Schools: Kindergarten Through Grade Twelve, 2016
- Next Generation Science Standards Systems Implementation Plan for California, 2014
- California Next Generation Science Standards, 2013
- Science Safety Handbook for California Public Schools, 2012

Websites

- SBA: <http://www.csba.org>
- California Alliance for Next Generation Science Standards: <http://cdefoundation.org/stem/ca4ngss>
- California Department of Education: <http://www.cde.ca.gov>
- California Science Teachers Association: <http://www.cascience.org>
- U.S. Department of Education, STEM Education: <http://www.ed.gov/stem>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
HISTORY-SOCIAL SCIENCE INSTRUCTION**

The County Superintendent and County Board believe that the study of history and other social sciences is essential to prepare students to engage in responsible citizenship, comprehend complex global interrelationships, and understand the vital connections among the past, present, and future. The County Superintendent/County Board history-social science education program shall include, at appropriate grade levels, instruction in American and world history, geography, economics, political science, anthropology, psychology, and sociology.

The County Superintendent or designee shall adopt academic standards for history-social science which meet or exceed state content standards and describe the knowledge and skills students are expected to possess at each grade level.

The County Superintendent or designee shall develop and submit to the County Board for approval a comprehensive, sequential curriculum aligned with the County Superintendent/County Board standards and consistent with the state's curriculum framework for history-social science. The curriculum shall be designed to develop students' core knowledge in history and social science and their skills in chronological and spatial thinking, research, and historical interpretation. History-social science instruction shall also include an explicit focus on developing students' literacy in reading, writing, speaking, listening, and other language skills.

The County Superintendent or designee shall adopt standards-aligned instructional materials for history-social science in accordance with applicable law, County Superintendent and County Board policy, and administrative regulation. In addition, teachers are encouraged to supplement the curriculum by using biographies, original documents, diaries, letters, legends, speeches, other narrative artifacts, and literature from and about the period being studied.

Personal testimony from persons who can provide first-hand accounts of significant historical events is encouraged and may be provided through oral histories, videos, or other multimedia formats. If oral history is used for instruction related to the role of Americans in World War II or the Vietnam War, such testimony shall exemplify the personal sacrifice and courage of the wide range of ordinary citizens who were called upon to participate in the war, provide views and comments concerning reasons for participating in the war, and provide commentary on the aftermath of the war in Eastern Europe and the former Soviet Union. (Education Code 51221.3, 51221.4)

The County Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of adopted instructional materials and instructional strategies for teaching history-social science.

Adopted: 10/20/2011

Amended: ###/##/20##

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Legal Reference**Education Code

33540 History-social science curriculum framework  
51008-51009 Instruction on farm labor movement  
51204 Course of study designed for student's needs  
51204.5 History of California; contributions of men, women, and ethnic groups  
51210 Course of study, grades 1-6  
51220 Course of study, grades 7-12  
51220.2 Instruction in legal system; teen or peer court programs  
51221 Social science course of study, inclusion of instruction in use of natural resources  
51221.3-51221.4 Instruction on World War II and Vietnam War; use of oral histories  
51225.3 High school graduation requirements  
51226.3 Instruction on civil rights, genocide, slavery, Holocaust, and deportation to Mexico  
51226.7 Ethnic studies  
60040-60051 Criteria for instructional materials  
60119 Public hearing on the sufficiency of instructional materials  
60200-60206 Instructional materials, grades K-8  
60400-60411 Instructional materials, grades 9-12  
60640-60649 California Assessment of Student Performance and Progress  
99200-99206 Subject matter projects

**Management Resources**California Department of Education Publications

History-Social Science Framework for California Public Schools, Kindergarten Through Grade Twelve, 2016  
Common Core State Standards for English Language Arts and Literacy in History-Social Studies, Science, and Technical Subjects, 2013  
California English Language Development Standards, 2012  
Model Curriculum for Human Rights and Genocide, 2000  
History-Social Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, October 1998

National Council for the Social Studies Publications

College, Career, and Civic Life (C3) Framework for Social Studies State Standards: Guidance for Enhancing the Rigor of K-12 Civics, Economics, Geography, and History, 2013

Websites

CSBA: <http://www.csba.org>  
California Council for History Education: <http://www.csus.edu/al/cche>  
California Humanities: <http://www.calhum.org>  
California Council for the Social Studies: <http://www.ccss.org>  
California Department of Education: <http://www.cde.ca.gov>  
California History-Social Science Course Models: <http://www.history.ctaponline.org>  
California Subject Matter Project: <http://csmmp.ucop.edu/chssp>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**National Association for Multicultural Education: <http://www.nameorg.org>**

**National Council for History Education: <http://www.nche.net>**

**National Council for the Social Studies: <http://www.socialstudies.org>**

6142.94,10/2016; Doc#123584

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**COURSES OF STUDY**

The County Superintendent and County Board recognize that a well-aligned sequence of courses fosters academic growth and provides for the best possible use of instructional time. The County Superintendent/County Board course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful academically, professionally, and personally.

The County Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within the County Superintendent-operated schools. As necessary, the County Superintendent or designee shall work with representatives of appropriate area districts and postsecondary institutions to ensure articulation of courses with other institutions to which the County Superintendent/County Board students may matriculate. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, only utilizes prerequisites that are essential to success in a given program or course, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

The County Superintendent shall not provide any course separately on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability or require or refuse participation by any of its students on any such basis. (5 CCR 4940)

Elementary Grades

As applicable, the County Superintendent and County Board shall adopt a course of study for elementary grades that sufficiently prepares students for the secondary course of study.

Secondary Grades

The County Superintendent/County Board shall offer all otherwise qualified students in grades 7-12 a course of study that prepares them, upon graduation from high school, to meet the requirements and prerequisites for admission to California public colleges and universities and to attain entry-level employment skills in business or industry. (Education Code 51228)

In addition, the course of study for students in grades 9-12 shall include instruction in skills and knowledge for adult life, career technical training, and a timely opportunity for all otherwise qualified students to enroll, within four years, in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities prior to graduation. (Education Code 51224, 51228)

The County Superintendent or designee shall develop a process by which courses that meet California college admission criteria (referred to as "a-g" course requirements) are submitted to the University of California for review and certification. The County Superintendent or designee shall maintain an accurate list of all current high school courses that have been so certified,



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shall ensure that the list is provided annually to all students in grades 9-12 and their parents/guardians, and shall make updated lists readily available. (Education Code 51229, 66204)

Adopted: 10/20/2011  
Amended: ####/20##

**Legal Reference**Education Code

33319.3 Driver education; CDE materials on road rage  
33540 Government and civics instruction in interaction with government agencies  
48980 Parental notifications  
51202 Instruction in personal and public health and safety  
51203 Instruction on alcohol, narcotics and restricted dangerous drugs  
51204 Course of study designed for student's needs  
51204.5 Social science instruction; history of California; contributions of various groups  
51210-51212 Course of study for grades 1-6  
51220-51229 Course of study for grades 7-12  
51241 Exemption from physical education  
51911-51921 Comprehensive health education  
51930-51939 Comprehensive sexual health and HIV/AIDS prevention instruction  
51940 Curriculum for brain and spinal cord injury prevention  
60040-60052 Requirements for instructional materials  
66204 Certification of high school courses as meeting university admission criteria

Health and Safety Code

11032 Definitions of dangerous drugs

Code of Regulation, Title 5

4940 Nondiscrimination; course access  
10020-10043 Automobile driver education and training  
10060 Physical education program

United States Code, Title 20

6111-6251 School-to-Work Opportunities Act of 1994

**Management Resources**Websites

CSBA: <http://www.csba.org>  
American Health Association: <http://www.heart.org>  
American Red Cross, Hands-Only CPR: <http://www.redcross.org/take-a-class>  
California Career Resource Network: <http://www.californiacareers.info>

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California Colleges.edu: <http://www.californiacolleges.edu>  
California Department of Education: <http://www.cde.ca.gov>  
California State University, Admission Requirements:  
[http://www.csumentor.edu/planning/high\\_school](http://www.csumentor.edu/planning/high_school)  
University of California, a-g Course Submissions:  
<http://hs-articulation.ucop.edu/guide/update-your-a-g-list/submitting-courses>  
University of California, List of Approved a-g Courses:  
<http://hs-articulation.ucop.edu/agcourselist>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
CONTROVERSIAL ISSUES**

The County Superintendent and County Board recognize that the County Superintendent/County Board educational program may sometimes include instruction related to controversial issues that may arouse strong reactions based on personal values and beliefs, political philosophy, culture, religion, or other influences. Instruction concerning such topics shall be relevant to the adopted course of study and curricular goals and should be designed to develop students' critical thinking skills, ability to discriminate between fact and opinion, respect for others, and understanding and tolerance of diverse points of view.

The County Superintendent expects administrators and teachers to exercise professional judgment when deciding whether or not a particular issue is suitable for study or discussion. They shall consult with the County Superintendent or designee as necessary to determine the appropriateness of the subject matter, guest speakers, and/or related instructional materials or resources.

When providing instruction related to a controversial issue, the following guidelines shall apply:

1. The topic shall be suitable to the age and maturity of the students.
2. Instruction shall be presented in a balanced manner, addressing all sides of the issue without bias or prejudice and without promoting any particular point of view.
3. In the classroom, teachers act on behalf of the County Superintendent and are expected to follow the adopted curriculum. In leading or guiding class discussions about issues that may be controversial, a teacher may not advocate his/her personal opinion or viewpoint. When necessary, the County Superintendent or designee may instruct teachers to refrain from sharing personal views in the classroom on controversial topics.
4. Students shall be assured of their right to form and express an opinion without jeopardizing their grades or being subject to discrimination, retaliation, or discipline, provided the viewpoint does not constitute harassment, threats, intimidation, or bullying or is otherwise unlawful.
5. Students shall be informed of conduct expected during such instruction and the importance of being courteous and respectful of the opinions of others.
6. Adequate factual information shall be provided to help students objectively analyze and evaluate the issue and draw their own conclusions.
7. The instruction shall not reflect adversely upon persons because of their race, ethnicity, national origin, sex, sexual orientation, gender identity or expression, disability, religion, or any other basis prohibited by law.
8. The subject matter of the instruction shall not otherwise be prohibited by state or federal

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law.

When a guest speaker is invited to make a presentation related to a controversial issue, the County Superintendent or designee shall notify him/her of this policy and the expectations and goals regarding the instruction. If the guest speaker is presenting only one point of view on an issue, the teacher shall be responsible for ensuring that students also receive information on opposing viewpoints.

When required by law, such as in regards to comprehensive sexual health and HIV prevention education, parents/guardians shall be notified prior to instruction that they may request in writing that their child be excused from the instruction. Students whose parents/guardians decline such instruction may be offered an alternative activity of similar educational value.

A student or parent/guardian with concerns regarding instruction about controversial issues may communicate directly with the teacher or lead site administrator and/or use appropriate County Superintendent complaint procedures.

Adopted: 10/20/2011

Amended: ###/##/20##

### Legal Reference

#### Education Code

220 Prohibition of discrimination

48950 Freedom of speech

51240 Excuse from health instruction due to religious beliefs

51500 Prohibited instruction or activity

51510 Prohibited study or supplemental materials

51511 Religious matters properly included in courses of study

51513 Materials containing questions about beliefs or practices

51530 Prohibition and definition regarding advocating or teaching communism with intent to indoctrinate

51930-51939 California Healthy Youth Act; comprehensive sexual health and HIV prevention education

60040 Portrayal of cultural and racial diversity

60044 Prohibited instructional materials

60045 Criteria for instructional materials

#### Court Decisions

Johnson v. Poway Unified School District, (2011) 658 F.3d 954 (9th Cir.)

Mayer v. Monroe County Community School Corporation, (2007) 474 F.3d 477 (7th Cir.)

Garcetti v. Ceballos, (2006) 547 U.S. 410

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
EXTRACURRICULAR AND COCURRICULAR ACTIVITIES**

The County Superintendent and County Board recognize that extracurricular and cocurricular activities enrich the educational and social development of students and enhance students' feelings of connectedness with the schools. The County Superintendent shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

Prerequisites for student participation in extracurricular and cocurricular activities shall be limited to those that have been demonstrated to be essential to the success of the activity. No extracurricular or cocurricular program or activity shall be provided or conducted separately on the basis of any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular or cocurricular activity be required or refused on those bases. (5 CCR 4925)

Any complaint alleging unlawful discrimination in the County Superintendent/County Board extracurricular or cocurricular programs or activities shall be filed in accordance with SP/BP/AR 1312.3 - Uniform Complaint Procedures.

Unless specifically authorized by law, no student shall be charged a fee for his/her participation in educational activities, including extracurricular and cocurricular activities and materials or equipment related to such activities. (Education Code 49010, 49011)

**Eligibility Requirements**

To be eligible to participate in extracurricular and cocurricular activities, students in grades 7-12 must demonstrate satisfactory educational progress in the previous grading period, including, but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale in all enrolled classes.
2. Maintenance of minimum progress toward meeting high school graduation requirements.

The County Superintendent or designee may grant ineligible students a probationary period not to exceed one semester. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (Education Code 35160.5)

Any decision regarding the eligibility of a homeless student, foster youth, or child of an active duty military family for extracurricular or cocurricular activities shall be made by the County Superintendent or designee in accordance with Education Code 48850 and 49701.

The County Superintendent or designee may revoke a student's eligibility for participation in extracurricular and cocurricular activities when the student's poor citizenship is serious enough

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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to warrant loss of this privilege.

**Student Conduct at Extracurricular/Cocurricular Events**

When attending or participating in extracurricular and cocurricular activities on or off campus, students are subject to County Superintendent and County Board policies and regulations relating to student conduct. Students who violate such policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or cocurricular activities in accordance with policy and administrative regulation.

**Annual Policy Review**

The County Superintendent and County Board shall annually review this policy and implementing regulations. (Education Code 35160.5)

Adopted: 03/21/2013

Amended: ###/###/20##

**Legal Reference****Education Code**

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of homeless students and foster youth in extracurricular activities and interscholastic sports

48930-48938 Student organizations

49010-49013 Student fees

49024 Activity Supervisor Clearance Certificate

49700-49703 Education of children of military families

**California Constitution**

Article 9, Section 5 Common school system

**Code of Regulations, Title 5**

350 Fees not permitted

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

5531 Supervision of extracurricular activities of pupils

**United States Code, Title 42**

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

Court Decisions

Hartzell v. Connell, (1984) 35 Cal. 3d 899

**Management Resources**

California Department of Education Publications

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013

CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

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

Websites

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

California Association of Directors of Activities: <http://www.cada1.org>

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

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

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
STUDENT ORGANIZATIONS AND EQUAL ACCESS**

The County Superintendent and County Board believe that student groups or clubs reinforce the instructional program, give students experience in civics and government, and provide social and recreational activities. Student groups also serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging. Prior to meeting on school grounds, all student groups shall be authorized by the lead site administrator or designee in accordance with applicable policy and administrative regulation.

The County Superintendent and County Board encourage students to pursue interests and clubs which may not directly relate to the curriculum and, to that end, have created a limited open forum.

All student-initiated groups shall be given equal access to meet on school premises during noninstructional time without regard to their religious, political, philosophical, or other speech content. The County Superintendent and County Board shall ensure that: (20 USC 4071, 4072)

1. The meeting shall be voluntary and student-initiated.
2. There shall be no sponsorship of the meeting by the school or staff. The term sponsorship means that school staff are promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes shall not constitute sponsorship of the meeting.
3. Employees of the school shall be present at religious meetings only in a nonparticipatory capacity.
4. The meeting shall not materially and substantially interfere with the orderly conduct of educational activities within the school.
5. Nonschool persons shall not direct, conduct, control, or regularly attend activities of student groups.

All student clubs or groups shall have equal access to the school media to announce meetings, including the public address system, the school newspaper, bulletin boards, and school web site. However, the lead site administrator or designee may issue a disclaimer that such activities are not school-sponsored.

All noncurriculum-related student groups shall be given equal access to meeting space, school equipment, and supplies.

No school shall deny equal access or a fair opportunity to meet, or otherwise discriminate against, any group officially affiliated with the Boy Scouts of America, or with any other youth group listed as a patriotic society in Title 36 of the United States Code, for reasons based on the



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membership or leadership criteria or oath of allegiance to God and country. (20 USC 7905)

Adopted: 10/20/2020

Amended: ####/20##

### Legal Reference

#### Education Code

52 Designation of secondary schools

53 Designation of high schools

200-262.3 Prohibition of discrimination on the basis of sex

38130-38138 Civic Center Act

48900 Hazing

48907 Student exercise of free expression

48930-48938 Student organizations

48950 Freedom of speech

49020-49023 Athletic programs

#### Penal Code

627-627.10 Access to school premises

#### Code of Regulations, Title 5

2 Definitions

5531 Supervision of extracurricular activities of students

#### United States Code, Title 20

4071-4074 Equal Access Act

7904 School prayer

7905 Boy Scouts equal access

#### United States Code, Title 36

20101-240112 Patriotic organizations

#### Court Decisions

Prince v. Jacoby, (2001) 303 F.3d 1074

Culbertson et al. v. Oakridge School District, (2002) 258 F.3d 1061

Good News Club et al. v. Milford Central School, (2001) 121 S.Ct. 2093

Ceniceros v. Board of Trustees of the San Diego Unified School District, (1997) 106 F.3d 878

Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076

Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64

Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d. 431

Hartzell v. Connell, (1984) 35 Cal. 3d 899

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
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**Management Resources**

Websites

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

6145.5, 03/2008; Doc#123658

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
ASSEMBLIES AND SPECIAL EVENTS**

The County Superintendent and County Board believe that assemblies and special events should promote a positive school climate and be related to the educational program. Assemblies may provide information that supplements the curriculum or may showcase student achievement in academics, athletics, music, art, drama, or other extracurricular or cocurricular activities.

The lead site administrator shall ensure that speakers and community resources featured in school assemblies and special events are carefully selected and represent a balanced viewpoint. Prospective speakers shall agree to present material of educational relevance that is appropriate to the maturity of the audience, with no statements that are obscene, vulgar, or that incite violence.

The lead site administrator shall schedule assemblies and special events so as to maximize the effectiveness of instructional time and to satisfy the requirements of law and negotiated agreements.

During the assembly, students shall show respect to all performers and speakers. Students who disrupt the program shall lose the privilege of attending the assembly and may be subject to disciplinary action.

Adopted: 10/20/2011

Amended: ###/##/20##

**Legal Reference**Education Code

37200-37202 School calendar

37220-37223 Holidays

46010 Total days of attendance

46100 Length of schoolday

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**HIGH SCHOOL GRADUATION REQUIREMENTS**

The County Superintendent and County Board desire that students enrolled in schools established by the County Board or County Superintendent, and operated by the County Superintendent are prepared to obtain a high school diploma so that they can take advantage of opportunities for postsecondary education and employment.

Course Requirements

To obtain a high school diploma, students shall complete 220 course credits and at least the following courses in grades 9-12, with each course being one year and ten credits, unless otherwise specified:

1. Four courses in English. (Education Code 51225.3)
2. Two courses in mathematics. (Education Code 51225.3)

At least one mathematics course, or a combination of the two mathematics courses, shall meet or exceed state academic content standards for Algebra I or Mathematics I. Completion of such coursework prior to grade 9 shall satisfy the Algebra I or Mathematics I requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (Education Code 51224.5)

3. Two courses in science, including biological and physical sciences. (Education Code 51225.3)
4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics. (Education Code 51225.3)
5. One course in visual or performing arts; foreign language, including American Sign Language; or career technical education (CTE). To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education. (Education Code 51225.3)
6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code. (Education Code 51225.3)

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

Exemptions from County Superintendent/County Board Graduation Requirements

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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Students of County Superintendent/County Board schools are required to complete graduation course requirements specified above, including the requirements imposed by Education Code 51225.3 and those adopted by the County Superintendent and County Board. However, a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers into or between County Superintendent/County Board schools any time after completing the second year of high school, or a newly arrived immigrant student who is in the third or fourth year of high school and is participating in a newcomer program, shall be exempted from any graduation requirements that are in addition to statewide course requirements. This exemption shall not apply if the County Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. Within 30 days of the transfer or of the commencement of participation in a newcomer program, as applicable, the County Superintendent or designee shall notify any eligible student of the availability of the exemption and whether the student qualifies for it. (Education Code 51225.1)

#### Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

In addition, high school diplomas may be retroactively granted to: (Education Code 48204.4, 51430, 51440)

1. Persons who departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure.

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined to be consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the County Superintendent or designee shall consider any coursework that may have been completed outside of the United States or through online or virtual courses.

2. Former students who were interned by order of the federal government during World War II or who are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a County Superintendent/County Board school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or

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military service in those wars.

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Veterans who entered the military service of the United States while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a County Superintendent/County Board school.

Adopted: 04/15/2010

Amended: 10/16/2014, 03/17/2016, 01/19/2017, ###/###/20##

**Legal Reference**

Education Code

- 47612 Enrollment in charter school
- 48200 Compulsory attendance
- 48204.4 Parents/guardians departing California against their will
- 48412 Certificate of proficiency
- 48430 Continuation education schools and classes
- 48645.5 Acceptance of coursework
- 48980 Required notification at beginning of term
- 49701 Interstate Compact on Educational Opportunity for Military Children
- 51224 Skills and knowledge required for adult life
- 51224.5 Algebra instruction
- 51225.1 Exemption from district graduation requirements
- 51225.2 Student in foster care defined; acceptance of coursework, credits, retaking of course
- 51225.3 High school graduation
- 51225.35 Mathematics course requirements; computer science
- 51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation
- 51225.5 Honorary diplomas
- 51225.6 Compression-only cardiopulmonary resuscitation
- 51228 Graduation requirements
- 51240-51246 Exemptions from requirements
- 51250-51251 Assistance to military dependents
- 51410-51413 Diplomas
- 51420-51427 High school equivalency certificates
- 51430 Retroactive high school diplomas
- 51440 Retroactive high school diplomas
- 51450-51455 Golden State Seal Merit Diploma
- 51745 Independent study restrictions
- 56390-56392 Recognition for educational achievement, special education
- 66204 Certification of high school courses as meeting university admissions criteria
- 67386 Student safety; affirmative consent standard

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Code of Regulations, Title 5

1600-1651 Graduation of students from grade 12 and credit toward graduation

4600-4670 Uniform complaint procedures

Court Decisions

O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452

**Management Resources**

Websites

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

California Department of Education, High School: <http://www.cde.ca.gov/ci/gs/hs>

University of California, List of Approved a-g

<http://www.universityofcalifornia.edu/admissions/freshman/requirements>

Courses:

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
ALTERNATIVE CREDITS TOWARD GRADUATION**

In order to meet individual student needs and encourage all students to complete their high school education, the County Superintendent and County Board desire to provide flexibility in the completion of prescribed courses in accordance with law.

With the active involvement of parents/guardians, administrators, teachers, and students, the County Superintendent and County Board shall adopt alternative means for students to complete the prescribed course of study required for high school graduation. These alternative means shall be made available to students, parents/guardians, and the public. (Education Code 51225.3)

Students may fulfill any course requirement for graduation through the following:

1. Practical demonstration of skills and competencies. (Education Code 51225.3)  

Opportunities to demonstrate skills and competencies shall include, but not be limited to, challenging a course through successful completion of a County Superintendent-developed examination which covers course objectives. The County Superintendent shall not use results from the General Educational Development test or other state or national tests for this purpose.
2. Supervised work experience or other outside school experience in accordance with Education Code 51760.3 and 5 CCR 1635. (Education Code 51225.3)
3. Career technical education classes offered in high school. (Education Code 51225.3)
4. Courses offered by regional occupational centers or programs. (Education Code 51225.3)
5. Interdisciplinary study. (Education Code 51225.3)
6. Independent study. (Education Code 51225.3)
7. Credit earned at a postsecondary institution. (Education Code 48800, 51225.3)
8. Private instruction in accordance with 5 CCR 1631.
9. Correspondence instruction from a California university or college accredited for teacher training in accordance with 5 CCR 1633. (Education Code 51740-51741)
10. Military service and training in accordance with 5 CCR 1634. (Education Code 51440)
11. To satisfy driver education and training requirement, a program approved by the Department of Motor Vehicles which offers driver education and behind-the-wheel



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instruction through a driving school or licensed independent driving instructor in accordance with Vehicle Code 12814.6.

12. For credit toward physical education requirement, participation in interscholastic athletic programs carried on wholly or partially after regular school hours. (Education Code 51242)

A student shall be eligible to satisfy graduation requirements in this manner only if the interscholastic program entails a comparable amount of time and physical activity.

13. For credit toward foreign language requirement, foreign language studies successfully completed in a private school in accordance with 5 CCR 1632. (Education Code 51243)

Upon receiving advance, written application by the student or his/her parent/guardian, the County Superintendent or designee shall determine whether completion of the proposed alternative means would satisfy course requirements for graduation and what documentation shall be required, if any, to verify the student's successful completion. The County Superintendent or designee shall make the final determination as to whether the student's completion of an alternative means is sufficient to satisfy graduation requirements.

As appropriate, the County Superintendent or designee shall determine the grade to be assigned to students for the completion of any of the above alternative means. When a grade is assigned by a private school, postsecondary institution, or other educational institution for completion of coursework, that same grade shall be awarded by the County Superintendent provided that the County Superintendent or designee has determined the alternative course to be substantially equivalent to a County Superintendent course.

Adopted: 04/15/2015

Amended: ###/##/20##

### Legal Reference

#### Education Code

35160 Authority of governing boards

35160.1 Broad authority of school districts

48412 Certificate of proficiency

48645.5 Course credit, juvenile court schools

48800-48802 Attendance at community college; advanced education

51220 Areas of study; grades 7-12

51225.3 Requirements for graduation

51240-51246 Exemptions from requirements

51420-51427 General Educational Development test

51440 Veterans' education, evaluation and credit toward high school graduation

51740-51741 Authority to provide instruction by correspondence

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51745-51749.3 Independent study  
51760-51769.5 Work experience education  
52300-52499.66 Career technical education

Vehicle Code

12814.6 Teen driver's act

Code of Regulations, Title 5

1600-1635 Alternative credit  
10070-10075 Work experience education  
11500-11508 Regional occupational centers and programs  
11520-11523 Proficiency examination and certificate  
11700-11703 Independent study

United States Code, Title 20

2301-2414 Strengthening Career and Technical Education for the 21st Century Act

**Management Resources**

Websites

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

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Instruction****CERTIFICATE OF PROFICIENCY/HIGH SCHOOL EQUIVALENCY**

The County Superintendent and County Board desire that every student have the opportunity to earn a high school diploma through successful completion of class work and examination. However, when a student is unable to do so, the County Superintendent and County Board encourage completion of an alternative program that allows him/her to obtain an equivalent certificate.

Eligible persons may obtain a certificate of proficiency or a high school equivalency certificate in accordance with law, County Superintendent/County Board policy, and administrative regulation.

The County Superintendent or designee shall make information available to interested persons regarding the eligibility and examination requirements of each program.

Adopted: 04/15/2010

Amended: ##/##/20##

**Legal Reference**Education Code

48400-48403 Persons subject to compulsory continuation education

48410 Persons exempt from continuation classes

48412 Certificate of proficiency; examination fees

48413 Enrollment in continuation classes

48414 Reenrollment in district

51420-51427 High school equivalency certificate

52052 Accountability; numerically significant student subgroups

Code of Regulations, Title 5

11520-11523 Proficiency examination and certificate

11530-11532 High school equivalency certificate

**Management Resources**CDE Publications

Adult Education Handbook for California, 1997

Websites

CDE, California High School Proficiency Examination; <http://www.cde.ca.gov/ta/tg/sp>

CDE, high school equivalency tests: <http://www.cde.ca.gov/ta/tg/gd>

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Instruction**  
**RECIPROCITY OF ACADEMIC CREDIT**

To determine whether students transferring into County Superintendent/County Board schools have met the County Superintendent/County Board course requirements, the County Superintendent or designee shall establish procedures to evaluate the comparability of courses and/or students' understanding of course content. Such procedures shall include methods for determining the number of years of school attendance, the specific courses completed by the student and the value of credits earned.

The County Superintendent shall accept for credit full or partial coursework satisfactorily completed by students while attending a public school, a juvenile court school or nonpublic nonsectarian school or agency. (Education Code 48645.5)

Pending evaluation of the transferring student's academic performance, the student shall be placed at the grade level reached prior to enrollment in the County Superintendent/County Board school. Within 30 days of enrollment, the County Superintendent or designee shall complete the evaluation and determine the student's appropriate grade placement.

Adopted: 04/15/2010  
Amended: ###/###/20##

**Legal Reference**

Education Code

- 35160 Authority of governing boards
- 35160.1 Broad authority of school districts
- 47612.5 Charter schools operations, general requirements
- 48011 Admission from kindergarten or other school
- 48645.5 Coursework completed in public school, juvenile court school or nonpublic nonsectarian school
- 51225.3 Requirements for graduation
- 51228 Minimum curriculum standards
- 60605 Academic content and performance standards; assessments
- 60640-60649 California Assessment of Student Performance and Progress
- 64001 School plan for student achievement, consolidated application programs

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Instruction****DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES**

The County Superintendent and County Board recognize that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the County Superintendent's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and local assessments.

Certificate of Educational Achievement or Completion

Instead of a high school diploma, a student with disabilities may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the County Superintendent/County Board or the district with jurisdiction over the student as identified in his/her IEP.
2. Satisfactorily met his/her IEP goals and objectives during high school as determined by the IEP team.
3. Satisfactorily attended high school, participated in the instruction as prescribed in his/her IEP, and met the objectives of the statement of transition services.

A student with disabilities who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

Adopted: 04/15/2010

Amended: ###/##/20##

**Legal Reference**Education Code

56341 Individualized education program team

56345 Elements of the IEP

56390-56392 Certificate of completion, special education

Code of Regulations, Title 5

3070 Graduation

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
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United States Code, Title 20

1400-1482 Individuals with Disabilities Education Act

Code of Federal Regulations, Title 34

300.1-300.818 Individuals with Disabilities Education Act, especially:  
300.320 Definition of IEP

**Management Resources**

Websites

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:  
<http://www.ed.gov/about/offices/list/osers/index.html?src=mr>

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**Homework/Makeup Work**

The County Superintendent and County Board recognize that meaningful homework assignments can be a valuable extension of student learning time and assist students in developing good study habits. Homework shall be assigned when necessary to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

The County Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review guidelines for the assignment of homework and the related responsibilities of students, staff, and parents/guardians.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. The County Superintendent and County Board expect that the number, frequency, and degree of difficulty of homework assignments will increase with the grade level and the maturity of students. Teachers shall assign homework only as necessary to fulfill academic goals and reinforce current instruction.

As needed, teachers may receive training in designing relevant homework assignments that reinforce classroom learning objectives.

Although on-time completion of homework is important to maintain academic progress, the County Superintendent and County Board recognize that students learn at different rates. Students shall receive credit for work that is completed late in order to encourage their continued learning.

Age-appropriate instruction may be given to help students allocate their time wisely, meet their deadlines, learn to work independently, and develop good personal study habits.

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines may also be included in student and/or parent/guardian handbooks. These communications may include the manner in which homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their children.

Although it is the student's responsibility to undertake assignments independently, parents/guardians may serve as a resource and are encouraged to ensure that their child's homework assignments are completed. When a student repeatedly fails to complete homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards.

To further support students' homework efforts, the County Superintendent or designee may establish and maintain electronic forums, provide access to school library media centers and

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technological resources, and/or provide before-school and after-school programs where students can receive homework assistance from teachers, volunteers, and/or student tutors. The County Superintendent or designee may design class and transportation schedules that will enable students to make use of homework support services.

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

#### Makeup Work

Students who are absent from school shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

The County Superintendent or designee shall notify parents/guardians that no student may have a grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

#### Suspended Students

When a parent/guardian of a student who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher shall provide such homework. If a homework assignment is requested and is turned in to the teacher by the student either upon the student's return from suspension or within the timeframe originally prescribed by the teacher, whichever is later, and is not graded before the end of the academic term, the homework assignment shall not be included in the calculation of the student's overall grade in the class. (Education Code 48913.5)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension. (Education Code 48913)

Adopted: 02/16/2012

Amended: ###/##/20##

#### **Legal Reference**

##### Education Code

8420-8428 21st Century High School After School Safety and Enrichment for Teens

8482-8484.65 After School Education and Safety Program

8484.7-8484.9 21st Century Community Learning Centers

48205 Absences for personal reasons

48913 Completion of work missed by suspended student

48913.5 Homework assignments for suspended students



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48980 Parental notifications

United States Code, Title 20

7171-7176 21st Century Community Learning Centers

**Management Resources**

CSBA Publications

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

Websites

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

California State PTA: <http://www.capta.org>

6154, 12/2019; Doc#123736

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION****Instruction**  
**CHALLENGING COURSES BY EXAMINATION**

The County Superintendent and County Board recognize that there is a need to allow high school students to challenge a given course by examination for grade and credit in order to accelerate progress towards graduation and to achieve more flexibility in the selection of electives. This opportunity will permit a student to enroll in courses best suited to his/her educational objectives.

The examination shall be comprehensive and cover all course objectives. Successful completion of the examination shall be at a level which indicates mastery of the content and/or reasonable chance for success in the next higher course.

**Legal Reference**Education Code

51225.3 Requirements for graduation

64001 School plan for student achievement, consolidated application programs

Adopted: 08/182011

Amended: ####/20##

6155, 06/1998; Doc#123737

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Instruction**  
**INDIVIDUALIZED EDUCATION PROGRAM**

The County Superintendent and County Board desire to provide full educational opportunities to all students with disabilities. Students with disabilities shall receive a free appropriate public education (FAPE) and, to the maximum extent possible, shall be educated in the least restrictive environment with nondisabled students.

For each student with disabilities, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The County Superintendent or designee shall develop administrative regulations regarding the membership of the IEP team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision processes.

Adopted: ##/##/20##

**Legal Reference**

Education Code

- 46392 Emergencies
- 51225.3 Requirements for high school graduation and diploma
- 56040.3 Assistive technology
- 56055 Rights of foster parents pertaining to foster child's education
- 56136 Guidelines for low incidence disabilities areas
- 56195.8 Adoption of policies
- 56321 Development or revision of IEP
- 56321.5 Notice to include right to electronically record
- 56340.1-56347 Instructional planning and individualized education program
- 56350-56354 IEP for visually impaired students
- 56380 IEP reviews; notice of right to request
- 56390-56392 Certificate of completion, special education
- 56500-56509 Procedural safeguards
- 60640-60649 California Assessment of Student Performance and Progress

Family Code

- 6500-6502 Age of majority

Government Code

- 7572.5 Seriously emotionally disturbed child, expanded IEP team

Welfare and Institutions Code

- 300 Children subject to jurisdiction
- 601 Minors habitually disobedient
- 602 Minors violating law defined as crime

Code of Regulations, Title 5

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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- 853-853.5 State assessments, accommodations
- 3021-3029 Identification, referral and assessment
- 3040-3043 Instructional planning and the individualized education program
- 3051-3053 Implementation of the individualized education program

United States Code, Title 20

- 1232g Family Educational Rights and Privacy Act of 1974
- 1400-1482 Individuals with Disabilities Education Act

Code of Federal Regulations, Title 34

- 300.1-300.818 Individuals with Disabilities Education Act

Court Decisions

- Marshall v. Monrovia Unified School District, (9th Circuit, 2010) 627 F.3d 773
- Schaffer v. Weast (2005) 125 S. Ct. 528
- Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072
- Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398
- Andrew F. v. Douglas County School District Re-1, 137 S. Ct. 988

Attorney General Opinions

- 85 Ops. Cal. Atty. Gen. 157 (2002)

**Management Resources**

California Department of Education Publications

- Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)
- California Practitioners' Guide for Educating English Learners with Disabilities, July 2019

Websites

- California Department of Education: <http://www.cde.ca.gov>
- U.S. Department of Education, Office of Special Education and Rehabilitative Services:  
<http://www.ed.gov/about/offices/list/osers/osep>

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction****PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

The County Superintendent and County Board recognize its obligation to provide a free appropriate public education (FAPE) to students with disabilities and to uphold the rights of parents/guardians to be involved in educational decisions regarding their child. Parents/guardians of students with disabilities shall receive written notice of their rights under the federal Individuals with Disabilities Education Act.

Whenever there is a dispute between the County Superintendent and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of FAPE to the student, the County Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. The County Superintendent or parent/guardian may also request mediation and/or a due process hearing in accordance with law, policy, and administrative regulation.

The County Superintendent or designee shall represent the County Superintendent in any due process hearing conducted with regard to County Superintendent students.

Any complaint alleging the County Superintendent's noncompliance with federal or state laws or regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with Title 5 of the California Code of Regulations sections 3200-3205.

Adopted: ###/###/2020

**Legal Reference**Education Code

- 56000 Education for individuals with disabilities
- 56001 Provision of the special education programs
- 56020-56035 Definitions
- 56195.7 Written agreements
- 56195.8 Adoption of policies for programs and services
- 56300-56385 Identification and referral, assessment
- 56440-56447.1 Programs for individuals between the ages of three and five years
- 56500-56509 Procedural safeguards, including due process rights
- 56600-56606 Evaluation, audits and information

Code of Regulations, Title 5

- 3000-3100 Regulations governing special education, especially:
- 3080-3089 Procedural safeguards
- 3200-3205 Special education compliance complaints

United States Code, Title 20

- 1232g Family Educational Rights and Privacy Act
- 1400-1482 Individuals with Disabilities Education Act

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United States Code, Title 29

794 Section 504 of the Rehabilitation Act

United States Code, Title 42

11434 Homeless assistance

Code of Federal Regulations, Title 34

99.10-99.22 Inspection, review and procedures for amending education records

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.150-300.153 State compliance complaints

300.500-300.520 Procedural safeguards and due process for parents and students

Court Decisions

Winkelman v. Parma City School District, (2007) 550 U.S. 516

**Management Resources**

Websites

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

Office of Administrative Hearings, Special Education Division:

<http://www.dgs.ca.gov/OAH/Case-Types/Special-Education>

U.S. Department of Education, Office of Special Education Programs:

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

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Instruction****APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS**

In order to protect the rights of students with disabilities, the County Superintendent or designee shall appoint a surrogate parent to represent a student with disabilities as necessary in accordance with law. The County Superintendent or designee shall develop procedures for recruiting, training and assigning adults to serve as surrogate parents.

Adopted: 12/18/2011

Amended: ###/###/2020

**Legal Reference**Education Code

56028 Parent

56050 Surrogate parents

56055 Rights of foster parents

Government Code

7570-7587 Interagency responsibilities for providing services to disabled children, especially:

7579.5 Surrogate parent; appointment; qualifications; liability

Welfare and Institutions Code

300 Children subject to jurisdiction

361 Limitations on parental control

601 Minors habitually disobedient or truant

602 Minors violating laws

726 Limitations on parental control

United States Code, Title 20

1400-1482 Individuals with Disabilities Education Act, especially:

1415 Procedural safeguards

United States Code, Title 42

11434a Definitions

Code of Federal Regulations, Title 34

300.30 Definition parent

300.519 Surrogate parents

**Management Resources**Federal Register

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

Websites

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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<http://www.ed.gov/about/offices/list/osers/index.html>

6159.3, 03/2005; Doc# 123729



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction****SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS**

The County Superintendent and County Board desire that instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect society's diversity, and enhance the use of multiple teaching strategies and technologies. The County Superintendent/County Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the County Superintendent/County Board curriculum to ensure that they effectively support the adopted courses of study.

The County Superintendent and County Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or have otherwise been determined to be aligned with the state academic content standards adopted pursuant to Education Code 60605 or the Common Core State Standards adopted pursuant to Education Code 60605.8. (Education Code 60200, 60210)

The County Superintendent and County Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and administrative regulation. (Education Code 60400)

**Review Process**

The County Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation for adoption for use. Toward that end, County Superintendent or designee may establish an instructional materials review committee to evaluate and recommend instructional materials.

The review process shall involve teachers in a substantial manner and shall encourage the participation of parents/guardians and community members. (Education Code 60002)

In addition, the instructional materials review committee may include administrators, other staff who have subject-matter expertise, and students as appropriate.

If the County Superintendent chooses to use instructional materials for grades K-8 that have not been adopted by the SBE, the County Superintendent or designee shall ensure that a majority of the participants in the County Superintendent's review process are classroom teachers who are assigned to the subject area or grade level of the materials. (Education Code 60210)

Individuals who participate in the selection or review of instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.

The committee shall review instructional materials using criteria provided in law and administrative regulation, and shall provide the County Superintendent with documentation

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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supporting its recommendations.

All recommended instructional materials shall be available for public inspection at the County Superintendent's office.

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

Public Hearing on Sufficiency of Instructional Materials

The County Board shall annually conduct one or more public hearings on the sufficiency of the County Superintendent/County Board textbooks and other instructional materials. (Education Code 60119)

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

The County Superintendent and County Board encourage participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the County Superintendent or designee shall post a notice in three public places within the County Superintendent's jurisdiction containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

At the hearing(s), the County Superintendent and County Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or instructional materials which are aligned to the state content standards adopted pursuant to Education Code 60605 or the Common Core State Standards adopted pursuant to Education Code 60605.8 and which are consistent with the content and cycles of the state's curriculum frameworks. Sufficiency of instructional materials shall be determined in each of the following subjects: (Education Code 60119)

1. Mathematics;
2. Science;
3. History-social science;
4. English language arts, including the English language development component of an adopted program;
5. World/foreign language; and

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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6. Health

The County Superintendent and County Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

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

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

The degree to which every student has sufficient access to standards-aligned instructional materials shall be included in the County Superintendent's local control and accountability plan. (Education Code 52060)

Complaints

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

Adopted: 10/20/2011

Amended: 03/21/2013, ###/###/2020

**Legal Reference**

Education Code

220 Prohibition against discrimination

1240 County superintendent, general duties

33050-33053 General waiver authority

33126 School accountability report card

35272 Education and athletic materials

44805 Enforcement of course of studies; use of textbooks, rules and regulations

49415 Maximum textbook weight

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51501 Nondiscriminatory subject matter  
52060-52077 Local control and accountability plan  
60000-60005 Instructional materials, legislative intent  
60010 Definitions  
60040-60052 Instructional requirements and materials  
60060-60063.5 Requirements for publishers and manufacturers  
60070-60076 Prohibited acts (re instructional materials)  
60110-60115 Instructional materials on alcohol and drug education  
60119 Public hearing on sufficiency of materials  
60200-60210 Elementary school materials  
60226 Requirements for publishers and manufacturers  
60350-60352 Core reading program instructional materials  
60400-60411 High school textbooks  
60510-60511 Donation for sale of obsolete instructional materials  
60605 State content standards  
60605.8 Common Core State Standards  
60605.86-60605.88 Supplemental instructional materials aligned with Common Core State Standards

Code of Regulations, Title 5

9505-9530 Instructional materials

**Management Resources**

California Department of Education Publications

Instructional Materials FAQ

01-05 Guidelines for Piloting Textbooks and Instructional Materials, rev. January 2015

Standards for Evaluating Instructional Materials for Social Content, 2013

Websites

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

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

California Academic Content Standards Commission, Common Core State Standards:  
<http://www.scoe.net/castandards>

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
SUPPLEMENTARY INSTRUCTIONAL MATERIALS**

The County Superintendent and County Board encourage the use of supplementary instructional materials to enrich the curriculum and enhance student learning. Such materials shall be aligned with County Superintendent and County Board goals, curriculum objectives, and academic standards and shall supplement and not supplant the use of County Superintendent and County Board-adopted basic instructional materials that serve as the primary learning resources.

Supplementary instructional materials include, but are not limited to, instructional materials that are designed to serve one or more of the following purposes: (Education Code 60010)

1. To provide more complete coverage of one or more subjects included in a given course.
2. To meet the various learning ability levels of students in a given age group or grade level.
3. To meet the diverse educational needs of students with a language disability in a given age group or grade level.
4. To meet the diverse educational needs of students reflective of a condition of cultural pluralism.
5. To use current, relevant technology that further engages interactive learning in the classroom and beyond.

Supplementary instructional materials may be selected by the County Superintendent or designee, school administrators, or teachers, as applicable, and obtained through donations to the County Superintendent and/or available funding sources designated for these purposes.

As appropriate, supplementary instructional materials shall meet the criteria developed for the selection and evaluation of basic instructional materials as described in County Superintendent Administrative Regulation 6161.1 - Selection and Evaluation of Instructional Materials. Supplementary instructional materials shall be directly related to the course of study in which they are being used and shall be appropriate for the age and maturity level of the students.

The use or reproduction of supplementary instructional materials shall be in accordance with federal copyright law.

**Supplementary Materials Aligned with Common Core Standards**

To prepare students to achieve the Common Core Standards in English language arts and mathematics and the English language development standards, as applicable, the County Superintendent or designee may select supplementary instructional materials from the lists of materials determined by the State Board of Education (SBE) to be aligned with those standards.

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(Education Code 60605.86-60605.88)

The County Superintendent or designee may approve supplementary instructional materials that are not on the lists approved by the SBE but which are aligned with the Common Core Standards provided that the materials comply with the evaluation criteria established by the SBE and Education Code 60050, 60060-60062, and 60226. The County Superintendent or designee shall select content review experts who possess the qualifications specified in law to review and recommend such supplementary materials. The majority of the content review experts shall be teachers who are credentialed and/or authorized in the subject area they are reviewing and the remainder shall include appropriate persons from postsecondary educational institutions, school and County Superintendent curriculum administrators, and other persons who are knowledgeable in the subject area. (Education Code 60605.86-60605.88)

Adopted: 10/20/2011

Amended: 03/21/2013, ###/###/2020

### **Legal Reference**

#### Education Code

233.5 Duty regarding instruction in morals, manners, and citizenship  
18111 Exclusion of books by governing board  
51510 Prohibited study or supplemental materials  
51511 Religious matters properly included  
51933 Sex education materials  
60010 Definitions  
60050 Social content review of instructional materials  
60060-60062 Requirements of publishers  
60200.7 Suspension of state instructional materials adoptions  
60226 Learner verification of instructional materials  
60400 Adoption of high school instructional materials  
60605.8 Common Core Standards  
60605.86-60605.88 Supplemental instructional materials aligned with Common Core Standards  
60811.3 English language development standards

#### Court Decisions

McCarthy v. Fletcher, (1989) 207 Cal. App. 3d 130

Fowler v. Board of Education of Lincoln County, (1978) 819 F.2d 657

### **Management Resources**

#### California Department of Education Publications

Standards for Evaluating Instructional Materials for Social Content, 2000

#### Websites

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

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

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6161.11, 11/2012; Doc# 123717

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Instruction**  
**DAMAGED OR LOST INSTRUCTIONAL MATERIALS**

The County Superintendent and the County Board recognize that instructional materials are an expensive resource and that each student is entitled to sufficient instructional materials in accordance with law. Instructional materials provided for use by students remain the property of the County Superintendent. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

When materials are lost or so damaged that they are no longer usable, the student shall be immediately issued a replacement material. However, students or parents/guardians shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the County Superintendent or designee shall determine an appropriate charge.

If it can be demonstrated to the County Superintendent or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the County Superintendent or designee may excuse the student or parent/guardian from payment of reparation.

If reparation is not excused and not paid by the student or parent/guardian, the County Superintendent may withhold the student's grades, diploma and transcripts in accordance with law, County Superintendent/County Board policy, and administrative regulation.

Adopted: 08/18/2011  
Amended: ###/###/2020

**Legal Reference**

Education Code

48904 Willful misconduct; limit of liability of parent or guardian

48904.3 Withholding grades, diplomas or transcripts of students causing property damage or injury

60119 Public hearing on sufficiency of materials

60411 Purchase and use; property of district

Civil Code

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

Code of Regulations, Title 5

305 Student responsible for care of property

**Management Resources**

Websites

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



FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**STUDENT ASSESSMENT**

The County Superintendent and County Board recognize that student assessments are an important instructional and accountability tool. To obtain the most accurate evaluation of student performance, the County Superintendent shall use a variety of measures, including County Superintendent, state, and/or national assessments.

Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in County Superintendent/County Board programs, and/or eligibility for graduation. In addition, summary data on student assessment results shall be used to identify and review student achievement goals in the County Superintendent's local control and accountability plan, evaluate County Superintendent/County Board educational programs in order to identify needed improvements, and, as appropriate, evaluate staff performance.

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

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

As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, and/or school site to allow for critical analysis of student needs.

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

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

Interim and Formative Assessments

State interim and formative assessments may be used in combination with other sources of information to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning. Results from interim and formative assessments shall not be used for any high-stakes purpose, including, but not limited to, teacher or other school staff evaluation, accountability, student grade promotion or retention, graduation, course or class placement, identification for gifted or talented education, reclassification of English learners, or identification as an individual with exceptional needs. (Education Code 60642.6, 60642.7)

The County Superintendent or designee shall ensure that teachers who administer interim and

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formative assessments have access to all functions and information designed for teacher use related to such assessments and student performance on the assessments. (Education Code 60642.6)

**Individual Record of Accomplishment**

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

1. The results of the state achievement tests required and administered as part of the California Assessment of Student Performance and Progress, or any predecessor assessments, pursuant to Education Code 60640-60649.
2. The results of any end-of-course examinations taken.
3. The results of any vocational education certification examinations taken.

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

Adopted: 08/18/2011  
Amended: ###/###/2020

**Legal Reference****Education Code**

313 Assessment of English language development  
10600-10610 California Education Information System  
44660-44665 Evaluation and assessment of performance of certificated employees (Stull Act)  
49558 Free and reduced-price meals; use of individual applications and records  
51041 Evaluation of educational program  
51450-51455 Golden State Seal Merit Diploma  
52052 Accountability; numerically significant student subgroups  
52060-52077 Local control and accountability plan  
60600-60649 Assessment of academic achievement, especially:  
60640-60649 California Assessment of Student Performance and Progress  
60800 Physical fitness testing  
60900 California Longitudinal Pupil Achievement Data System

**Code of Regulations, Title 5**

850-864 California Assessment of Student Performance and Progress

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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United States Code, Title 20  
9622 National Assessment of Educational Progress

**Management Resources**

Websites

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

California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>

Smarter Balanced Assessment Consortium: <http://www.smarterbalanced.org>

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

6162.5, 03/2018; Doc# 123713

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**Instruction****STATE ACADEMIC ACHIEVEMENT TESTS**

The County Superintendent and County Board recognize that state achievement test results provide an indication of student progress in achieving state academic standards and may be used to promote high-quality teaching and learning. The County Superintendent or designee shall administer mandatory student assessments within the California Assessment of Student Performance and Progress (CAASPP) as required by law and in accordance with County Superintendent and County Board policy and administrative regulation.

The County Superintendent and County Board strongly encourage all students at the applicable grade levels to participate in the state assessments in order to maximize the usefulness of the data and enable the County Superintendent/County Board to meet participation levels required for state and federal accountability systems. The County Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

The County Superintendent and County Board shall annually examine state assessment results by school, grade level, and student subgroup as one measure of progress in attaining student achievement goals and shall revise the local control and accountability plan and other plans as necessary to improve student achievement for underperforming student groups.

Adopted: 08/18/2011

Amended: ###/###/2020

**Legal Reference**Education Code

49076 Student records; access

51041 Evaluation of educational program

52052 Accountability; numerically significant student subgroups

52060-52077 Local control and accountability plan

56345 Individualized education program, contents

60600-60630 Assessment of academic achievement

60640-60649 California Assessment of Student Performance and Progress

60660-60663 Electronic learning assessment resources

99300-99301 Early Assessment Program

Code of Regulations, Title 5

850-864 State assessments

United States Code, Title 20

1412 Participation of students with disabilities in state assessments

6311 Adequate yearly progress

Code of Federal Regulations, Title 34

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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200.1 Standards and assessment

**Management Resources**

CSBA Publications

Supporting Student Achievement: Student Assessment System in Flux, Governance Brief, June 2013

California Department of Education Publications

Assembly Bill 484 Questions and Answers

California State University Publications

The Early Assessment Program: Handbook for School Site Leaders, 2008

Smarter Balanced Assessment Consortium Publications

Usability, Accessibility, and Accommodations Guidelines, September 2013

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

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

Websites

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

California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>

California Learning Resources Network: <http://clrn.org>

California State University, Early Assessment Program: <http://www.calstate.edu/eap>

Smarter Balanced Assessment Consortium: <http://www.smarterbalanced.org>

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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**TEST INTEGRITY/TEST PREPARATION**

The County Superintendent and County Board desire to protect the integrity of student assessments in order to obtain accurate and reliable student achievement data and to ensure accountability to the community and state. Staff and students shall maintain a high level of integrity in the completion and handling of student assessments.

In administering standardized tests, staff shall not engage in any acts that could result in the invalidation of test results, such as:

1. Providing inappropriate test preparation;
2. Modifying test administration procedures, except as allowed by law;
3. Providing inappropriate assistance to students during test administration;
4. Changing or filling in answers on student answer sheets;
5. Providing inaccurate data on student header sheets;
6. Discouraging or excluding certain students from taking the test; or
7. Engaging in any other practice to artificially raise student scores without actually improving underlying student achievement.

Appropriate Test Preparation

The County Superintendent or designee, lead site administrators, and teachers shall not implement any program for the sole purpose of test preparation of students for the statewide assessment system or a particular test used in the statewide assessment system. (Education Code 60611)

The primary preparation for assessments shall be high-quality instruction in the content specified in state and County Superintendent/County Board academic standards. In addition, staff may prepare students for assessments by teaching general test-taking strategies and familiarizing them with item types or the computer-based testing environment used in state assessments.

Investigation and Consequences of Testing Irregularities

Reports of cheating on assessments shall be submitted to the County Superintendent or designee. The County Superintendent or designee shall immediately investigate with due diligence any reports of inappropriate test preparation or other testing irregularities.

Students found to have cheated on assessments shall be subject to disciplinary procedures in accordance with County Superintendent/County Board policy and administrative regulations.

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A staff member found to have committed testing irregularities shall be subject to discipline in accordance with law, applicable collective bargaining agreements, County Superintendent/County Board policy, and administrative regulations.

If the County Superintendent or designee is made aware of a testing irregularity on state assessments, County Superintendent or designee shall report the irregularity to the California Department of Education.

Adopted: 08/18/2011

Amended: ##/##/2020

**Legal Reference**Education Code

60611 Inappropriate test preparation

60640-60649 California Assessment of Student Performance and Progress

Government Code

54957 Complaints against employees, closed session

Code of Regulations, Title 5

850-864 California Assessment of Student Performance and Progress

1200-1225 California High School Exit Examination, especially:

1220 Cheating on the high school exit examination

**Management Resources**California Department of Education Publications

Guidelines on Academic Preparation for State Assessments, December 2009

Websites

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

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

Smarter Balanced Assessment Consortium: <http://www.smarterbalanced.org>

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Instruction**  
**USE OF COPYRIGHTED MATERIALS**

The County Superintendent and County Board recognize that County Superintendent staff and students may use a variety of copyrighted materials in the educational program and other County Superintendent operations. When such materials have not been purchased for the intended use, the County Superintendent and County Board expect staff and students to respect the protections afforded by federal law to the copyright owners of those materials and respect any limitations by the copyright holder to the license of such materials.

Any literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, audiovisual or motion picture, sound, architectural, or other original work shall be assumed to be a copyrighted work, regardless of whether the work appears in print, audio, video, electronic, or other fixed and tangible form.

Before reproducing a copyrighted material for instructional or other County Superintendent purposes, a staff member shall determine if the material is in the public domain or if the intended use of the material meets the criteria for fair use or another exception pursuant to 17 USC 107-122. If the material is not in the public domain or no recognized exception applies, the staff member shall seek permission of the copyright holder before using the material.

The County Superintendent or designee shall inform staff that inclusion of an attribution citing the author and source of a copyrighted material does not absolve the staff member from the responsibility to either obtain permission or satisfy criteria for fair use or another exception.

If a staff member is uncertain as to whether the intended use of the material meets the criteria for fair use or another exception, he/she shall take the safest course and seek permission from the copyright holder to use the material or, if it is impracticable to obtain permission, shall contact the County Superintendent or designee for clarification and assistance.

Students shall not copy or distribute copyrighted works to others. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

The County Superintendent or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

Adopted: 06/15/1995

Amended: 10/20/2011, \_\_/\_\_/2020

**Legal Reference**

Education Code

35182 Computer software

United States Code, Title 17

101-122 Subject matter and scope of copyright, especially:



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- 102 Definitions
- 106 Copyright protection
- 107 Fair use of copyrighted works
- 110 Limitations on exclusive rights: Exemption of certain performances and displays
- 504 Penalties for copyright infringement

Court Decisions

Cambridge University Press et al. v. Becker et al. (N.D. Ga. 2012) 863 F.Supp.2d 1190  
Campbell v. Acuff-Rose Music, Inc., (1994) 510 U.S. 569  
Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171

**Management Resources**

National School Boards Association Publications

Copyright Law: Do Schools Need a License to Show a Movie?, School Law Review, July 2010

**U.S. COPYRIGHT OFFICE PUBLICATIONS**

Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, rev. 2009

Circular 22: How to Investigate the Copyright Status of a Work, rev. 2013

Circular 23: The Copyright Card Catalog and the Online Files of the Copyright Office, rev. 2012

Websites

Copyright Society of the USA: <http://www.csusa.org>

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

University of California, Copyright Education:

<http://copyright.universityofcalifornia.edu/usingcopyrightedworks.html>

U.S. Copyright Office: <http://www.copyright.gov>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
LIBRARY MEDIA CENTERS**

The County Superintendent and County Board recognize that school libraries support the educational program by providing access to a variety of informational and supplemental resources that can help raise the academic achievement of all students. The County Superintendent and County Board desire that school libraries be stocked with up-to-date books, reference materials, and electronic resources that promote literacy, support academic standards, and prepare students to become lifelong learners.

School libraries shall be open for use by students and teachers during the school day. Any library open to serve students outside the school day, such as evenings and/or Saturdays shall be under the supervision of a certificated employee. (Education Code 18103)

**Staffing**

The County Superintendent may employ one or more teacher librarians who possess appropriate credentials issued by the Commission on Teacher Credentialing. (Education Code 18120, 44868; 5 CCR 80024.6, 80053)

The County Superintendent or designee may assign teacher librarians to perform the following duties in accordance with the authorizations of their credential: (5 CCR 80053, 80053.1)

1. Instruct students in accessing, evaluating, using, and integrating information and resources in the library program and/or provide departmentalized instruction in information literacy, digital literacy, and digital citizenship;
2. Plan and coordinate school library programs with instructional programs through collaboration with teachers;
3. Select materials for school and County Superintendent libraries;
4. Develop and deliver staff development programs for school library services;
5. Coordinate or supervise library programs;
6. Plan and conduct a course of instruction for students who assist in the operation of school libraries;
7. Supervise classified personnel assigned school library duties; and
8. Develop procedures for and management of libraries.

**Selection and Evaluation of School Library Materials**

Library materials shall include print and electronic resources that align with the curriculum and

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are accessible to students with varying cognitive or language needs.

The County Superintendent or designee shall develop procedures for the selection and evaluation of library materials.

Adopted: 06/15/1995

Amended: 10/20/2011, ###/##/2020

### **Legal Reference**

#### Education Code

1703 Coordination of district library services by county superintendent  
1770-1775 Provision of library services by county superintendent  
18100-18203 School libraries  
18300-18571 Union high school district/unified school district library district  
19335-19336 Reading Initiative Program; recommended books  
35021 Volunteer aides  
44868-44869 Qualifications and employment of library media teachers  
45340-45349 Instructional aides

#### Code of Regulations, Title 5

16040-16043 School libraries  
80023-80023.2 Emergency permits, general requirements  
80024.6 Emergency teacher librarian services permit  
80026-80026.6 Emergency permits  
80053-80053.1 Teacher librarian services credential

### **Management Resources**

#### California Department of Education Publications

Examples of Model School Library Standards for California Public Schools Supporting Common Core State Standards (CCSS) for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. February 2012

Model School Library Standards for California Public Schools: Kindergarten Through Grade Twelve, 2010 (includes standards for student instruction as well as program standards)

Looking at the School Library: An Evaluation Tool, 2003

Recommended Literature: Kindergarten Through Grade Twelve

CALIFORNIA SCHOOL LIBRARY ASSOCIATION PUBLICATIONS

Standards and Guidelines for Strong School Libraries, 2004

#### Websites

American Association of School Libraries: <http://www.ala.org/aasl>

California Department of Education, School Libraries: <http://www.cde.ca.gov/ci/cr/lb>

California School Library Association: <http://www.csla.net>

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**Instruction**  
**ANIMALS AT SCHOOL**

The County Superintendent and County Board recognize that animals can contribute to the County Superintendent/County Board instructional program by being effective teaching aids to students and by assisting individuals with disabilities to access County Superintendent/County Board programs and activities. In addition, instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures.

The County Superintendent or designee shall develop rules and procedures to ensure that when animals are brought to school, the health, safety, and welfare of students, staff, and the animals are protected. However, the County Superintendent/County Board assumes no liability for the safety of animals allowed on County Superintendent/County Board property.

Adopted: 08/18/2011  
Amended: ###/###/2020

**Legal Reference**

Education Code

233.5 Instruction in kindness to pets and humane treatment of living creatures  
39839 Transportation of guide dogs, signal dogs, service dogs  
51202 Instruction in personal and public health and safety  
51540 Safe and humane treatment of animals at school

Civil Code

54.1 Access to public places  
54.2 Guide, signal, or service dogs, right to accompany

Government Code

810-996.6 California Tort Claims Act, especially:  
815 Liability for injuries generally; immunity of public entity  
835 Conditions of liability

Vehicle Code

21113 Public grounds

Code of Regulations, Title 13

1216 Transportation of property

United States Code, Title 20

1400-1482 Individuals with Disabilities Education Act

United States Code, Title 29

794 Rehabilitation Act of 1973, Section 504

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Code of Federal Regulations, Title 28

35.104 Definitions

35.136 Service animals

Court Decisions

Sullivan v. Vallejo City USD (1990) 731 F.Supp. 947

**Management Resources**

Federal Register

Rules and Regulations, September 15, 2010, Vol. 75, Number 178, pages 56164-56236

CSBA Publications

Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008

Asthma Management in the Schools, Policy Brief, March 2008

Websites

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

American Society for the Prevention of Cruelty to Animals: <http://www.asPCA.org>

Humane Society of the United States: <http://www.hsus.org>

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

Adopted: 08/18/2011

Amended: ###/###/2020

6163.2, 03/2011; Doc# 123688

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
STUDENT USE OF TECHNOLOGY**

The County Superintendent and County Board intend that technological resources provided by the County Superintendent be used in a safe and responsible manner in support of the instructional program and for the advancement of student learning. All students using these resources shall receive instruction in their proper and appropriate use.

Teachers, administrators, and/or library media specialists are expected to review the technological resources and online sites that will be used in the classroom or assigned to students in order to ensure that they are appropriate for the intended purpose and the age of the students.

The County Superintendent or designee shall notify students and parents/guardians about authorized uses of County Superintendent technology, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with this policy and the County Superintendent's Acceptable Use Agreement.

County Superintendent technology includes, but is not limited to, computers, the County Superintendent's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet devices, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through County Superintendent-owned or personally owned equipment or devices.

Before a student is authorized to use County Superintendent technology, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement. In that agreement, the parent/guardian shall agree not to hold the County Superintendent, County Board, County Superintendent and County Board agents, and any County Superintendent staff responsible for the failure of any technology protection measures or user mistakes or negligence and shall agree to indemnify and hold harmless the County Superintendent, County Board, County Superintendent and County Board agents, and County Superintendent staff for any damages or costs incurred.

The County Superintendent reserves the right to monitor student use of technology within the jurisdiction of the County Superintendent without advance notice or consent. Students shall be informed that their use of County Superintendent technology, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, is not private and may be accessed by the County Superintendent for the purpose of ensuring proper use. Students have no reasonable expectation of privacy in use of the County Superintendent technology. Students' personally owned devices shall not be searched without consent except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, County Superintendent/County Board policy, or school rules.

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Whenever a student is found to have violated County Superintendent/County Board policy or the County Superintendent's Acceptable Use Agreement, the lead site administrator or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the County Superintendent's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law, County Superintendent/County Board policy, and school rules.

The County Superintendent or designee, with input from students and appropriate staff, shall regularly review and update procedures to enhance the safety and security of students using County Superintendent technology and to help ensure that the County Superintendent adapts to changing technologies and circumstances.

Internet Safety

The County Superintendent or designee shall ensure that all County Superintendent computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 7131; 47 USC 254; 47 CFR 54.520)

To reinforce these measures, the County Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The County Superintendent's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.
2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy County Superintendent equipment or materials or manipulate the data of any other user, including so-called "hacking."
3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person.

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The County Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting one's own personal identification information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Adopted: 10/20/2011

Amended: ###/###/2020

**Legal Reference**

Education Code

49073.6 Student records; social media  
51006 Computer education and resources  
51007 Programs to strengthen technological skills  
60044 Prohibited instructional materials

Penal Code

313 Harmful matter  
502 Computer crimes, remedies  
632 Eavesdropping on or recording confidential communications  
653.2 Electronic communication devices, threats to safety

United States Code, Title 15

6501-6506 Children's Online Privacy Protection Act

United States Code, Title 20

7101-7122 Student Support and Academic Enrichment Grants  
7131 Internet safety

United States Code, Title 47

254 Universal service discounts (E-rate)

Code of Federal Regulations, Title 16

312.1-312.12 Children's Online Privacy Protection Act

Code of Federal Regulations, Title 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

Court Decisions

New Jersey v. T.L.O., (1985) 469 U.S. 325

**Management Resources**

CSBA Publications

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007



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Federal Trade Commission Publications

How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000

Websites

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

American Library Association: <http://www.ala.org>

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

Center for Safe and Responsible Internet Use: <http://csriu.org>

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

Federal Trade Commission, Children's Online Privacy Protection:  
<http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>

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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**GUIDANCE/COUNSELING SERVICES**

The County Superintendent and County Board recognize that a structured, coherent and comprehensive counseling program promotes academic achievement and serves the diverse needs of all students of County Superintendent/County Board schools. Counseling staff shall be available to provide students with individualized reviews of their educational progress toward academic and/or career and vocational goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning.

The County Superintendent or designee shall ensure that all persons employed to provide school counseling, school psychology, and/or school social work services shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of each position shall be clearly defined in a job description.

Responsibilities of school counselors include, but are not limited to:

1. Engaging with, advocating for, and providing support for all students with respect to learning and achievement.
2. Planning, implementing, and evaluating programs to promote the academic, career, personal, and social development of all students, including students from low-income families, foster youth, homeless youth, undocumented youth, and students at all levels of academic, social, and emotional abilities.
3. Using multiple sources of information to monitor and improve student behavior and achievement.
4. Collaborating and coordinating with school and community resources.
5. Promoting and maintaining a safe learning environment for all students by providing restorative justice practices, positive behavior interventions, and support services.
6. Intervening to ameliorate school-related problems, including issues related to chronic absences.
7. Using research-based strategies to reduce stigma, conflict, and student-to-student mistreatment and bullying.
8. Improving school climate and student well-being.
9. Enhancing students' social and emotional competence, character, health, civic engagement, cultural legacy, and commitment to lifelong learning and the pursuit of high-quality educational programs.
10. Providing counseling interventions and support services for students classified as

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English learners, eligible for free or reduced-priced meals, or foster youth, including enhancing equity and access to the education system and community services.

11. Engaging in continued development as a professional school counselor.

Educational Counseling for Students in Grades 7-12

Beginning in grade 7, parents/guardians shall receive a general notice at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

The educational counseling program shall include academic counseling in the following areas: (Education Code 49600)

1. Development and implementation, with parent/guardian involvement, of the student's immediate and long-range educational plans.
2. Optimizing progress towards achievement of proficiency standards.
3. Completion of the required curriculum in accordance with the student's needs, abilities, interests, and aptitudes.
4. Academic planning for access and success in higher education programs, including advisement on courses needed for admission to public colleges and universities, standardized admissions tests, and financial aid.
5. Career and vocational counseling, in which students are assisted in doing all of the following:
  - a. Planning for the future, including, but not limited to, identifying personal interests, skills, and abilities, career planning, course selection, and career transition.
  - b. Becoming aware of personal preferences and interests that influence educational and occupational exploration, career choice, and career success.
  - c. Developing realistic perceptions of work, the changing work environment, and the effect of work on lifestyle.
  - d. Understanding the relationship between academic achievement and career success, and the importance of maximizing career options.
  - e. Understanding the value of participating in career technical education and work-based learning activities and programs, including, but not limited to, service learning, regional occupational centers and programs, partnership programs, job shadowing, and mentoring experiences.
  - f. Understanding the need to develop essential employable skills and work habits.

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- g. Understanding the variety of four-year colleges and universities and community college vocational and technical preparation programs, as well as admission criteria and enrollment procedures.

The County Superintendent's educational counseling program also may include, but not be limited to, identification of students who are at risk of not graduating with the rest of their class, development of a list of coursework and experience necessary to assist students to satisfy the curricular requirements for college admission and successfully transition to postsecondary education or employment, and counseling regarding available options for a student to continue his/her education if he/she fails to meet graduation requirements.

The County Superintendent or designee shall establish and maintain a program of guidance, placement, and follow-up for all high school students subject to compulsory continuation education. (Education Code 48431)

No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in SP/BP 0410 - Nondiscrimination in County Superintendent and County Board Programs and Activities.

In addition, counselors shall affirmatively explore with students the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the County Superintendent shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

#### Personal or Mental Health Counseling

A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students in accordance with the specialization(s) authorized by his/her credential. Such services may include, but are not limited to, support related to the student's social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness. As appropriate, students and their parents/guardians shall be informed about community agencies, organizations, or health care providers that offer qualified professional assistance.

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by his/her parent/guardian is confidential and shall not become part of the student

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record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

A counselor shall consult with the County Superintendent or designee and, as appropriate, with the County Superintendent's legal counsel whenever unsure of how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

**Crisis Counseling**

The County Superintendent and County Board recognize the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

In addition, the County Superintendent or designee shall identify crisis counseling resources to train County Superintendent staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

**Teacher-Based Advisory Program**

The County Superintendent and County Board recognize that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice, enhance student-teacher relationships, and build the student's feelings of connectedness with the school. The County Superintendent authorizes the development of a teacher-based advisory program in which teachers advise students in such areas as academic planning, character development, conflict resolution, and self-esteem. Any teacher participating in this program shall be under the supervision of a credentialed school counselor as appropriate, receive related information and training, and be subject to this County Superintendent/County Board policy and law, including requirements pertaining to student confidentiality and nondiscrimination.

Adopted: 12/08/2011

Amended: ###/###/2020

**Legal Reference****Education Code**

221.5 Prohibited sex discrimination

44266 Pupil personnel services credential

48431 Establishing and maintaining high school guidance and placement program

49600-49604 Educational counseling

51250-51251 School age military dependents

51513 Personal beliefs

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Family Code

6920-6929 Consent by minor for treatment or counseling

Health and Safety Code

124260 Mental health services; consent by minors age 12 and older

Penal Code

11166-11170 Reporting known or suspected cases of child abuse

Welfare and Institutions Code

5850-5883 Mental Health Services Act

Code of Regulations, Title 5

4930-4931 Counseling

80049-80049.1 Pupil personnel services credential

80632-80632.5 Preparation programs for pupil personnel services

United States Code, Title 10

503 Military recruiter access to directory information

United States Code, Title 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

Code of Federal Regulations, Title 34

99.1-99.67 Family educational rights and privacy

**Management Resources**

California Department of Education Publications

California Results-Based School Counseling and Student Support Guidelines, 2007

Websites

American School Counselor Association: <http://www.schoolcounselor.org>

California Association of School Counselors: <http://www.schoolcounselor-ca.org>

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

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

U.S. Department of Education, access to military recruiters:  
<http://www.ed.gov/policy/gen/guid/fpc/hottopics/ht10-09-02.html>

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Instruction****IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION**

The County Superintendent and County Board recognize the need to actively seek out and evaluate students from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The County Superintendent or designee shall establish a comprehensive system that includes procedures for the identification, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the education and related services provided to such individuals. (Education Code 56301)

The County Superintendent's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

The County Superintendent or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the right to consent to any assessment concerning their child. In addition, the County Superintendent or designee shall notify parents/guardians of procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

Adopted: undated

Amended: ###/###/2020

**Legal Reference**Education Code

44265.5 Professional preparation for teachers of impaired students

56000-56885 Special education programs, especially:

56195.8 Adoption of policies

56300-56304 Identification of individuals with disabilities

56320-56331 Assessment

56333-56338 Eligibility criteria for specific learning disabilities

56340-56347 Instructional planning and individualized education program

56381 Reassessment of students

56425-56432 Early education for individuals with disabilities

56441.11 Eligibility criteria, children ages 3-5

56445 Transition to grade school; reassessment

56500-56509 Procedural safeguards

Government Code

95000-95029.5 California Early Intervention Services Act

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Code of Regulations, Title 5

3021-3029 Identification, referral and assessment

3030-3031 Eligibility criteria

United States Code, Title 20

1232g Family Educational Rights and Privacy Act of 1974

1412 State eligibility

1415 Procedural safeguards

Code of Federal Regulations, Title 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.301-300.306 Evaluations and reevaluations

Court Decisions

Hood v. Encinitas Union School District, (2007) 486 F.3d 1099

**Management Resources**

Federal Register

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

Websites

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:  
<http://www.ed.gov/about/offices/list/osers/osep>



FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**STUDENT SUCCESS TEAMS**

The County Superintendent and County Board encourage the collaboration of parents/guardians, teachers, resource personnel, administrators, and students in evaluating the strengths and needs of students having academic, attendance, or behavioral difficulties and in identifying strategies and programs that may assist the students. The County Superintendent or designee shall establish student success teams (SST) as needed to address individual student needs.

The County Superintendent or designee shall establish a process for initiating referrals of students to the student success team.

Each student success team shall develop intervention strategies to assist the student. Such strategies may include changes in program placement or instructional methods, recommendation of supplemental educational services, parent involvement strategies, behavioral interventions, discipline, referrals to other agencies or resources, and/or other appropriate interventions.

The student success team shall monitor the student's progress, evaluate the extent to which the recommended strategies have been implemented, and develop additional interventions as needed.

Adopted: 06/15/1995

Amended: 10/20/2011, ###/###/2020

**Legal Reference**Education Code

8800-8807 Healthy Start support services for children

48260-48273 Truancy

48400-48454 Continuation education

49600-49604 Educational counseling

51745-51749.3 Independent study programs

54400-54425 Programs for disadvantaged children

54440-54445 Migrant children

Welfare and Institutions Code

4343-4352.5 Primary interventions program, mental health

18986.40-18986.46 Interagency children's services

**Management Resources**CDE Publications

SB 65 School-Based Pupil Motivation and Maintenance Program Guidelines (2000-01 Edition), 2000

Student Success Teams: Supporting Teachers in General Education, 1997

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
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California Dropout Prevention Network Publications  
SST: Student Success Teams, 2000

Websites

California Department of Education: <http://www.cde.ca.gov/spbranch/ssp>  
California Dropout Prevention Network: <http://www.edualliance.org/cdpn>  
National Dropout Prevention Center: <http://www.dropoutprevention.org>

6164.5, 03/2004; Doc# 123573

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**Instruction**  
**IDENTIFICATION AND EDUCATION UNDER SECTION 504**

The County Superintendent and County Board believe that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. The County Superintendent or designee shall work to identify children with disabilities.

The County Superintendent or designee shall provide qualified students with disabilities with a free appropriate public education (FAPE) as defined under Section 504 of the Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met. (34 CFR 104.33)

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the County Superintendent's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

The County Superintendent's local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the County Superintendent or designee shall assess the County Superintendent's progress in attaining the goals established for students with disabilities. (Education Code 52052, 52060)

In providing services to students with disabilities under Section 504, the County Superintendent or designee shall ensure County Superintendent compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in administrative regulation.

Adopted: 06/15/1995  
Amended: 10/20/2011, ###/###/2020

**Legal Reference**

Education Code

49423.5 Specialized physical health care services  
52052 Accountability; numerically significant student subgroups  
52060-52077 Local control and accountability plan  
56043 Special education, timelines  
56321 Assessment; development of IEP; parental notifications, consent

Code of Regulations, Title 5

3051.12 Health and Nursing Services

United States Code, Title 20

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1232g Family Educational Rights and Privacy Act of 1974  
1400-1482 Individuals with Disabilities Education Act

United States Code, Title 29

705 Definitions; Vocational Rehabilitation Act  
794 Rehabilitation Act of 1973, Section 504

United States Code, Title 42

12101-12213 Americans with Disabilities Act

Code of Regulations, Title 28

35.101-35.190 Nondiscrimination on the basis of disability in state and local government services

Code of Federal Regulations, Title 34

104.1-104.61 Nondiscrimination on the basis of handicap, especially:  
104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973  
104.3 Definitions  
104.32 Location and notification  
104.33 Free appropriate public education  
104.34 Educational setting  
104.35 Evaluation and placement  
104.36 Procedural safeguards  
104.37 Nonacademic services  
104.7 Responsible employee; grievance procedures

Court Decisions

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

**Management Resources**

CSBA Publications

Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, December 2007

California Department of Education Legal Advisories

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

U.S. Department of Education Office for Civil Rights Publications

Dear Colleague Letter and Resource Guide on Students with ADHD, July 2016  
Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, October 2015  
Dear Colleague Letter, January 2013  
Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, January 2012  
Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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Websites

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

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

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

6164.6, 12/2016; Doc# 123568

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**TITLE I PROGRAMS**

The County Superintendent and County Board desire to provide a high-quality education that enables all students to meet challenging state academic standards. In schools with a large number or percentage of economically disadvantaged families, the County Superintendent shall use Title I funds to provide services that strengthen the academic program and provide support to students at risk of failing to achieve academic standards.

Title I funds shall be used to supplement, not supplant, funds available from state and local sources for the education of students participating in Title I programs. (20 USC 6314, 6321)

Descriptions of how the County Superintendent will address the required components of the Title I local educational agency plan, as specified in 20 USC 6312, shall be included within the County Superintendent's local control and accountability plan (LCAP), the LCAP Federal Addendum, or another document. School-level strategies shall be aligned with the County Superintendent's plan and be tailored to the specific needs of the students at the school.

In addition, the County Superintendent and each school receiving Title I funds shall develop a written parent/guardian and family engagement policy in accordance with 20 USC 6318.

Comparability of Services

In schools receiving Title I funds, state and local funds shall be used to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds or, if all County Superintendent/County Board schools are receiving Title I funds, that are substantially comparable in each school. Comparability may be determined on a school-by-school basis or by grade span. (20 USC 6321)

To demonstrate comparability of services among County Superintendent/County Board schools, the County Superintendent shall:

1. Adopt and implement a salary schedule.
2. Ensure equivalence in teachers, administrators, and other staff, as measured by either or both of the following:
  - a. The ratio of students to instructional staff at each Title I school within a grade span, which shall not exceed 110 percent of the average ratio for all non-Title I County Superintendent schools within that grade span
  - b. Salary expenditures for instructional staff at each Title I school, which shall be no less than 90 percent of the average salary expenditure across non-Title I County Superintendent schools.
3. Ensure equivalence in the provision of curriculum materials and instructional supplies, by

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determining whether the per-student expenditure of state and local funds for curriculum materials and instructional supplies in Title I schools is between 90 and 110 percent of the County Superintendent-wide average

4. Determine whether the amount of state and local funds allocated per student for each grade span is between 90 and 110 percent of the per student average for each grade span in non-Title I schools

In determining comparability, the County Superintendent shall not include staff salary differentials for years of employment. The County Superintendent also may exclude unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year, state and local funds expended for language instruction educational programs, state and local funds expended for the excess costs of providing services to students with disabilities, and supplemental state or local funds expended in any school attendance area or school for programs that specifically meet the intent and purposes of Title I. (20 USC 6321)

The County Superintendent or designee shall annually assess comparability in accordance with the above criteria and maintain records documenting the County Superintendent's compliance. If any instances of noncomparability are identified, the County Superintendent or designee shall promptly implement adjustments as needed to ensure comparability.

#### Program Evaluation

The County Superintendent and County Board shall regularly monitor the progress of economically disadvantaged and low-achieving students in Title I schools. During the annual evaluation progress toward achieving each goal identified in the LCAP or other planning document addressing 20 USC 6312, the County Superintendent and County Board shall review disaggregated data on academic achievement, school attendance, and other outcomes for such students and shall ensure that strategies are revised as necessary to support continuous improvement.

Adopted: 10/20/2011

Amended: ###/##/2020

#### **Legal Reference**

##### Education Code

11503 Parent involvement programs in Title I schools

52060-52077 Local control and accountability plan

54420-54425 State Compensatory Education

64001 Single plan for student achievement, consolidated application programs

##### United States Code, Title 20

6301 Program purpose

6311-6322 Improving basic programs for disadvantaged students, including:

6312 Local educational agency plan

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- 6313 Eligibility of schools and school attendance areas; funding allocation
- 6314 Title I schoolwide programs
- 6315 Targeted assistance schools
- 6318 Parent and family engagement
- 6320 Participation of private school students
- 6321 Comparability of services
- 6333-6335 Grants to local educational agencies
- 6391-6399 Education for migrant students
- 7881 Participation of private school students

Code of Federal Regulations, Title 34

200.1-200.73 Improving basic programs for disadvantaged students

**Management Resources**

California Department of Education Publications

Frequently Asked Questions About Title I Schoolwide Programs  
Local Control and Accountability Plan Federal Addendum Template  
Meeting Title I, Part A Comparability Requirements, October 2017

U.S. Department of Education Publications

Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act, Non-Regulatory Guidance, November 21, 2016  
Title I Fiscal Issues, Non-Regulatory Guidance, February 2008  
Designing Schoolwide Programs, Non-Regulatory Guidance, March 22, 2006  
Title I Services to Eligible Private School Students, October 17, 2003

Websites

CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov/sp/sw>  
U.S. Department of Education: <http://www.ed.gov>



FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**CONCURRENT ENROLLMENT IN COLLEGE CLASSES**

The County Superintendent and County Board desires to provide opportunities for eligible students to enroll concurrently in courses offered at postsecondary institutions in order to foster individual student achievement, increase opportunities for students to complete college preparatory course requirements and/or participate in career technical education (CTE), and prepare students for a smooth transition into college by providing exposure to the collegiate environment.

When it is determined that the postsecondary course in which the student intends to enroll is substantially equivalent to a course provided by the County Superintendent, the student may receive credit toward high school graduation requirements in addition to credit received from the college.

Approval of Concurrent Enrollment

The County Superintendent or designee may approve a limited number of students of any age or grade level to apply for part-time or full-time concurrent enrollment in a community college or four-year college when it is determined to be in the student's best interest and the student is adequately prepared for such coursework.

Upon recommendation of the lead site-administrator and with parent/guardian consent, the County Superintendent may authorize a student to attend a community college during any session or term as a special part-time or full-time student and to undertake one or more courses of instruction offered at the community college level. (Education Code 48800)

Within the enrollment limits and exceptions allowed by law, the lead site administrator may recommend a student for community college summer session if that student demonstrates adequate preparation in the discipline to be studied and exhausts all opportunities to enroll in an equivalent course, if any, at the school of attendance. (Education Code 48800)

A student's parent/guardian, regardless of the student's age or grade level, may petition the County Superintendent to authorize special full-time attendance at a community college on the ground that the student would benefit from advanced scholastic or career technical work that would be available. (Education Code 48800.5)

If the County Superintendent denies a request for special part-time or full-time enrollment at a community college for a student who is identified as highly gifted and talented, the County Superintendent shall issue a written recommendation and the reasons for the denial within 60 days after the request has been submitted. (Education Code 48800, 48800.5)

The County Superintendent may authorize a student who is pursuing a high school diploma or a high school equivalency certificate through an adult education program, upon recommendation of the administrator of the student's adult school, to attend a community college during any session or term as a special part-time student. (Education Code 52620)

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Program Evaluation

The County Superintendent or designee shall report to the County Board regarding the number and demographics of students participating in the concurrent enrollment option, their success in completing college preparatory courses ("a-g" courses) and postsecondary courses, and any impact on their achievement in County Superintendent/County Board courses and graduation rates.

Adopted: 10/20/2011

Amended: ###/###/2020

**Legal Reference**Education Code

11300-11302 Early and middle college high schools  
42238.02 Definition of unduplicated student  
46141 Minimum day, high school  
46145-46147 Minimum day, high school  
48800-48802 Enrollment of gifted students in community college  
51225.3 Alternative means of satisfying graduation requirements  
52620 Adult education and attendance at community college  
76000-76004 Enrollment in community college  
76140 No community college fee/tuition for special part-time students  
87010 Definition of sex offense  
87011 Definition of controlled substance offense

**Management Resources**Websites

California Community Colleges: <http://www.cccco.edu>  
California Department of Education: <http://www.cde.ca.gov>  
California Postsecondary Education Commission: <http://www.cpec.ca.gov>  
California State University: <http://www.calstate.edu>  
Foundation for California Community Colleges: <http://foundationccc.org>  
University of California: <http://www.universityofcalifornia.edu>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
EDUCATION OF CHILDREN OF MILITARY FAMILIES**

The County Superintendent and County Board recognize that children of military families face challenges to their academic success caused by the frequent moves or deployments of their parents/guardians in fulfillment of military service. The County Superintendent shall provide such students with academic resources, services, and opportunities for extracurricular and enrichment activities that are available to all students.

The County Superintendent or designee may waive County Superintendent and County Board policies or rules when necessary to facilitate the enrollment, placement, advancement, eligibility for extracurricular activities, or on-time graduation of children of military families, in accordance with the Interstate Compact on Educational Opportunity for Military Children as ratified in Education Code 49700-49704.

The County Superintendent or designee may provide information and/or training to administrators, other appropriate staff, and military families regarding the provisions of the Interstate Compact and the educational rights of children of military families.

The County Superintendent or designee may collaborate with parents/guardians, school liaison officers from military installations, and/or other agencies within and outside the state to facilitate the transition of children of military families into and out of the County Superintendent/County Board schools.

The County Superintendent or designee may annually report on the educational outcomes of children of military families. Such reports may include, but are not limited to, school attendance, student achievement test results, promotion and retention rates by grade levels, and graduation rates.

Adopted: 12/08/2011

Amended: ####/2020

**Legal Reference****Education Code**

35160.5 District policy rules and regulations; requirements; matters subject to regulation

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48050-48054 Nonresidents

48200-48208 Persons included (compulsory education law)

48300-48316 Student attendance alternatives, school district of choice program

49700-49704 Education of children of military families

51225.2 Course credits

51225.3 Requirements for graduation

51240-51246 Exemptions from requirements

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51250-51251 School-age military dependents  
66204 Certification of high school courses as meeting university admissions criteria

Code of Regulations, Title 5

4600-4670 Uniform complaint procedures

United States Code, Title 10

101 Definitions

1209 Transfer to inactive status list instead of separation

1211 Members on temporary disability retired list: return to active duty; promotion

United States Code, Title 20

1400-1482 Individuals with Disabilities Education Act

6311 State plan

United States Code, Title 29

794 Section 504 of the federal Rehabilitation Act

**Management Resources**

California Child Welfare Council

Partial Credit Model Policy and Practice Recommendations

California Department of Education Publications

Final Report to the Legislature on the Interstate Compact on Educational Opportunity for Military Children, April 2014

Websites

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

California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx>

California Department of Education, Educational Options Office:  
<http://www.cde.ca.gov/ls/pf/mc>

Military Interstate Children's Compact Commission: <http://www.mic3.net>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Instruction  
EDUCATION FOR ENGLISH LEARNERS**

The County Superintendent and County Board intend to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the regular course of study.

English learners may be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history-social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

However, an English learner may be denied participation in any such course if the student has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students, and the course of study provided to the student is designed to remedy academic deficits incurred during participation and to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

2. A full course load of courses specified in item #1 above
3. Other courses that meet the "a-g" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

The County Superintendent 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.

The County Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The County Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

**Staff Qualifications and Training**

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

The County Superintendent 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)

Staff development may also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

Identification and Assessment

The County Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency using the state's English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the County Superintendent or designee shall annually designate a County Superintendent ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

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

In addition, 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)

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

Language Acquisition Programs

The County Superintendent 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 Superintendent shall offer a structured English immersion program

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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.

In addition, language acquisition programs offered by the County Superintendent may include, but are not limited to, the following: (Education Code 305-306)

1. A dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.
2. A transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.

#### Reclassification

When an English learner is determined based on state and County Superintendent 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 County Superintendent's educational program for English learners, the County Superintendent or designee shall report to the County 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;

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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 County Superintendent's LCAP;
7. A comparison of current data with data from at least the previous year in regard to items #1-6 above; and
8. A comparison of data between the different language acquisition programs offered by the County Superintendent.

The County Superintendent or designee may also provide the County Board with regular reports from any County Superintendent or schoolwide English learner advisory committees.

Adopted: 12/08/2011

Amended: 03/21/2013, ###/###/2020

### **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 Accountability; 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  
60811-60812 Assessment of English 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  
11517.6-11519.5 English Language Proficiency Assessments for California

#### United States Code, Title 20



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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 Practitioners' Guide for Educating English Learners with Disabilities, 2019  
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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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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

**Websites**

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>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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CAREER TECHNICAL EDUCATION**

The County Superintendent and County Board may provide a comprehensive career technical education (CTE) program in the secondary grades which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The County Superintendent/County Board CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy.

CTE opportunities may be offered through linked learning programs, partnership academies, apprenticeship programs or orientation to apprenticeships, regional occupational centers or programs (ROC/Ps), charter schools, small learning communities, magnet programs, or other programs that expose students to career options while preparing them for future careers in a given industry or interest area.

The County Superintendent or designee shall explore available funding sources that may be used to support CTE programs. The County Board shall review and approve all plans and applications for the use of state, and/or federal funds supporting CTE.

The County Board shall adopt standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with County Superintendent/County Board-adopted standards and the state's curriculum framework.

At least every three years, the County Superintendent and County Board shall compare the County Superintendent/County Board curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

The County Superintendent or designee shall systematically review the County Superintendent/County Board CTE courses to determine the degree to which each course may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed for high school graduation. The County Superintendent and County Board shall ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

The County Superintendent or designee shall develop partnerships with local businesses and industries to ensure that course sequences, career technical and integrated curriculum, classroom instruction and projects, and assessments have real-world relevance and reflect labor market needs and priorities. He/she shall also work to develop connections with businesses, postsecondary institutions, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities.

The County Superintendent or designee shall collaborate with postsecondary institutions to ensure that the County Superintendent/County Board program is articulated with postsecondary

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programs in order to provide a sequential course of study. Articulation opportunities may include dual or concurrent enrollment in community college courses.

The County Superintendent and County Board shall appoint a CTE advisory committee to develop recommendations on the CTE program and to serve as a liaison between County Superintendent/County Board and potential employers. The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantaged, students, teachers, business representative, industry representative, school administrator, and representative of the field office of the California Employment Development Department. (Education Code 8070)

Prior to the beginning of each school year, the County Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to any actual or perceived characteristic protected from discrimination by law. The notification shall be disseminated in languages other than English as needed and shall state that the County Superintendent will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the CTE program. (20 USC 2354; 34 CFR 100 Appendix B, 104.8, 106.9)

The County Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. He/she shall also provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned CTE and shall provide opportunities for CTE teachers to collaborate with teachers of academic courses in the development and implementation of integrated curriculum models.

The County Superintendent or designee shall provide counselors and other guidance personnel with professional development that includes, but is not limited to, information about current workforce needs and trends, requirements of the CTE program, work-based learning opportunities, and postsecondary education and employment options following high school.

The County Superintendent or designee shall annually report to the County Board achievement data on participating students, including, but not limited to, the percentage of participating students who successfully complete CTE programs, their performance on state and County Superintendent academic achievement tests, and graduation rate. Data shall be disaggregated by program and various student subgroups. Based on such data, the County Superintendent and County Board shall determine the need for program improvements and update the goals in the local control and accountability plan as necessary.

Adopted: 06/16/2011

Amended: ###/###/2020

**Legal Reference**

Education Code

1205 Classification of counties

8006-8155 Career technical education

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17078.70-17078.72 Career technical education facilities  
33430-33432 Health science and medical technology grants  
35168 Inventory of equipment  
41540-41544 Targeted instructional improvement block grant  
44257.3 CTC recognition of study in linked learning teaching methods  
44260-44260.1 Designated subjects career technical education credential  
44260.9 Designated subjects career technical education credential  
48430 Legislative intent; continuation education schools and classes  
48980 Parental notifications  
51220-51229 Courses of study, grades 7-12  
51760-51769.5 Work experience education  
52060-52077 Local control and accountability plan  
52300-52499.66 Career technical education  
52519-52520 Adult education, occupational training  
53010-53016 California Career Pathways Trust  
53070-53076.4 The California Career Technical Education Incentive Grant Program  
53086 California Career Resource Network  
54690-54699.1 California Partnership Academies  
54750-54760 California Partnership Academies, green technology and goods movement occupations  
56363 Related services for students with disabilities; specially designed career technical education  
66205.5-66205.9 Approval of career technical education courses for admission to California colleges  
88500-88551 Community college economic and workforce development program

**Government Code**

54950-54963 Brown Act

**Labor Code**

3070-3099.5 Apprenticeships

**Code of Regulations, Title 5**

1635 Credit for work experience education  
3051.14 Specially designed career technical education for students with disabilities  
10070-10075 Work experience education  
10080-10092 Community classrooms  
10100-10111 Cooperative vocational education  
11500-11508 Regional occupational centers and programs  
11535-11538 Career technical education contracts with private postsecondary schools  
11610-11611 Regional adult and vocational education councils

**Code of Regulations, Title 8**

200-240 Apprenticeships

**United States Code, Title 20**

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2301-2414 Strengthening Career and Technical Education for the 21st Century Act

6301-6578 Improving the Academic Achievement of the Disadvantaged

Code of Federal Regulations, Title 34

100 Appendix B Guidelines for eliminating discrimination in career technical education programs

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

**Management Resources**

CSBA Publications

A Governance Perspective: Interviews with School Board Members from the Nine Linked Learning Initiative School Districts, March 2014

The Linked Learning Approach to High School Reform, Governance Brief, January 2014

California Department of Education Publications

California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, January 2013

Multiple Pathways to Student Success: Envisioning the New California High School, 2010

Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007

Websites

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

Association for Career and Technical Education: <http://www.acteonline.org>

California Association of Regional Occupational Centers and Programs: <http://www.carocp.org>

California Career Resource Network: <http://www.californiacareers.info>

California Department of Education, Career Technical Education: <http://www.cde.ca.gov/ci/ct>

California Department of Employment Development: <http://www.edd.ca.gov>

California Department of Industrial Relations: <http://www.dir.ca.gov>

California Workforce Development Board: <http://www.cwdb.ca.gov>

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

University of California, a-g Course Submissions:

[http://www.ucop.edu/a-gGuide/ag/course\\_submissions](http://www.ucop.edu/a-gGuide/ag/course_submissions)

U.S. Department of Education, Office of Vocational and Adult Education:

<http://www.ed.gov/about/offices/list/ovae/pi/cte/index.html>

U.S. Department of Labor, Bureau of Labor Statistics: <http://www.bls.gov>

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Instruction**  
**REGIONAL OCCUPATIONAL CENTER/PROGRAM**

The County Superintendent and County Board desire to provide opportunities for students of County Superintendent/County Board schools to receive specialized training and career technical skills through a regional occupational center or program (ROC/P) that prepares them for employment, advanced training, or postsecondary education.

The County Superintendent or designee shall refer eligible students to an ROC/P that has been established by the County Superintendent of Schools and is under the governance of the County Board of Education. (Education Code 52301, 52310.5)

The County Superintendent and County Board or designee shall ensure that students of County Superintendent/County Board schools receive a high-quality career technical program. The County Superintendent or designee shall identify appropriate means to provide input into ROC/P program development, budget adoption, program evaluation, and other matters.

Student Eligibility and Participation

To enroll in the ROC/P on a part-time or full-time basis, a County Superintendent/County Board high school or adult student must have his/her admittance approved by the ROC/P based on a determination that he/she will benefit from the program. To be eligible, a student must be at least 16 years of age, unless he/she meets one of the conditions specified in Education Code 52314. (Education Code 52314, 52314.5, 52315)

Adult students may have access to ROC/P classes offered on high school campuses during the school day.

A student who is attending an ROC/P may be exempted from the County Superintendent/County Board physical education requirement in accordance with law, County Superintendent/County Board policy, and administrative regulation. (Education Code 48410, 52316)

Credits earned from courses completed in an ROC/P may be applied toward fulfillment of high school graduation course requirements. (Education Code 51225.3, 52310)

Student Services

The County Superintendent may provide or arrange for transportation to the ROC/P in accordance with law, County Superintendent/County Board policy, and administrative regulation.

The County Superintendent academic counseling program shall be designed to increase students' awareness of available educational options aligned with their career goals, including, as appropriate, career technical programs offered through the ROC/P.

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Program Evaluation

The County Board shall annually hold a public hearing to review and assess the participation of students in grades 11-12 in the ROC/P and the annual plan to increase participation of students in this program, unless it is determined that there are no additional students who would benefit from this participation. (Education Code 52304.1)

The County Board also shall review student achievement data for participating students.

Adopted: 06/19/2011

Amended: ###/###/2020

**Legal Reference**Education Code

1205 Classification of counties  
37223 Weekend classes  
39807.5 Transportation to ROC/P, parent/guardian payment  
41850 Transportation to ROC/P, apportionments  
44910 Permanent employment status; preclusion of ROC/P service  
46140 Attendance credit  
46300 Computation of average daily attendance  
48410 Exemption from compulsory continuation education  
48430-48433 Continuation education, ROC/P classes  
51225.3 Requirements for graduation  
52300-52335.12 Regional occupational centers/programs  
60900 California longitudinal student achievement data system

Government Code

6500-6536 Joint powers agreements

Labor Code

3368 Workers' compensation, responsibility in jointly operated ROC/P

Unemployment Insurance Code

15037.1 Education and job training, performance accountability

Code of Regulations, Title 5

10080-10092 Community classrooms  
10100-10111 Cooperative vocational education  
11500-11508 Regional occupational centers and programs

United States Code, Title 20

2301-2414 Strengthening Career and Technical Education for the 21st Century Act

**Management Resources**



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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California Department of Education Publications

2008-2012 State Plan for Career Technical Education

Regional Occupational Centers and Programs Operations Handbook March 2008

Model Programs and Practices: Setting Standards for Regional Occupational Centers and Programs (ROCPs), rev. October 2007

Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007

California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005

Websites

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

Association for Career and Technical Education: <http://www.acteonline.org>

California Association of Regional Occupational Centers and Programs: <http://www.carocp.org>

California Department of Education, ROC/P: <http://www.cde.ca.gov/ci/ct/rp>

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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**Supplemental Instruction**

The County Superintendent and County Board recognize that high-quality supplemental instruction can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The County Superintendent and County Board shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs. Supplemental instruction shall be offered in accordance with law and may be used to assist the County Superintendent in meeting goals for student achievement.

Supplemental instruction may be offered during and outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. When supplemental instruction is offered during the regular school day, it shall not supplant the student's instruction in the core curriculum areas or physical education.

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

When determined to be necessary by the lead site administrator or designee and when written parent/guardian consent is obtained for the student's participation, a student may be required to participate in supplemental instruction outside the regular school day.

Supplemental instruction shall be offered to students who are recommended for retention, or are identified as being at risk for retention, at their current grade level. (Education Code 48070.5)

In addition, supplemental instruction may be offered to:

1. Students who demonstrate academic deficiencies that may jeopardize their attainment of academic standards; and/or
2. High school students who need support to successfully complete courses required for graduation.

Adopted: 02/16/2012

Amended: ###/###/2020

**Legal Reference**Education Code

37200-37202 School calendar  
37223 Weekend classes  
42238.01-42238.5 Local control funding formula  
46100 Length of school day  
48070-48070.6 Promotion and retention  
48200 Compulsory education  
48985 Translation of notices

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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51210-51212 Courses of study, elementary schools  
51220-51228 Courses of study, secondary schools  
52060-52077 Local control and accountability plan  
60603 Definitions, core curriculum areas  
60640-60649 California Assessment of Student Performance and Progress

Code of Regulations, Title 5

11470-11472 Summer school

United States Code, Title 20

6311 State plan

**Management Resources**

Web sites

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

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

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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Instruction****EVALUATION OF THE INSTRUCTIONAL PROGRAM**

The County Superintendent and County Board recognize that they are accountable to students, parents/guardians, and the community for the effectiveness of the County Superintendent/County Board educational program in meeting goals for student learning. The County Superintendent or designee shall conduct a continual evaluation of the curriculum and the instructional program in order to identify strategies for improving student achievement.

The County Superintendent or designee shall provide the County Board and the community with regular reports on student achievement. The reports shall include data for each school/program and for each numerically significant student subgroup, as defined in Education Code 52052, including, but not limited to, school and subgroup performance on statewide achievement indicators and progress toward goals specified in the County Superintendent's local control and accountability plan (LCAP).

In addition, the County Superintendent or designee shall conduct an evaluation of any new instructional program implemented in County Superintendent/County Board programs and shall regularly assess progress toward increasing student achievement in all subject areas taught in the County Superintendent/County Board schools and programs. The findings of such evaluations and assessments shall be reported to the County Board.

Annual Evaluation of Consolidated Application Programs

The County Superintendent or designee shall annually determine whether the categorical programs funded through the state's consolidated application are effective in meeting the needs of the students they are intended to serve. As a basis for this evaluation, the County Superintendent shall adopt the specific, measurable criteria that shall be used at each school and at the County program level. These criteria may include, but are not necessarily limited to, the progress of all students participating in the program and of each numerically significant subgroup toward goals contained in the County Superintendent's LCAP, the school's single plan for student achievement, and/or other applicable program or school plans.

Western Association of Schools and Colleges (WASC) Accreditation

The County Superintendent believes that accreditation by the Western Association of Schools and Colleges (WASC) can foster excellence and ongoing academic improvement in the County Superintendent's schools. The results of the accreditation process also may demonstrate to parents/guardians and the community that the schools are meeting their goals and objectives and the WASC criteria for school effectiveness through a viable instructional program.

The County Superintendent or designee shall undertake procedures whereby schools may achieve and maintain full WASC accreditation status. The schools shall conduct a self-study in accordance with WASC requirements, cooperate with the WASC committee during a site visit, and develop and review action plans to increase the effectiveness of the instructional program for students. The County Superintendent or designee shall regularly report to the County Board on the status of County Superintendent schools and any WASC recommendations for school

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improvement.

Not later than 60 days after receiving the results of an inspection of a school by WASC or any other accrediting agency, the County Superintendent or designee shall notify parents/guardians in writing of the inspection results and/or shall post the information on the County Superintendent's web site. (Education Code 35178.4)

If any County Superintendent/County Board school loses its accreditation status, the County Board shall give official notice at a regularly scheduled County Board meeting. The County Superintendent or designee shall provide written notification to each parent/guardian of a student in the school that the school has lost its accreditation status, including the potential consequences of the loss of accreditation status. This notice shall also be posted on the County Superintendent's web site. (Education Code 35178.4)

Adopted: 02/16/2012

Amended: ###/###/2020

**Legal Reference**

Education Code

33400-33407 Educational evaluations

35178.4 Notice of accreditation status

44662 Evaluation and assessment guidelines, certificated employee performance

48985 Compliance with translation of parental notifications

51041 Education program, evaluation and revisions

51226 Model curriculum standards

52052 Accountability; numerically significant student subgroups

52060-52077 Local control and accountability plan

62005.5 Failure to comply with purposes of funds

64000-64001 Consolidated application process

Code of Regulations, Title 5

3930-3937 Program requirements

3942 Continuity of funding

United States Code, Title 20

6311 State plans

**Management Resources**

Western Association of Schools and Colleges Publications

Focus on Learning: Joint ACS WASC/CDE Process Guide, 2017

Web Sites

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

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

Western Association of Schools and Colleges (WASC), Accrediting Commission for Schools:

<http://www.acswasc.org>

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Instruction**  
**ADULT EDUCATION**

The County Superintendent and County Board recognize that education is a lifelong process and that it is important for individuals to continuously develop new skills. Eligible adults shall be offered opportunities to enroll in programs and courses that develop academic and workforce skills and, as appropriate, lead to completion of requirements for high school graduation.

The County Superintendent or designee shall develop and oversee the County Superintendent/County Board adult education program. The County Board shall approve all courses to be offered in this program.

Adopted: 02/16/2012

Amended: ##/##/2020

**Legal Reference**

Education Code

8500-8538 Adult education  
10200 CalWORKs education and job training plan  
41975-41976.2 Adult education; authorized classes and courses  
44260.2-44260.3 Credential requirements, designated subjects adult education credential  
44865 Qualifications for home teachers and teachers in special classes  
46190-46192 Adult school; days of attendance  
46300.1-46300.4 Independent study  
51040 Prescribed courses  
51056 Adult education course of study  
51225.3 Requirements for graduation  
51241 Physical education exemptions  
51246 Physical education exemptions  
51730-51732 Elementary school special day and evening classes  
51745-51749.6 Independent study  
51810-51815 Community service classes  
52500-52523 Adult schools  
52530-52531 Use of hospitals  
52540-52544 Adult English classes  
52550-52556 Classes in citizenship  
52570-52572 Disabled adults  
52610-52616.24 Adult schools, finances  
52651-52656 Immigrant Workforce Preparation Act  
60410 Books for adult classes  
84830 Adult education consortium  
84900-84920 Adult Education Block Grant

Welfare and Institutions Code

11320-11329.5 CalWORKs, including education and job training

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Code of Regulations, Title 5

10501 Adult education

10508 Records and reports

10530-10534 Standards

80034 Teaching credentials, adult education

80034.5 Adult education, substitute teachers

80036-80036.4 Requirements for designated subjects adult education credential

80040.2-80040.2.7 Programs of personalized preparation for the designated subjects adult education teaching credentialing

United States Code, Title 20

2301-2415 Carl D. Perkins Career and Technical Education Act

United States Code, Title 29

3101-3255 Workforce Innovation and Opportunity Act

3271-3333 Adult Education and Family Literacy Act

**Management Resources**

California Department of Education Publications

Adult Education Handbook for California, 2005

Pupil Fees, Charges, and Other Deposits, Fiscal Management Advisory 12-02, April 24, 2013

Web Sites

California Council for Adult Education: <http://www.ccaestate.org>

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

California Department of Industrial Relations, Division of Apprenticeship Standards:  
<http://www.dir.ca.gov/das>

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

Comprehensive Adult Student Assessment Systems: <http://www.casas.org>

EXHIBIT B



The Superintendent and County Board desire to provide a comprehensive, research-based curriculum that motivates every student to succeed. FCOE's educational program shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school and develop to their full potential.

Strategies for improving the educational program shall take into consideration the needs of individual students and subpopulations of students. Students who are failing or at risk of failing to meet academic standards shall be provided with alternative programs and/or supplemental assistance designed to raise achievement.

Inasmuch as parents/guardians are critical partners in their children's education, parents/guardians shall be provided with opportunities to be meaningfully involved both in support of their children's education program at school and with learning at home.

The Superintendent and Board shall:

1. Establish standards of student achievement for core subjects at each grade level that are aligned with FCOE's vision for student learning, the specific needs and strengths of the students, the expectations of parents/guardians and the community, and available resources.
2. Establish graduation requirements.
3. Ensure that a process is in place, involving teachers, administrators, students, and parents/guardians, for the development and review of FCOE's curriculum.
4. Adopt FCOE's curriculum and courses of study to be offered.
5. Adopt textbooks and other instructional materials.
6. Support the professional staff's implementation of the curriculum by providing consistent policy direction, allocating resources based on educational program priorities, ensuring that collective bargaining agreements do not constrain FCOE's ability to achieve curricular goals, recognizing staff accomplishments, and including reasonable annual goals related to student learning.
7. Provide a continuing program of professional development to keep instructional staff and administrators updated about current issues and research pertaining to curriculum, instructional strategies, and student assessment.

8. Review and evaluate the educational program on the basis of state and federal accountability measures, disaggregated student achievement data, and other indicators and ensure that evaluation results are used to improve programs, curriculum, and/or instructional practices as necessary to enhance student achievement.
9. Communicate clear information about FCOE instructional goals, programs, and progress in student achievement to the community and media.

The Superintendent or designee shall:

1. Review research related to curriculum issues.
2. Select and/or develop curricula for recommendation to the Board in accordance with FCOE's curriculum development and review process.
3. Ensure the articulation of the curriculum between grade levels and with postsecondary education and the workplace.
4. Determine the general methods of instruction to be used.
5. Assign instructors and schedule classes for all curricular offerings.
6. Recommend instructional materials to the Board and direct the purchase of approved materials and equipment.
7. Evaluate student achievement as demonstrated through testing and other types of appraisal, and recommend necessary changes in curriculum, programs, and instruction as indicated by student performance data.

### Comparability in Instruction

FCOE shall provide comparable educational opportunities for all students. Instruction in the core curriculum shall be in no way diminished when students receive supplementary services funded by special governmental programs. Services funded by any categorical program shall supplement, not supplant, FCOE-provided core curriculum and any services which may be provided by other categorical programs.

#### **Legal Reference:**

EDUCATION CODE  
51000-51007 Legislative intent, educational program

CODE OF REGULATIONS, TITLE 5  
3940 Maintenance of effort  
4424 Comparability of services

UNITED STATES CODE, TITLE 20  
6321 Fiscal requirements/comparability of services

**Management Resources:**

CSBA PUBLICATIONS  
Maximizing School Board Leadership: Curriculum, 1996

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

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The Superintendent and County Board shall adopt high academic standards for student achievement which challenge all students to reach their full potential and which clarify what students are expected to know and be able to do at each grade level and in each area of study.

In developing these recommended standards, the Superintendent or designee shall use a process that involves teachers, administrators, students, parents/guardians, and community members. He/she shall ensure the alignment of the standards with Fresno County Office of Education's ("FCOE") vision and goals and ensure the proper articulation of standards between grade levels.

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

Teachers and administrators shall receive professional development to ensure their understanding of the standards and to discuss effective instructional methods in preparing students to meet the standards.

The Superintendent or designee shall annually communicate the applicable standards to students and their parents/guardians to inform them of the expectations for student learning at their grade level. Staff shall continually assess students' progress toward meeting the standards, report each student's progress to the student and his/her parents/guardians, and offer remedial assistance in accordance with FCOE policy and administrative regulation.

FCOE standards shall also provide a basis for evaluating the instructional program, making decisions about curriculum and assessment in accordance with Education Code 44662.

The Superintendent or designee shall ensure that FCOE standards are regularly reviewed and updated as necessary. At a minimum, FCOE standards shall be reviewed whenever applicable statewide standards are revised and whenever data on student achievement demonstrate that students are not adequately achieving the standards in a particular grade level or subject area.

**Legal Reference:**

EDUCATION CODE

44662 Evaluation of certificated employees

51003 Statewide academic standards

60605-60605.5 Adoption of statewide academically rigorous content and performance standards

UNITED STATES CODE, TITLE 20  
6311 State academic standards and accountability for Title I, Part A

**Management Resources:**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

World Language Content Standards for California Public Schools, Kindergarten through Grade Twelve, 2009

California Preschool Learning Foundations, Vol. 1, 2008

Health Education Content Standards for California Public Schools, Kindergarten through Grade Twelve, March 2008

California Career Technical Education Model Curriculum Standards, Grades Seven through Twelve, 2006

Physical Education Model Content Standards for California Public Schools, Kindergarten through Grade Twelve, January 2005

Visual and Performing Arts Content Standards for California Public Schools, Prekindergarten through Grade Twelve, January 2001

English-Language Development Standards for California Public Schools, Kindergarten through Grade Twelve, July 1999

History-Social Science Content Standards for California Public Schools, Kindergarten through Grade Twelve, October 1998

Science Content Standards for California Public Schools, Kindergarten through Grade Twelve, October 1998

English-Language Arts Content Standards for California Public Schools, Kindergarten through Grade Twelve, December 1997

Mathematics Content Standards for California Public Schools, Kindergarten through Grade Twelve, December 1997

**WEB SITES**

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

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

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

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The Superintendent and County Board recognize that parents/guardians are their children's first and most influential teachers and that sustained parent involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in Fresno County Office of Education ("FCOE") activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

The Superintendent or designee shall regularly evaluate and report on the effectiveness of FCOE's parent involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

#### Title I Schools

Each year the Superintendent or designee shall identify specific objectives of FCOE's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. (Education Code 11503)

The Superintendent or designee shall ensure that FCOE's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how FCOE will carry out each activity listed in 20 USC 6318. (20 USC 6318)

The Superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how FCOE's Title I funds will be allotted for parent involvement activities. (20 USC 6318)

The Superintendent or designee shall ensure that each school receiving Title I funds develop a school-level parent involvement policy in accordance with 20 USC 6318.

#### Non-Title I Schools

The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of

parents/guardians in the education of their children, including, but not limited to, strategies describing how FCOE will address the purposes and goals described in Education Code 11502. (Education Code 11504)

**Legal Reference:**

EDUCATION CODE

11500-11506 Programs to encourage parent involvement  
48985 Notices in languages other than English  
51101 Parent rights and responsibilities  
64001 Single plan for student achievement

LABOR CODE

230.8 Time off to visit child's school

UNITED STATES CODE, TITLE 20

6311 Parental notice of teacher qualifications and student achievement  
6312 Local educational agency plan  
6314 Schoolwide programs  
6316 School improvement  
6318 Parent involvement

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions, auxiliary aids and services  
35.160 Communications

**Management Resources:**

CSBA PUBLICATIONS

Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services  
Policy Briefs, August 2006

STATE BOARD OF EDUCATION POLICIES

89-01 Parent Involvement in the Education of Their Children, rev. 1994

U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCE

Parental Involvement: Title I, Part A, April 23, 2004

WEB SITES

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

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

California Parent Center: <http://parent.sdsu.edu>

California State PTA: <http://www.capta.org>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

National PTA: <http://www.pta.org>

No Child Left Behind: <http://www.ed.gov>>

Parent Information and Resource Centers: <http://www.pirc-info.net>

Parents as Teachers National Center: <http://www.parentsasteachers.org>

U.S. Department of Education:

(3/91 6/96) 8/06

For each school, the Superintendent and County Board shall adopt a calendar that meets the requirements of law as well as the needs of the community, students, and the work year as negotiated with Fresno County Office of Education's ("FCOE") employee organization(s). As appropriate, the Superintendent or designee shall ensure that the proposed calendar is aligned with assessment and accountability schedules in order to support FCOE's goals for student achievement.

Each school calendar shall show the beginning and ending school dates, legal and local holidays, staff development days, orientation days, minimum days, vacation periods, and other pertinent dates.

FCOE shall offer 180 days of instruction per school year, unless FCOE and employee organization(s) have negotiated to reduce the days of instruction in any school year through 2012-13 pursuant to the authorization in Education Code 42605.

Staff development days shall not be counted as instructional days.

Notification of the schedule of minimum days shall be sent to all parents/guardians at the beginning of the school year. If any minimum days are added to the schedule, the Superintendent or designee shall notify parents/guardians of the affected students as soon as possible and at least one month before the scheduled minimum day. (Education Code 48980)

If a school will be used as a polling place on an election day, the County Board shall determine whether to continue school in session, designate the day for staff training and development, or close the school to students and non-classified staff. (Elections Code 12283)

**Legal Reference:**

EDUCATION CODE

37200-37202 School calendar

37220-37223 Holidays

37252-37254.1 Summer school

37300-37307 Year-Round School Demonstration Project

37600-37672 Continuous school programs: year-round schools, especially:

37618 School calendar

37700-37711 Four-day week

41422 Schools not maintained for 175 days

41530-41532 Professional Development Block Grant

46200-46206 Incentives for longer instructional day and year



46300 Method of computing ADA

48980 Notice at beginning of term

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

44579-44579.6 Instructional Time and Staff Development Reform Program

ELECTIONS CODE

12283 School closures, election days

COURT DECISIONS

Butt v. State of California, (1992) 4 Cal 4th 668

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Davis Joint Unified School District, (1984) PERB Decision No. 474

**Management Resources:**

WEB SITES

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

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

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

Secretary of State's Office: <http://www.ss.ca.gov>

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Secretary of State's Office: <http://www.ss.ca.gov>

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The Superintendent and County Board recognize the importance of having students observe holidays, celebrate events of cultural or historical significance, and acknowledge the contributions of outstanding individuals in society. On days designated by the Superintendent and County Board, staff shall provide students with appropriate commemorative exercises so that they may acquire the knowledge, skills, and principles essential for informed, responsible citizenship in a democratic society.

**Legal Reference:**

## EDUCATION CODE

37220-37223 Saturdays and holidays  
44015.1 Week of the School Administrator  
45203 Paid holidays  
45460 Classified Employee Week  
52720 Daily performance of patriotic exercises in public schools  
52730 Patriotic exercises, daily instruction

## GOVERNMENT CODE

430-439 Display of flags  
3540-3549.3 Meeting and negotiating

## UNITED STATES CODE, TITLE 4

6 Time and occasion for display of flag  
7 Position and manner of display of flag

## UNITED STATES CODE, TITLE 36

106 Note Constitution Day and Citizenship Day

## COURT DECISIONS

West Virginia State Board of Education et al v. Barnette et al, 319 U.S. 624 (1943)

**Management Resources:**

## CSBA PUBLICATIONS

Constitution Day: New Mandate for Districts Receiving Federal Funds, CSBA Advisory, August 2005

## FEDERAL REGISTER

70 Fed. Reg. 29727 Constitution Day and Citizenship Day (2005)

## WEB SITES

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

California Department of Education, History/Social Science Instructional Materials: <http://www.cde.ca.gov/ci/hs/im>

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The Superintendent and County Board desire to provide a high-quality, data-driven educational program to meet the learning and behavioral needs of each student and to help reduce disparities in achievement among subgroups of students. Students who are not making academic progress pursuant to Fresno County Office of Education ("FCOE") measures of performance shall receive intensive instruction and intervention supports designed to meet their individual learning needs.

The Superintendent or designee shall convene a team of certificated personnel, other FCOE staff, and parents/guardians, as appropriate, to assist in designing FCOE's Response to Instruction and Intervention (RtI2) system, based on an examination of indicators of schoolwide student achievement.

FCOE's RtI2 system shall include instructional strategies and interventions with demonstrated effectiveness and shall be aligned with FCOE curriculum and assessments.

FCOE's RtI2 system shall include research-based, standards-based, culturally relevant instruction for students in the general education program; universal screening and continuous classroom monitoring to determine students' needs and to identify those students who are not making progress; criteria for determining the types and levels of interventions to be provided; and subsequent monitoring of student progress to determine the effectiveness of the intervention and to make changes as needed.

When data from the RtI2 system indicate that a student may have a specific learning disability, the student may be referred for evaluation for special education or other services.

FCOE shall provide staff development to teachers regarding the use of assessments, data analysis, and research-based instructional practices and strategies. In addition, FCOE's RtI2 system shall emphasize a collaborative approach of professional learning communities among teachers within and across grade spans.

Staff shall ensure that parents/guardians are involved at all stages of the instructional and intervention process. Parents/guardians shall be kept informed of their child's progress and provided information regarding the services that will be provided, the strategies being used to increase the student's rate of learning, and information about the performance data that will be collected.

**Legal Reference:**

## EDUCATION CODE

56329 Assessment, written notice to parent

56333-56338 Eligibility for specific learning disabilities

56500-56509 Procedural safeguards

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially:  
1416 Monitoring, technical assistance, and enforcement  
6316 School improvement  
6318 Parent involvement  
6319 Highly qualified teachers

CODE OF FEDERAL REGULATIONS, TITLE 34

300.307 Specific learning disabilities  
300.309 Determining the existence of specific learning disabilities  
300.311 Specific documentation for eligibility determination

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE  
Response to Instruction and Intervention, 2008

WEB SITES

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

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The Superintendent and County Board desire to provide a research-based, sequential curriculum which promotes high levels of student achievement and emphasizes the development of basic skills, problem solving, and decision making. Upon recommendation of the Superintendent or designee, the County Board shall adopt a written curriculum which describes, for each subject area and grade level, the content objectives which are to be taught in all Fresno County Office of Education ("FCOE") schools.

FCOE's curriculum shall be aligned with FCOE's vision and goals for student learning, Superintendent/Board policies, academic content standards, state curriculum frameworks, state and FCOE assessments, graduation requirements, school and improvement plans, and, when necessary, related legal requirements.

The Superintendent or designee shall establish a process for curriculum development, selection, and/or adaptation which utilizes the professional expertise of teachers, principals, and administrators representing various grade levels, disciplines, special programs, and categories of students as appropriate. The process also may provide opportunities for input from students, parents/guardians, representatives of local businesses and postsecondary institutions, and other community members.

The selection and evaluation of instructional materials shall be coordinated with the curriculum development and evaluation process.

When presenting a recommended curriculum for adoption, the Superintendent or designee shall provide research, data, or other evidence demonstrating the proven effectiveness of the proposed curriculum. He/she also shall present information about the resources that would be necessary to successfully implement the curriculum and describe any modifications or supplementary services that would be needed to make the curriculum accessible to all students.

The Superintendent and County Board shall establish a review cycle for regularly evaluating FCOE's curriculum in order to ensure continued alignment with state and local goals for student achievement. At a minimum, these reviews shall be conducted whenever the State Board of Education adopts new or revised content standards or the curriculum framework for a particular subject or when new law requires a change or addition to the curriculum.

In addition, the Superintendent and County Board may require a review of the curriculum in one or more subject areas as needed in response to student assessment results; feedback from teachers, administrators, or parent/guardians; new research on program effectiveness; or changing student needs.

**Legal Reference:**

EDUCATION CODE

221.5 Equal opportunity  
35160 Authority of governing boards  
35160.1 Broad authority of school districts  
51050-51057 Enforcement of courses of study  
51200-51263 Required courses of study  
51500-51540 Prohibited instruction  
51720-51879.9 Authorized classes and courses of instruction  
60000-60424 Instructional materials

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

4000-4091 School improvement programs  
4400-4426 Improvement of elementary and secondary education

**Management Resources:**

CSBA PUBLICATIONS

Maximizing School Board Leadership: Curriculum, 1996

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Content Standards for California Public Schools: Kindergarten Through Grade 12  
Curriculum Frameworks for California Public Schools: Kindergarten Through Grade 12

WEB SITES

CSBA: <http://www.csba.org>  
Association for Supervision and Curriculum Development: <http://www.ascd.org>  
Association of California School Administrators: <http://www.acsa.org>  
California Association for Supervision and Curriculum Development: <http://www.cascd.org>  
California Department of Education, Curriculum and Instruction: <http://www.cde.ca.gov/ci>

(9/88 10/93) 7/08



CLASSIFICATION: Instruction

ADOPTED: 10/20/2011

SUBJECT: *Recognition of Religious Beliefs and Customs*PAGE: 1 of 2

The Superintendent and County Board recognize that an American education would be incomplete without an understanding of the role of religion in society. As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature, or the arts. The Superintendent and County Board expect that such instruction will identify principles common to all religions and foster respect for the diversity of religions and customs in the world.

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is clearly forbidden in the public schools. Instruction about religion shall not promote or denigrate the beliefs or customs of any particular religion or sect, nor should a preference be shown for one religious viewpoint over another. Staff members shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces.

Staff shall not endorse, encourage or solicit religious or anti-religious expression or activities among students during class time. As part of their official duties, staff shall not lead students in prayer or other religious activities. However, staff shall not prohibit or discourage any student from praying or otherwise expressing his/her religious belief as long as this does not disrupt the classroom.

Students may express their beliefs about religion in their homework, artwork and other class work if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards.

While teaching about religious holidays is a permissible part of the educational program, celebrating religious holidays is not allowed in the public schools. School-sponsored programs shall not be, nor have the effect of being, religiously oriented or a religious celebration. School and classroom decorations may express seasonal themes that are not religious in nature.

Music, art, literature, or drama programs having religious themes are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of the cultural and religious heritage. The use of religious symbols that are part of a religious holiday is permitted as a teaching aid or resource provided that such symbols are displayed as an example of cultural and religious heritage of the holiday and are temporary in nature.

**Legal Reference:**

## EDUCATION CODE

38130-38138 Civic Center Act

46014 Absences for religious purposes

51511 Religious matters properly included in courses of study

51938 Right of parent/guardian to excuse from sexual health instruction

UNITED STATES CODE, TITLE 20  
4071-4074 Equal Access Act  
6061 School prayer  
7904 School prayer

**COURT DECISIONS**

Lassonde v. Pleasanton Unified School District, (2003, 9th Cir.) 320 F.3d 979  
Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092  
Lemon v. Kurtzman, (1971) 403 U.S. 602

**Management Resources:**

**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, February 2003  
Religion in the Public Schools: A Joint Statement of Current Law, April 1995

**WEB SITES**

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

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The Superintendent and County Board recognize that the purpose of sexual health and HIV/AIDS prevention instruction is to provide students with the knowledge and skills necessary to protect them from unintended pregnancy and sexually transmitted diseases and to encourage students to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family. FCOE therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.

FCOE's curriculum shall be aligned with the state's content standards, based on medically accurate and factual information, and designed to teach students to make healthy choices and reduce high-risk behaviors. FCOE's program shall comply with the requirements of law, Superintendent and County Board policy and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

A parent/guardian may request in writing that his/her child be excused from participating in HIV/AIDS prevention or sexual health education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51939)

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

FCOE may administer to students in grades 7-12 an anonymous, voluntary survey regarding sexual behaviors upon providing written parent/guardian notification and allowing parents/guardians to request in writing that the survey not be administered (i.e. "passive consent"). Parents/guardians of students below grade 7 must give permission (i.e. "active consent") before the research instrument is administered to their child. FCOE shall adopt a policy regarding FCOE's arrangements to protect student privacy when such a survey is administered.

**Legal Reference:**

EDUCATION CODE

220 Prohibition of discrimination

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

HEALTH AND SAFETY CODE

1255.7 Parents surrendering physical custody of a baby

PENAL CODE

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

UNITED STATES CODE, TITLE 20

1232h Protection of student rights

7906 Sex education

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten through Grade 12, 2008

Health Framework for California Public Schools: Kindergarten through Grade 12, 2003

**WEB SITES**

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

American Academy of Pediatrics: <http://www.aap.org>

American College of Obstetricians and Gynecologists: <http://www.acog.org>

American Public Health Association: <http://www.apha.org>

California Department of Education, Sex Education and HIV/STD Instruction: <http://www.cde.ca.gov/ls/he/se>

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

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

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

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

National Academy of Sciences: <http://www.nationalacademies.org>

U.S. Department of Health and Human Services, Office of the Surgeon General: <http://www.surgeongeneral.gov>

U.S. Food and Drug Administration: <http://www.fda.gov>

The Superintendent and County Board recognize that citizen involvement in civic and political institutions is essential to a democratic government and desire to provide a comprehensive civic education program to help students acquire the knowledge, skills, and principles essential for informed, responsible citizenship.

The County Board shall approve, upon the recommendation of the Superintendent or designee, academic standards and curriculum in civics and government that are aligned with state academic standards and curriculum frameworks.

The Superintendent or designee shall determine specific courses within the K-12 curriculum in which civic education and government may be explicitly and systematically taught. He/she also shall encourage the integration of civic education into other subjects as appropriate.

Fresno County Office of Education's ("FCOE") civic education program shall provide students with an understanding of the rights and responsibilities of citizens in American democracy and the workings of federal, state, and local governments. As appropriate, instruction should include an examination of fundamental American documents, including, but not limited to, the Declaration of Independence, the United States Constitution, the Federalist Papers, and other significant writings and speeches.

To develop a sense of political effectiveness, instruction should develop students' understanding of the importance of civic participation in a democratic society. Service learning, extracurricular and cocurricular activities, class and school elections, and observation of local government processes may be used to reinforce classroom instruction by linking civic knowledge to practical experience and encouraging civic involvement.

Instruction also should promote a student's understanding of shared democratic principles and values, such as personal responsibility, justice, equality, respect for others, civic-mindedness, and patriotism, and enable students to make their own commitment to these civic values.

#### Constitution/Citizenship Day

Each year on or near September 17, in commemoration of Constitution and Citizenship Day, FCOE shall hold an educational program for students in grades K-12 pertaining to the United States Constitution which shall include exercises and instruction in the purpose, meaning, and importance of the Constitution, including the Bill of Rights. (Education Code 37221; P.L. 108-447, Sec. 111)

**Legal Reference:**

EDUCATION CODE

233.5 Teaching of principles  
33540 Standards for government and civics instruction  
37221 Commemorative exercises including anniversary of U.S. Constitution  
48205 Absence from school for jury duty or precinct board service  
51210 Courses of study, grades 1-6  
51220 Courses of study, grades 7-12

ELECTIONS CODE

12302 Precinct boards, appointment of students

UNITED STATES CODE, TITLE 20

6711-6716 Education for Democracy Act

UNITED STATES CODE, TITLE 36

101-144 Patriotic observances

**Management Resources:**

CSBA PUBLICATIONS

School Board Leadership: The Role and Function of California's School Boards, 1996

FEDERAL REGISTER

77 Fed. Reg. 29727 Constitution Day and Citizenship Day

AMERICAN BAR ASSOCIATION PUBLICATIONS

Essentials of Law-Related Education, rev. 2003

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

History-Social Science Content Standards

CENTER FOR CIVIC EDUCATION PUBLICATIONS

Education for Democracy: California Civic Education Scope & Sequence, 2003

National Standards for Civics and Government, 1994

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP) PUBLICATIONS

1998 Civics Report Card for the Nation, November 18, 1999

WEB SITES

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

American Bar Association, Law-Related Education Projects: <http://www.abanet.org/publiced/lre>

American Political Science Association: <http://www.apsanet.org>

Bill of Rights Institute: <http://www.billofrightsintstitute.org>

California Association of Student Leaders: <http://www.casl1.org>

California Council for the Social Studies: <http://www.ccss.org>

Center for California Studies: <http://www.csus.edu/calst>

Center for Civic Education: <http://www.civiced.org>

Center for Information and Research on Civic Learning and Engagement: <http://www.civicyouth.org>

Center for Youth Citizenship: <http://www.youthcitizenship.org>

Constitutional Rights Foundation: <http://www.crf-usa.org>

National Assessment of Educational Progress (NAEP), Civics Assessment:

<http://nces.ed.gov/nationsreportcard/civics>

National Council for the Social Studies: <http://www.ncss.org>

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The Superintendent and County Board recognize that schools play a crucial role in educating students about the importance of the environment and in preparing them to be stewards of natural resources. The Superintendent and County Board believe that students should value the environment, respect all life forms, understand the basic ecological principles which support the planet, and live an ecologically responsible life-style.

The Superintendent or designee shall develop an environmental education program that is aligned with state academic standards and curriculum frameworks. The Superintendent or designee shall determine how Fresno County Office of Education's ("FCOE") environmental education program will be integrated into FCOE's science curriculum and other subjects and courses in which the concepts may be explicitly and systematically taught, and how to make the program accessible by county public schools.

The goal of FCOE's environmental education program shall be to provide students with an understanding of the interactions and interdependence of human societies and natural systems, people's dependence and influence on natural systems, the ways that natural systems change and how people can benefit and influence that change, the fact that there are no boundaries to prevent matter from flowing between systems, and the fact that decisions affecting resources and natural systems are complex and involve many factors.

FCOE's program shall emphasize a coordination of instructional resources with active student participation in onsite resource conservation and management programs and the promotion of service learning partnerships.

**Legal Reference:**

## EDUCATION CODE

8700-8707 Environmental education  
8720-8723 Conservation education service  
8760-8773 Outdoor science, conservation, and forestry  
33541 Science requirements  
37222 John Muir; recognition of his contributions  
51210 Areas of study, grades 1-6  
51220 Areas of study, grades 7-12  
51795-51797 School instructional gardens  
60041 Ecological systems and their protection

## PUBLIC RESOURCES CODE

71300-71305 Statewide environmental education

**Management Resources:**

**WEB SITES**

California Environmental Protection Agency, Education and the Environment Initiative:

<http://www.calepa.ca.gov/Education/EEI>

California Department of Education, Environmental Education: <http://www.cde.ca.gov/pd/ca/sc/oeintrod.asp>

California Integrated Waste Management Board, School Waste Management Education and Assistance:

<http://www.ciwmb.ca.gov/Schools>

California Regional Environmental Education Community: <http://www.creec.org>

(9/90 6/92) 7/07



The Superintendent and County Board believe that visual and performing arts are essential to a well-rounded educational program and should be an integral part of the course of study offered to students at all grade levels. Fresno County Office of Education's ("FCOE") arts education program shall provide opportunities for appreciation, creation, and performance of the arts.

The Superintendent and County Board shall adopt academic standards for dance, music, theatre, and visual arts that describe the skills, knowledge, and abilities that students shall be expected to possess at each grade level. FCOE's standards shall meet or exceed state content standards for each of these disciplines.

The Superintendent or designee shall develop a sequential curriculum for dance, music, theatre, and visual arts which is consistent with the state curriculum framework and includes the following strands:

1. Artistic perception: processing, analyzing, and responding to sensory information through the use of language and skills unique to each arts discipline.
2. Creative expression: composing, arranging, and performing a work and using a variety of means to communicate meaning and intent in one's own original works.
3. Historical and cultural context: understanding the historical contributions and cultural dimensions of an arts discipline.
4. Aesthetic valuing: analyzing and critically assessing works of dance, music, theatre, and visual arts.
5. Connections, relations, and applications: connecting, comparing, and applying what is learned in one arts discipline to learning in the other arts, other subject areas, and careers.

The Board shall adopt standards-based instructional materials for visual and performing arts in accordance with applicable law, Superintendent/Board policy, and administrative regulation. In addition, the Superintendent and Board encourage teachers to incorporate a variety of media and technologies into lessons, presentations, and explorations in each of the arts disciplines.

The Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of and ability to teach the arts and to implement adopted instructional materials.

If fiscal resources are available, the Superintendent or designee shall encourage, as a supplement to teacher instruction, the integration of community arts resources into the educational program. Such resources may include opportunities for students to attend musical and theatrical

performances, observe the works of accomplished artists, and work directly with artists-in-residence and volunteers. In addition, the Superintendent or designee may collaborate with community organizations to share resources and seek grant opportunities.

### Arts and Music Block Grants

Any state funding received through arts and music block grants shall be used only for hiring additional staff, purchasing new materials, books, supplies, and equipment, and/or implementing or increasing staff development opportunities as needed to support standards-aligned arts and music instruction. (SB 77, Item 6110-265-0001, Statutes of 2007)

The Superintendent and Board shall distribute block grant funds to FCOE schools on the basis of an equal amount per student or the minimum school site allocation specified in the state budget, whichever is greatest. (SB 77, Item 6110-265-0001, Statutes of 2007)

However, the Superintendent and Board may allocate block grant funds for FCOE expenditures that support program purposes on behalf of all FCOE schools. If the Superintendent and Board elect to do so, a resolution shall be adopted at a public meeting which specifies how the funds will be allocated among schools and for FCOE-wide purposes and the reasons for those allocations. Prior to the public meeting, the Superintendent and Board shall inform school site councils, schoolwide advisory groups, or school support groups, as applicable, of the content of the proposed resolution and of the time and location where the resolution is proposed to be adopted. (SB 77, Item 6110-265-0001, Statutes of 2007)

#### **Legal Reference:**

##### EDUCATION CODE

8820-8830 Arts Work Visual and Performing Arts Educational Program  
 8950-8957 California summer school of the arts  
 32060-32066 Toxic art supplies  
 35330 Field trips  
 51210 Course of study, grades 1-6  
 51220 Course of study, grades 7-12  
 51225.3 Graduation requirements  
 58800-58805 Specialized secondary programs  
 60200-60206 Instructional materials, elementary schools  
 60400-60411 Instructional materials, high schools  
 99200-99206 Subject matter projects

##### UNCODIFIED STATUTE

SB 77, Ch. 171, Statutes of 2007, Item 6110-265-0001 Arts and music block grant

#### **Management Resources:**

##### CSBA PUBLICATIONS

Maximizing School Board Leadership: Curriculum Development, 1996

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Visual and Performing Arts Framework for California Public Schools: Kindergarten through Grade 12, 2004

Visual and Performing Arts Content Standards, January 2001

Arts Education Program Toolkit: A Visual and Performing Arts Program Assessment Process, 2001

WEB SITES:

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

Arts Education Partnership: <http://aep-arts.org>

California Alliance for Arts Education: <http://www.artsed411.org>

California Arts Council: <http://www.cac.ca.gov>

California Art Education Association: <http://www.caea-arteducation.org>

California Association for Music Education: <http://www.calmusiced.com>

California Dance Education Association: <http://www.cdeadance.org>

California Department of Education, Visual and Performing Arts: <http://www.cde.ca.gov/ci/vp>

California Educational Theatre Association: [http://www.cetoweb.org/ceta\\_pages](http://www.cetoweb.org/ceta_pages)

The California Arts Project: <http://csmp.ucop.edu/tcap>

(9/90 2/98) 11/07

The Superintendent and County Board recognize the positive benefits of physical activity on student health and academic achievement. Fresno County Office of Education ("FCOE") shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. FCOE's physical education and activity programs shall support FCOE's coordinated student wellness program and encourage students' lifelong fitness.

FCOE's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework. The Superintendent or designee shall ensure that FCOE's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

The overall course of study for grades 9-12 shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

### Staffing

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

### Physical Fitness Testing

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

### Temporary Exemptions

The Superintendent or designee may grant a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet his/her needs cannot be provided.

2. The student is enrolled for one-half time or less.

### Two-Year Exemptions

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the state's physical fitness test in grade 9. (Education Code 51241)

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the physical fitness test to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

### Permanent Exemptions

The Superintendent or designee may grant a permanent exemption from physical education to an individual student under any of the following conditions: (Education Code 51241)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

### Other Exemptions

The Superintendent or designee may grant an exemption from physical education under the following special circumstances:

1. The student in grades 10-12 is excused for up to 24 clock hours in order to participate in automobile driver training. (Education Code 51222)
2. The student in grades 10-12 attends a regional occupational center or program and attendance in physical education courses results in hardship because of the travel time involved. (Education Code 52316)
3. The student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

### Additional Opportunities for Physical Activity

The Superintendent or designee may develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

Program Evaluation

The staff shall annually report to the Superintendent the results of the state physical fitness testing for each school and applicable grade level, the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of FCOE's program in meeting goals for physical activity.

**Legal Reference:**

## EDUCATION CODE

33126 School accountability report card  
 33350-33354 CDE responsibilities re: physical education  
 35256 School accountability report card  
 49066 Grades; physical education class  
 51210 Course of study, grades 1-6  
 51220 Course of study, grades 7-12  
 51222 Physical education  
 51223 Physical education, elementary schools  
 51241 Temporary, two-year or permanent exemption from physical education  
 51242 Exemption from physical education for athletic program participants  
 52316 Excuse from attending physical education classes  
 60800 Physical performance test

## CODE OF REGULATIONS, TITLE 5

1040-1048 Physical performance test  
 3051.5 Adapted physical education for individuals with exceptional needs  
 10060 Criteria for high school physical education programs

## UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

## UNITED STATES CODE, TITLE 42

1751 Note Local wellness policy

## ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 230 (1970)

**Management Resources:**

## CSBA PUBLICATIONS

Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010  
 Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010  
 Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009  
 Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009  
 Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009  
 Physical Education and California Schools, Policy Brief, rev. October 2007  
 Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007  
 Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009  
 Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005  
 Adapted Physical Education Guidelines for California Schools, 2003

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

2008 Physical Activity Guidelines for Americans, October 2008

WEB SITES

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

California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>

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

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

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

Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/cpf>

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

President's Council on Physical Fitness and Sports: <http://www.fitness.gov>

The California Endowment: <http://www.calendow.org>

U.S. Department of Health and Human Services: <http://www.health.gov>

(7/07 11/07) 2/10

CLASSIFICATION:

ADOPTED: 10/20/2011

SUBJECT: *Comprehensive Health Education*

PAGE: 1 of 2

The Superintendent and County Board believe that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy lives and avoid high-risk behaviors. Fresno County Office of Education's ("FCOE") health education program shall be part of a coordinated school health system which supports the well-being of students and is linked to FCOE and community services and resources.

Goals for FCOE's health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition education and physical activity.

FCOE shall provide a planned, sequential, research-based, and developmentally appropriate health education curriculum for students in grades K-12 which is aligned with the state's content standards and curriculum framework. The Superintendent or designee shall determine the grade levels and subject areas in which health-related topics will be addressed, in accordance with law, Superintendent/Board policy, and administrative regulation.

As appropriate, the Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of FCOE's health education program. Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

The Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards and effective instructional methodologies.

**Legal Reference:**

## EDUCATION CODE

8850.5 Family relationships and parenting education  
35183.5 Sun protection  
49413 First aid training  
49430-49436 Pupil Nutrition, Health and Achievement Act of 2001  
49490-49494 School breakfast and lunch programs  
49500-49505 School meals  
51202 Instruction in personal and public health and safety  
51203 Instruction on alcohol, narcotics and dangerous drugs  
51210 Areas of study  
51210.8 State content standards for health education  
51220.5 Parenting skills; areas of instruction  
51260-51269 Drug education  
51513 Personal beliefs  
51880-51881.5 Health education, legislative findings and intent



51890-51891 Comprehensive health education programs  
51913 District health education plan  
51920 Inservice training, health education  
51930-51939 Comprehensive sexual health and HIV/AIDS prevention education

CALIFORNIA CODE OF REGULATIONS, TITLE 5  
11800-11801 District health education plan

**Management Resources:**

**CSBA PUBLICATIONS**

Asthma Management in the Schools, Policy Brief, March 2008  
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007  
Physical Education and California Schools, Policy Brief, rev. October 2007  
Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007  
Sun Safety in Schools, Policy Brief, July 2006  
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

**AMERICAN ASSOCIATION FOR HEALTH EDUCATION PUBLICATIONS**

National Health Education Standards: Achieving Excellence, 2007

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Health Education Content Standards for California Public Schools, Kindergarten through Grade Twelve, 2008  
Health Framework for California Public Schools: Kindergarten through Grade Twelve, 2003

**WEB SITES**

CSBA: <http://www.csba.org>  
American Association for Health Education: <http://www.aahperd.org>  
American School Health Association: <http://www.ashaweb.org>  
California Association of School Health Educators: <http://www.cashe.org>  
California Department of Education, Health Education: <http://www.cde.ca.gov/ci/he>  
California Department of Public Health: <http://www.cdph.ca.gov>  
California Healthy Kids Resource Center: <http://www.californiahealthykids.org>  
California Subject Matter Project, Physical Education-Health Project: <http://csmp.ucop.edu/cpehp>  
Center for Injury Prevention Policy and Practice: <http://www.cipp.org>  
Centers for Disease Control and Prevention: <http://www.cdc.gov>  
National Center for Health Education: <http://www.nche.org>  
National Hearing Conservation Association: <http://www.hearingconservation.org>

(11/03 11/05) 7/08

The Superintendent and County Board recognize that reading and other language arts constitute the basic foundation for learning in other areas of study. Students should develop an appreciation for literature and for reading as a means to acquire knowledge. They also should develop oral and written language skills that enable them to effectively communicate with others.

The Superintendent and Board desire to offer a comprehensive, balanced reading/language arts program that ensures all students have the skills necessary to read fluently and for meaning. The program shall integrate reading, writing, speaking, and listening activities in order to build effective communication skills.

For each grade level, the Superintendent and Board shall adopt academic standards in reading, speaking, and writing, including spelling and grammar that meet or exceed state standards. Fresno County Office of Education's ("FCOE") program also shall be aligned with the state framework for reading/language arts instruction.

Teachers are encouraged to use a variety of instructional strategies to accommodate the needs of beginning readers and the varying abilities of more advanced readers.

The Superintendent or designee may provide professional development opportunities that are designed to provide instructional staff with knowledge about how students develop language skills, the ability to analyze students' developing literacy, and the ability to draw from a variety of instructional strategies and materials.

The Superintendent or designee shall ensure that FCOE's reading/language arts program offers sufficient access to textbooks and other instructional materials of varying levels of difficulty, including fiction and nonfiction works, so that students are continually reading at an appropriate level. In addition, technology should be available to support all areas of literacy.

Staff shall regularly provide the Superintendent and Board with data from state and FCOE reading assessments and program evaluations to enable the Superintendent and Board to monitor program effectiveness.

### Grades K-3

The goal of FCOE's early literacy program shall be to ensure that students are able to read fluently and at grade level by the end of third grade. To reach this goal, the Superintendent or designee shall design a balanced and comprehensive reading/language arts program with the following components:

1. Explicit skill development for beginning readers that includes phonemic awareness, phonics and decoding skills, and sufficient practice and repetition of these skills.

2. A strong literature, language, and comprehension program that includes a balance of oral and written language.
3. Ongoing diagnosis of students' skills.
4. An early intervention program that provides assistance to students at risk of reading failure.

#### Grades 4-12

The Superintendent and Board recognize that reading/language arts instruction is an integral component of the curriculum at all grade levels. Continuous progress in fluency and comprehension shall be the goal of reading/language arts instruction in grades 4-12.

The program in these grades shall promote reading for subject matter comprehension, developing understanding of progressively more advanced reading material, analyzing and discussing a variety of reading materials, increasing the frequency of reading, developing more complex writing skills with attention to composition and vocabulary, and developing other communications skills.

When students in these grades do not have fully developed reading/language arts skills, the Superintendent or designee shall make resources available to assist them in reaching a reading level sufficient to meet the demands of grade-level material. Staff at all grade levels and in every subject shall take responsibility for supporting and expanding students' literacy skills.

#### Supplementary Reading Instruction for Grades K-4

When state funding is available, the Superintendent or designee may offer students in grades K-4 increased instructional opportunities before or after school and/or outside the regular school session to assist those students who are experiencing difficulty learning to read and to increase the reading skills and reading enjoyment of all students.

#### **Legal Reference:**

##### EDUCATION CODE

41505-41508 Pupil Retention Block Grant  
41530-41532 Professional Development Block Grant  
44277 Professional growth activities  
44735 Teaching as a Priority Block Grant  
44755-44757.5 Teacher Reading Instruction Development Program, K-3  
51210 Areas of study, grades 1-6  
51220 Areas of study, grades 7-12  
51700-51702 Reading First  
53000-53006 Comprehensive Reading Leadership Program  
60119 Sufficiency of textbooks and instructional materials  
60200.4 Fundamental skills  
60350-60352 Core reading program instructional materials  
60605 State-adopted content and performance standards in core curricular areas

99220-99221 California Reading Professional Development Institutes  
99230-99242 Mathematics and Reading Professional Development Program (AB 466 trainings)

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

53025-53032 Intensive reading program for grades K-4

CODE OF REGULATIONS, TITLE 5

9535 Purchase of nonadopted core reading program instructional materials  
11980-11985 Mathematics and Reading Professional Development Program (AB 466 trainings)  
11991-11991.2 Reading First achievement index

UNITED STATES CODE, TITLE 20

6361-6368 Reading First Program  
6371-6376 Early Reading First Program  
6381-6381k Even Start Family Literacy Program  
6383 Improving literacy through school libraries

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Every Child a Reader, 1995  
English-Language Arts Framework for California Public Schools  
English-Language Arts Content Standards for California Public Schools, Kindergarten Through Grade Twelve  
Recommended Literature: Kindergarten Through Grade Twelve

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Guidance for the Reading First Program, April 2002

WEB SITES

CSBA: <http://www.csba.org>  
California Department of Education, Reading/Language Arts: <http://www.cde.ca.gov/pd/ca/rl>  
U.S. Department of Education: <http://www.ed.gov>

(7/99 7/05) 3/07

The Superintendent and County Board desire to offer a rigorous mathematics program that provides a strong foundation in basic mathematical skills and prepares students to apply mathematics in real life. The Superintendent or designee shall develop grade-level curricula that offer a balanced instructional program, including but not limited to:

1. Basic mathematical skills: quantification, basic facts, sorting and classification, and computational skills including addition, subtraction, multiplication, division, fractions, decimals, squares and square roots.
2. Conceptual understanding: knowledge and application of facts and definitions, identification of principles, understanding of relationships among mathematical concepts, recognition and application of signs, symbols and terms.
3. Problem solving: use of mathematical concepts, skills, tools and reasoning strategies to formulate and solve problems in a variety of situations.

The mathematics program shall develop such knowledge and skills in the subject areas of numbers, measurement, geometry, functions, statistics and probability, logic, algebra and discrete mathematics. Students should know, understand and demonstrate concepts through their application to classroom and real-life situations.

The Superintendent or designee shall ensure that all students have many opportunities to take the full range of mathematics course options.

The Superintendent and Board shall establish specific content and performance standards in mathematical skills, concepts and problem-solving ability for each grade level. Students at risk of failing to meet performance standards shall receive additional assistance and intervention.

The Superintendent or designee shall ensure that certificated staff has opportunities to participate in professional development activities designed to increase their knowledge and skills in effective mathematics teaching practices.

Students shall have access to sufficient instructional materials, including manipulatives and technology, to support a balanced mathematics program.

**Legal Reference:**

EDUCATION CODE

51210 Areas of study, grades 1 through 6

51220 Areas of study, grades 7 through 12

**Management Resources:**

CDE PUBLICATIONS

Improving Mathematics Achievement for All California Students: The Report of the California Mathematics Task Force, 1995

Mathematics Framework for California Public Schools, 1992

10/95

The Superintendent and County Board believe that science education should focus on giving students an understanding of key scientific concepts and a capacity for scientific ways of thinking. Students should become familiar with the natural world and the interrelation of science, mathematics, and technology. As part of their science instruction, students should learn how to apply scientific knowledge and ways of thinking for individual and social purposes.

As a matter of principle, science teachers are professionally bound to limit their teaching to content that meets the criteria of scientific fact, hypothesis, and theory as these terms are used in natural sciences. A scientific fact is an understanding based on confirmable observations and is subject to test and rejection. A scientific hypothesis is an attempt to frame a question as a testable proposition. A scientific theory organizes and explains a range of natural phenomena on the basis of facts and hypotheses. Scientific theories are constantly subject to testing, modification and refutation as new evidence and new ideas emerge.

Philosophical and religious theories are based, at least in part, on faith, and are not subject to scientific test and refutation. Such beliefs shall not be discussed in science classes, but may be addressed in the social science and language arts curricula.

**Legal Reference:**

EDUCATION CODE

51210 Areas of study, grades 1 through 6

51220 Areas of study, grades 7 through 12

**Management Resources:**

CDE PUBLICATIONS

Science Framework for California Public Schools, 1990

SBE POLICIES

Policy Statement on the Teaching of Natural Sciences, January 13, 1989

(3/89) 10/95

The Superintendent and County Board believe that the study of history and other social sciences is essential to prepare students to engage in responsible citizenship, comprehend complex global interrelationships, and understand the vital connections among the past, present, and future. Fresno County Office of Education's ("FCOE") history-social science education program shall be designed to develop students' knowledge of historical events within a chronological and geographic context and shall include, at appropriate grade levels, instruction in American and world history, geography, economics, political science, anthropology, psychology, and sociology.

The Superintendent and Board shall adopt academic standards for history-social science which meet or exceed state content standards and describe the knowledge and skills that students shall be expected to achieve at each grade level.

The Superintendent or designee shall develop a comprehensive, sequential curriculum that is aligned with FCOE standards and is consistent with the state's curriculum framework. At each grade level, the curriculum shall integrate age-appropriate instruction designed to develop student achievement in the following areas:

1. Knowledge and cultural understanding, including historical, ethical, cultural, geographic, economic, and sociopolitical literacy.
2. Democratic understanding and civic values, including an understanding of national identity; constitutional heritage; and an individual's civic values, rights, and responsibilities.
3. Skills attainment and social participation, including basic study skills, critical thinking skills, and participation skills that are essential for effective citizenship.

FCOE's history-social science curriculum shall include a multicultural education component which is designed to teach students to respect and appreciate cultural diversity and different points of view while also developing their understanding of commonalities and collective experiences. The curriculum shall reflect the experiences of men and women and of various cultural, ethnic, racial, religious, and social groups and their contributions to the history, life, and culture of the local community, California, the United States, and other nations.

The Superintendent and County Board shall adopt standards-aligned instructional materials for history-social science in accordance with applicable law, Superintendent/Board policy, and administrative regulation. In addition, teachers are encouraged to supplement the curriculum through the use of biographies, original documents, diaries, letters, legends, speeches, other narrative artifacts, and literature from and about the period being studied.

The Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of adopted instructional materials and instructional strategies for teaching history-social science.



Staff shall regularly evaluate and report to the Superintendent and County Board regarding the implementation and effectiveness of the history-social science curriculum at each grade level, including, but not limited to, the extent to which the program is aligned with state standards, test results from the Standardized Testing and Reporting Program at applicable grade levels, and feedback from students, parents/guardians, and staff regarding the program.

**Legal Reference:**

## EDUCATION CODE

33540 History-social science curriculum framework  
51204 Course of study designed for student's needs  
51204.5 History of California; contributions of men, women, and ethnic groups  
51210 Course of study, grades 1-6  
51220 Course of study, grades 7-12  
51220.2 Instruction in legal system; teen or peer court programs  
51221 Social science course of study, inclusion of instruction in use of natural resources  
51221.3-51221.4 Instruction on World War II and Vietnam War; use of oral histories  
51225.3 High school graduation requirements  
60040-60051 Criteria for instructional materials  
60119 Public hearing on the sufficiency of instructional materials  
60200-60206 Instructional materials, grades K-8  
60400-60411 Instructional materials, grades 9-12  
60420-60424 Instructional Materials Funding Realignment Program  
60640-60649 Standardized Testing and Reporting Program  
99200-99206 Subject matter projects

**Management Resources:**

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

History-Social Science Framework for California Public Schools, Kindergarten Through Grade Twelve, rev. 2005  
Model Curriculum for Human Rights and Genocide, 2000  
History-Social Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, October 1998

## WEB SITES

CSBA: <http://www.csba.org>  
California Council for the Humanities: <http://www.calhum.org>  
California Council for the Social Studies: <http://www.ccass.org>  
California Department of Education: <http://www.cde.ca.gov>  
California History-Social Science Course Models: <http://www.history.ctaponline.org>  
California Subject Matter Project: <http://csmf.ucop.edu>  
National Association for Multicultural Education: <http://www.nameorg.org>  
National Council for History Education: <http://www.nche.net>

CLASSIFICATION: Instruction

ADOPTED: 6/15/1995

REVISED: 10/20/2011

SUBJECT: *Courses of Study*

PAGE: 1 of 2

The Superintendent and County Board recognize that a well-articulated sequence of courses fosters academic progress and provides for the best possible use of instructional time. Fresno County Office of Education's ("FCOE") course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school, college, and/or the workplace.

The Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within FCOE and, as necessary, shall work with representatives of appropriate area districts to ensure articulation of courses between elementary and secondary schools.

#### Elementary Grades

The Superintendent and County Board shall adopt a course of study for elementary grades that sufficiently prepares students for the secondary school course of study.

#### Secondary Grades

FCOE shall offer all otherwise qualified students in secondary grades a course of study that, upon graduation from high school, prepares them to meet the requirements and prerequisites for admission to California public colleges and universities and/or attain entry-level employment skills in business or industry. (Education Code 51228)

The Superintendent or designee shall ensure that all otherwise qualified students have a timely opportunity, within the four years before graduation, to enroll in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities prior to graduation from high school. (Education Code 51228)

In addition, the course of study for high school students shall include instruction in skills and knowledge for adult life and career technical training. (Education Code 51224)

The Superintendent or designee shall develop a process by which courses are submitted to the University of California (UC) for review and certification in order to meet university admission criteria. He/she shall maintain an accurate list of all current FCOE high school courses that have been so certified and shall ensure that the list is provided annually to each student in grades 9-12 and that updated lists are made readily available. (Education Code 66204)

At the beginning of each school year, the Superintendent or designee shall provide written notice to parents/guardians of students in grades 9-12 that, to the extent possible, shall not exceed one page in length and that includes all of the following: (Education Code 51229)

1. A brief explanation of the college admission requirements.

2. A list of the current UC and California State University (CSU) web sites that help students and their families learn about college admission requirements and that list high school courses that have been certified by UC as satisfying the requirements for admission to UC and CSU.
3. A brief description of what career technical education is, as defined by the California Department of Education (CDE).
4. The Internet address for the portion of the web site of the CDE where students can learn more about career technical education.

**Legal Reference:**

EDUCATION CODE

33319.3 Driver education; CDE materials on road rage  
 33540 Government and civics instruction in interaction with government agencies  
 48980 Parental notifications  
 51202 Instruction in personal and public health and safety  
 51203 Instruction on alcohol, narcotics and restricted dangerous drugs  
 51204 Course of study designed for student's needs  
 51204.5 History of California; contributions of men, women and ethnic groups  
 51210-51212 Areas of study for grades 1-6  
 51220-51229 Course of study for grades 7-12  
 51241 Exemption from physical education  
 51911-51921 Comprehensive health educational plans  
 51930-51939 California Comprehensive Sexual Health and HIV/AIDS Prevention Act  
 51940 Curriculum for brain and spinal cord injury prevention  
 53278-53280 Supplemental School Counseling Program  
 66204 Certification of high school courses as meeting university admission criteria

HEALTH AND SAFETY CODE

11032 Definition of dangerous drugs

CODE OF REGULATIONS, TITLE 5

10020-10049 Automobile driver education and training  
 10060 Physical education program

UNITED STATES CODE, TITLE 20

6101-6251 School-to-Work Opportunities Act of 1994

**Management Resources:**

WEB SITES

CSBA: <http://www.csba.org>  
 California Career Resource Network: <http://www.californiacareers.info>  
 California Colleges.edu: <http://www.californiacolleges.edu>  
 California Department of Education: <http://www.cde.ca.gov>  
 University of California, Certified Course Lists: <http://doorways.ucop.edu/list>  
 University of California, College Prep Online Courses and Services: <http://www.uccp.org>

(3/01 3/03) 11/07

CLASSIFICATION: Instruction

ADOPTED: 6/15/1995

REVISED: 10/20/2011

**SUBJECT: *Controversial Issues*****PAGE: 1 of 1**

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The Superintendent and County Board believe that students should have opportunities to discuss controversial issues which have political, social, or economic significance and which the students are mature enough to investigate and address. The study of a controversial issue should help students learn how to gather and organize pertinent facts, discriminate between fact and fiction, draw intelligent conclusions, and respect the opinions of others.

The Superintendent expects teachers to exercise caution and discretion when deciding whether or not a particular issue is suitable for study or discussion in any particular class. Teachers should not spend class time on any topic which they feel is not suitable for the class or related to the established course of study.

The Superintendent also expects teachers to ensure that all sides of a controversial issue are impartially presented, with adequate and appropriate factual information. Without promoting any partisan point of view, the teacher should help students separate fact from opinion and warn them against drawing conclusions from insufficient data. The teacher shall not suppress any student's view on the issue as long as its expression is not malicious or abusive toward others.

Teachers sponsoring guest speakers shall either ask them not to use their position or influence on students to forward their own religious, political, economic or social views or shall take active steps to neutralize whatever bias has been presented.

**Legal Reference:**

## EDUCATION CODE

51500 Prohibited instruction or activity

51510 Prohibited study or supplemental materials

51511 Religious matters properly included in courses of study

51530 Prohibition and definition re advocating or teaching communism with intent to indoctrinate

51933 Sex education courses

60040 Portrayal of cultural and racial diversity

60044 Prohibited instructional materials

60045 Required to be accurate, objective, current, and suited to needs and comprehension at respective grade levels

(5/85) 12/08

CLASSIFICATION: Instruction

ADOPTED: 06/15/2010

REVISED: 3/21/2013

**SUBJECT: *Extracurricular and Cocurricular Activities*****PAGE: 1 of 3**

The Fresno County Superintendent of Schools (“Superintendent”) and Fresno County Board of Education (“Board”) recognize that extracurricular and cocurricular activities enrich the educational and social development of students and enhance students' feelings of connectedness with the schools. The Board and Superintendent shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

No extracurricular or cocurricular program or activity shall be provided or conducted separately on the basis of any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular or cocurricular activity be required or refused on those bases. Prerequisites for student participation in extracurricular and cocurricular activities shall be limited to those that have been demonstrated to be essential to the success of the activity. (5 CCR 4925)

Any complaint alleging unlawful discrimination in Fresno County Office of Education's (“FCOE”) extracurricular or cocurricular programs or activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

Unless specifically authorized by law, no fee shall be charged to students for participation in extracurricular and cocurricular activities related to the educational program, including materials or equipment related to the activity.

#### Eligibility Requirements

To be eligible to participate in extracurricular and cocurricular activities, students in grades 7-12 must demonstrate satisfactory educational progress in the previous grading period, including, but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale in all enrolled classes; and
2. Maintenance of minimum progress toward meeting high school graduation requirements.

The Superintendent or designee may grant ineligible students a probationary period not to exceed one semester. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (Education Code 35160.5)

Any decision regarding the eligibility of any child in foster care or a child of an active duty military family for extracurricular or cocurricular activities shall be made by the Superintendent or designee in accordance with Education Code 48850 and 49701.

The Superintendent or designee may revoke a student's eligibility for participation in extracurricular and cocurricular activities when the student's poor citizenship is serious enough to warrant loss of this privilege.

#### Student Conduct at Extracurricular/Cocurricular Events

When attending or participating in extracurricular and cocurricular activities on or off campus, FCOE students are subject to FCOE policies and regulations relating to student conduct. Students who violate FCOE policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, return to district of residence, or denial of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. When appropriate, the Superintendent or designee shall notify local law enforcement.

#### Annual Policy Review

The Board and Superintendent shall annually review this policy and implementing regulations.

#### **Legal Reference:**

##### EDUCATION CODE

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of foster youth in extracurricular activities and interscholastic sports

48930-48938 Student organizations

49024 Activity Supervisor Clearance Certificate

49700-49704 Education of children of military families

##### CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

##### CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

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

5531 Supervision of extracurricular activities of pupils

##### UNITED STATES CODE, TITLE 42

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

##### COURT DECISIONS

Hartzell v. Connell, (1984) 35 Cal. 3d 899

#### **Management Resources:**

##### CSBA PUBLICATIONS

Student Fees Litigation Update, ELA Advisory, May 20, 2011

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011

CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

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

WEB SITES

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

California Association of Directors of Activities: <http://www.cadal.org>

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

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

(11/01 11/09) 3/12

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The Superintendent and County Board believe that student groups or clubs reinforce the instructional program, give students experience in civics and government, and provide social and recreational activities. Student groups also serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging. Prior to meeting on school grounds, all student groups shall be authorized by the principal or designee in accordance with Superintendent/Board policy and administrative regulation.

The Superintendent and Board encourage students to pursue interests and clubs which may not directly relate to FCOE's curriculum and, to that end, has created a limited open forum.

All student-initiated groups shall be given equal access to meet on school premises during noninstructional time without regard to their religious, political, philosophical, or other speech content. The Superintendent and Board shall ensure that: (20 USC 4071, 4072)

1. The meeting shall be voluntary and student-initiated.
2. There shall be no sponsorship of the meeting by the school or staff. The term sponsorship means that school staff are promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes shall not constitute sponsorship of the meeting.
3. Employees of the school shall be present at religious meetings only in a nonparticipatory capacity.
4. The meeting shall not materially and substantially interfere with the orderly conduct of educational activities within the school.
5. Nonschool persons shall not direct, conduct, control, or regularly attend activities of student groups.

All student clubs or groups shall have equal access to the school media to announce meetings, including the public address system, the school newspaper, bulletin boards, and school web site. However, the principal or designee may issue a disclaimer that such activities are not school-sponsored.

All noncurriculum-related student groups shall be given equal access to meeting space, school equipment, and supplies.



No school shall deny equal access or a fair opportunity to meet, or otherwise discriminate against, any group officially affiliated with the Boy Scouts of America, or with any other youth group listed as a patriotic society in Title 36 of the United States Code, for reasons based on the membership or leadership criteria or oath of allegiance to God and country. (20 USC 7905)

**Legal Reference:**

EDUCATION CODE

- 52 Designation of secondary schools
- 53 Designation of high schools
- 200-262.3 Prohibition of discrimination on the basis of sex
- 38130-38138 Civic Center Act
- 48900 Hazing
- 48907 Student exercise of free expression
- 48930-48938 Student organizations
- 48950 Freedom of speech
- 49020-49023 Athletic programs

PENAL CODE

- 627-627.10 Access to school premises

CODE OF REGULATIONS, TITLE 5

- 2 Definitions
- 5531 Supervision of extracurricular activities of students

UNITED STATES CODE, TITLE 20

- 4071-4074 Equal Access Act
- 7904 School prayer
- 7905 Boy Scouts equal access

UNITED STATES CODE, TITLE 36

- 20101-240112 Patriotic organizations

COURT DECISIONS

- Prince v. Jacoby, (2001) 303 F.3d 1074
- Culbertson et al. v. Oakridge School District, (2002) 258 F.3d 1061
- Good News Club et al. v. Milford Central School, (2001) 121 S.Ct. 2093
- Ceniceros v. Board of Trustees of the San Diego Unified School District, (1997) 106 F.3d 878
- Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076
- Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64
- Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d. 431
- Hartzell v. Connell, (1984) 35 Cal. 3d 899

**Management Resources:**

WEB SITES

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

(6/96 7/02) 3/08

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The Superintendent and County Board believe that assemblies and special events should promote a positive school climate and be related to Fresno County Office of Education's ("FCOE") educational program. Assemblies may provide information that supplements FCOE's curriculum or may showcase student achievement in academics, athletics, music, art, drama, or other extracurricular or cocurricular activities.

The principal shall ensure that speakers and community resources featured in school assemblies and special events are carefully selected and represent a balanced viewpoint. Prospective speakers shall agree to present material of educational relevance that is appropriate to the maturity of the audience, with no statements that are obscene, vulgar, or that incite violence.

The principal shall schedule assemblies and special events so as to maximize the effectiveness of instructional time and to satisfy the requirements of law and negotiated agreements.

During the assembly, students shall show respect to all performers and speakers. Students who disrupt the program shall lose the privilege of attending the assembly and may be subject to disciplinary action.

**Legal Reference:**

EDUCATION CODE

37200-37202 School calendar

37220-37223 Holidays

46010 Total days of attendance

46100 Length of schoolday

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

(9/92) 7/06

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Instruction**  
**HIGH SCHOOL GRADUATION REQUIREMENTS**

The Fresno County Superintendent of Schools ("County Superintendent") and Fresno County Board of Education ("County Board") desire that students enrolled in schools established by the County Board or the County Superintendent, and operated by the County Superintendent are prepared to obtain a high school diploma which expands their opportunities for post-secondary employment and education.

Course Requirements

To obtain a high school diploma, students shall complete 220 course credits and at least the following courses in grades 9-12, with each course being one year and ten credits, unless otherwise specified:

1. Four courses in English (Education Code 51225.3).
2. Two courses in mathematics (Education Code 51225.3).

At least one mathematics course, or a combination of the two mathematics courses, shall meet or exceed state academic content standards for Algebra I or Mathematics I. (Education Code 51224.5.) Completion of such coursework prior to grade 9 shall satisfy the Algebra I or Mathematics I requirement, but shall not exempt a student from the requirement to complete mathematics courses in grades 9-12. (Education Code 51224.5.)

3. Two courses in science, including biological and physical sciences. (Education Code 51225.3.)
4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics. (Education Code 51225.3.)
5. One course in visual or performing arts, foreign language, American Sign Language, or career-technical education ("CTE"). To be counted toward meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education. (Education Code 51225.3.)
6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code. (Education Code 51225.3.)

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

The County Superintendent or designee shall exempt or waive specific course requirements for foster youth, homeless students, current and former juvenile court school students, and children of military families in accordance with Education Code 51225.1, 48645.5, and 49701.

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

Retroactive Diplomas

Until July 31, 2018, any student who completed grade 12 in the 2003-04 school year or a subsequent school year and has met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 60851.6.)

The County Superintendent may retroactively grant a high school diploma to a former student who was interned by order of the federal government during World War II or who is an honorably discharged veteran of World War II, the Korean War, or the Vietnam War, provided that he/she was enrolled in a Fresno County Office of Education school immediately preceding the internment or military service and he/she did not receive a diploma because his/her education was interrupted due to the internment or military service. (Education Code 51430.)

The County Superintendent also may retroactively grant a diploma to a deceased former student who satisfies the above conditions. The diploma shall be received by the deceased student's next of kin. (Education Code 51430.)

In addition, the County Superintendent may grant a diploma to a veteran who entered the military service of the United States while he/she was a student in grade 12 and who had completed the first half of the work required for grade 12. (Education Code 51440.)

Adopted: 04/15/2010

Amended: 10/16/2014

Amended: 03/17/2016

Amended: 01/19/2017

**Legal Reference**

Education Code

47612 Enrollment in charter school

48200 Compulsory attendance

48412 Certificate of proficiency

48430 Continuation education schools and classes

48645.5 Acceptance of coursework

48980 Required notification at beginning of term

49701 Interstate Compact on Educational Opportunity for Military Children

51224 Skills and knowledge required for adult life

51224.5 Algebra instruction

51225.1 Exemption from district graduation requirements

51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course

51225.3 Requirements for graduation

51225.35 Mathematics course requirements; computer science

51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation

51225.5 Honorary diplomas; foreign exchange students

51228 Graduation requirements

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

51240-51246 Exemptions from requirements  
51250-51251 Assistance to military dependents  
51410-51412 Diplomas  
51420-51427 High school equivalency certificates  
51450-51455 Golden State Seal Merit Diploma  
51745 Independent study restrictions  
56390-56392 Recognition for educational achievement, special education  
60851.5 Suspension of high school exit examination  
60851.6 Retroactive diploma; completion of all graduation requirements except high school exit examination  
66204 Certification of high school courses as meeting university admissions criteria  
67386 Student safety; affirmative consent standard

Code of Regulations, Title 5

1600-1651 Graduation of students from grade 12 and credit toward graduation

Court Decisions

O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452

**Management Resources**

Web Sites

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

California Department of Education, High School: <http://www.cde.ca.gov/ci/gc/hs>

University of California, List of Approved a-g Courses:

<http://www.universityofcalifornia.edu/admissions/freshman/requirements>

In order to meet individual student needs and encourage all students to complete their high school education, the county superintendent and the county board desire to provide flexibility in the completion of prescribed courses in accordance with law.

With the active involvement of parents/guardians, administrators, teachers, and students, the county superintendent and county board shall adopt alternative means for students to complete the prescribed course of study required for high school graduation. These alternative means shall be made available to students, parents/guardians, and the public. (Education Code 51225.3)

Students may fulfill any course requirement for graduation through the following:

1. Practical demonstration of skills and competencies (Education Code 51225.3)

Opportunities to demonstrate skills and competencies shall include, but not be limited to, challenging a course through successful completion of a Fresno County Office of Education-developed examination which covers course objectives. The Fresno County Office of Education shall not use results from the General Educational Development test or other state or national tests for this purpose.

2. Supervised work experience or other outside school experience in accordance with Education Code 51760.3 and 5 CCR 1635. (Education Code 51225.3)
3. Career technical education classes offered in high school. (Education Code 51225.3)
4. Courses offered by regional occupational centers or programs. (Education Code 51225.3)
5. Interdisciplinary study. (Education Code 51225.3)
6. Independent study. (Education Code 51225.3)
7. Private instruction in accordance with 5 CCR 1631.
8. Credit earned at a post secondary institute and correspondence instruction from a California university or college accredited for teacher training in accordance with 5 CCR 1633. (Education Code 48800, 512235, 51740-51741)
9. Military service and training in accordance with 5 CCR 1634. (Education Code 51440)
10. To satisfy the Fresno County Office of Education's driver education and training requirement, a program approved by the Department of Motor Vehicles which offers driver education and behind-the-wheel instruction through a driving school or licensed independent

driving instructor in accordance with Vehicle Code 12814.6.

11. For credit toward the Fresno County Office of Education's physical education requirement, participation in Fresno County Office of Education interscholastic athletic programs carried on wholly or partially after regular school hours. (Education Code 51242) A student shall be eligible to satisfy graduation requirements in this manner only if the interscholastic program entails a comparable amount of time and physical activity.
12. For credit toward the Fresno County Office of Education's foreign language requirement, foreign language studies successfully completed in a private school in accordance with 5 CCR 1632. (Education Code 51243)

Upon receiving advance, written application by the student or his/her parent/guardian, the county superintendent or designee shall determine whether completion of the proposed alternative means would satisfy course requirements for graduation and what documentation shall be required, if any, to verify the student's successful completion. The county superintendent or designee shall make the final determination as to whether the student's completion of an alternative means is sufficient to satisfy the Fresno County Office of Education's graduation requirements.

As appropriate, the county superintendent or designee shall determine the grade to be assigned to students for the completion of any of the above alternative means. When a grade is assigned by a private school, or other educational institution for completion of coursework, that same grade shall be awarded by the Fresno County Office of Education provided that the Superintendent or designee has determined the alternative course to be substantially equivalent to a Fresno County Office of Education course.

**Legal Reference:**

**EDUCATION CODE**

- 35160 Authority of governing boards
- 35160.1 Broad authority of school districts
- 48412 Certificate of proficiency
- 48645.5 Course credit, juvenile court schools
- 48800-48802 Attendance at community college; advanced education
- 51220 Areas of study; grades 7-12
- 51225.3 Requirements for graduation
- 51240-51246 Exemptions from requirements
- 51420-51427 General Educational Development test
- 51440 Veterans' education, evaluation and credit toward high school graduation
- 51740-51741 Authority to provide instruction by correspondence
- 51745-51749.3 Independent study
- 51760-51769.5 Work experience education
- 52300-52499.66 Career technical education

**VEHICLE CODE**

- 12814.6 Teen driver's act

**CODE OF REGULATIONS, TITLE 5**

1600-1635 Alternative credit  
10070-10075 Work experience education  
11500-11508 Regional occupational centers and programs  
11520-11523 Proficiency examination and certificate  
11700-11703 Independent study

UNITED STATES CODE, TITLE 20

2301-2414 Carl D. Perkins Career and Technical Education Act of 2006

**Management Resources:**

**WEB SITES**

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

(7/04 3/06) 7/08



The county superintendent and the county board desire that every student have the opportunity to earn a high school diploma through successful completion of class work and examination. However, when a student is unable to do so, the county superintendent and the county board encourage completion of an alternative program that allows him/her to obtain an equivalent certificate.

Eligible persons may obtain a certificate of proficiency or a high school equivalency certificate in accordance with law, Superintendent/Board policy and administrative regulation.

The county superintendent or designee shall make information available to interested persons regarding the eligibility and examination requirements of each program.

**Legal Reference:**

## EDUCATION CODE

48400-48403 Persons subject to compulsory continuation education

48410 Persons exempt from continuation classes

48412 Certificate of proficiency; examination fees

48413 Enrollment in continuation classes

48414 Reenrollment in district

51420-51427 High school equivalency certificate

## CODE OF REGULATIONS, TITLE 5

11520-11523 Proficiency examination and certificate

11530-11532 High school equivalency certificate (GED)

**Management Resources:**

## CDE PUBLICATIONS

Adult Education Handbook for California, 1997

## WEB SITES

CDE, GED Office: <http://www.cde.ca.gov/ged>CDE, High School Proficiency: <http://www.cde.ca.gov/statetests/chspe>

To determine whether a student transferring into a Fresno County Office of Education school has met Fresno County Office of Education course requirements, the county superintendent or designee shall establish procedures to evaluate the comparability of courses and/or student's understanding of course content. Such procedures shall include methods for determining the number of years of school attendance, the specific courses completed by the student, and the value of credits earned.

The Fresno County Office of Education shall accept for credit full or partial coursework satisfactorily completed by students while attending a public school, a juvenile court school, or nonpublic nonsectarian school or agency. (Education Code 48645.5)

Pending evaluation of the transferring student's academic performance, the student shall be placed at the grade level reached prior to enrollment. Within 30 days of enrollment, the county superintendent or designee shall complete the evaluation and determine the student's appropriate grade placement.

**Legal Reference:**

## EDUCATION CODE

- 35160 Authority of governing boards
- 35160.1 Broad authority of school districts
- 47612.5 Charter schools operations, general requirements
- 48011 Admission from kindergarten or other school
- 48645.5 Coursework completed in public school, juvenile court school or nonpublic nonsectarian school
- 51225.3 Requirements for graduation
- 51228 Minimum curriculum standards
- 60605 Academic content and performance standards; assessments
- 60641-60649 Standardized Testing and Reporting Program
- 64001 Single plan for student achievement

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The county superintendent and the county board recognize that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the Fresno County Office of Education's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

#### Certificate of Educational Achievement or Completion

Instead of a high school diploma, a student with disabilities may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the county board or the district with jurisdiction over the student as identified in his/her IEP.
2. Satisfactorily met his/her IEP goals and objectives during high school as determined by the IEP team.
3. Satisfactorily attended high school, participated in the instruction as prescribed in his/her IEP, and met the objectives of the statement of transition services.

A student with disabilities who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

#### **Legal Reference:**

##### EDUCATION CODE

56341 Individualized education program team  
56345 Elements of the IEP  
56390-56392 Certificate of completion, special education  
60850-60859 High school exit examination

##### CODE OF REGULATIONS, TITLE 5

3070 Graduation

##### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34  
300.1-300.818 Individuals with Disabilities Education Act, especially:  
300.320 Definition of IEP

**Management Resources:**

**WEB SITES**

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:  
<http://www.ed.gov/about/offices/list/osers/index.html?src=mr>

(11/99 7/00) 11/09

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The Superintendent and County Board recognize that homework contributes toward building responsibility, self-discipline, and life-long learning habits, and that time spent on homework directly influences a student's ability to meet academic standards. The Superintendent and Board expect students, parents/guardians, and staff to view homework as a routine and important part of students' daily lives.

Although it is the student's responsibility to do most homework assignments independently, the Board expects teachers at all grade levels to use parents/guardians as a contributing resource. When students repeatedly fail to do their homework, parents/guardians shall be notified and asked to contact the teacher.

To further support students' homework efforts, the Superintendent or designee may establish and maintain telephone help lines and/or after-school centers where students can receive encouragement and clarification about homework assignments from teachers, volunteers, and/or more advanced students who are performing community service.

### Makeup Work

Students who miss school work because of an excused absence shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be reasonably equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time. (Education Code 48205)

Students who miss school work because of unexcused absences may be given the opportunity to make up missed work for full or reduced credit. Teachers shall assign such makeup work as necessary to ensure academic progress, not as a punitive measure.

### **Legal Reference:**

#### EDUCATION CODE

48205 Absences for personal reasons

48913 Completion of work missed by suspended student

48980 Parental notifications

58700-58702 Tutoring and homework assistance program; summer school apportionment credit

### **Management Resources:**

#### SBE POLICIES

Parent Involvement in the Education of Their Children, 1994

Policy Statement on Homework, 1995

(6/89 2/97) 2/99

CLASSIFICATION: Instruction

ADOPTED: 8/18/2011

SUBJECT: *Challenging Courses by Examination*PAGE: 1 of 1

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The Superintendent and County Board recognize that there is a need to allow high school students to challenge a given course by examination for grade and credit in order to accelerate progress towards graduation and to achieve more flexibility in the selection of electives. This opportunity will permit a student to enroll in courses best suited to his/her educational objectives.

The examination shall be comprehensive and cover all course objectives. Successful completion of the examination shall be at a level which indicates mastery of the content and/or reasonable chance for success in the next higher course.

**Legal Reference:**

## EDUCATION CODE

51225.3 Requirements for graduation

64001 Single plan for student achievement

(5/85) 6/98

In order to protect the rights of students with disabilities, the Superintendent or designee shall appoint a surrogate parent to represent a student with disabilities as necessary in accordance with law. He/she shall develop procedures for recruiting, training and assigning adults to serve as surrogate parents.

**Legal Reference:**

## EDUCATION CODE

56028 Parent

56050 Surrogate parents

56055 Rights of foster parents

## GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to disabled children

7579.5 Surrogate parent; appointment; qualifications; liability

## WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

361 Limitations on parental control

601 Minors habitually disobedient or truant

602 Minors violating laws

726 Limitations on parental control

## UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

1415 Procedural safeguards

## UNITED STATES CODE, TITLE 42

11434a Definitions

## CODE OF FEDERAL REGULATIONS, TITLE 34

300.30 Definition parent

300.519 Surrogate parents

**Management Resources:**

## FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

## WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

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

The Fresno County Superintendent of Schools (“Superintendent”) and Fresno County Board of Education (“Board”) desire that Fresno County Office of Education (“FCOE”) instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect society's diversity, and enhance the use of multiple teaching strategies and technologies. The Superintendent and Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and FCOE's curriculum to ensure that they effectively support FCOE's adopted courses of study.

The Superintendent and Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (“SBE”) or have otherwise been determined to be aligned with the state academic content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8. (Education Code 60200, 60210)

The Superintendent and Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and administrative regulation. (Education Code 60400)

FCOE's priority in the selection of instructional materials is to ensure that all students are provided with standards-aligned instructional materials in the core curriculum areas of English/language arts, mathematics, science, and history-social science.

#### Review Process

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation. Toward that end, he/she may establish an instructional materials review committee to evaluate and recommend instructional materials.

The review process shall involve teachers in a substantial manner and shall encourage the participation of parents/guardians and community members. (Education Code 60002)

In addition, the instructional materials review committee may include administrators, other staff who have subject-matter expertise, and students as appropriate.

If FCOE chooses to use instructional materials for grades K-8 that have not been adopted by the SBE, the Superintendent or designee shall ensure that a majority of the participants in the review process are classroom teachers who are assigned to the subject area or grade level of the materials. (Education Code 60210)



Individuals who participate in the selection or review of instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.

The committee shall review instructional materials using criteria provided in law and administrative regulation, and shall provide the Superintendent and Board with documentation supporting its recommendations.

All recommended instructional materials shall be available for public inspection at FCOE's Van Ness site.

FCOE may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Superintendent and Board before the materials are adopted.

#### Public Hearing on Sufficiency of Instructional Materials

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

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

The Superintendent and Board encourage participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within FCOE's jurisdiction containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

At the hearing, the Superintendent and Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or instructional materials which are aligned to the state content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8 and which are consistent with the content and cycles of the state's curriculum frameworks. Sufficiency of instructional materials shall be determined in each of the following subjects: (Education Code 60119)

1. Mathematics;
2. Science;
3. History-social science;
4. English language arts, including the English language development component of an adopted program;
5. Foreign language; and

## 6. Health.

The Superintendent and Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

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

The Superintendent and Board shall also make a determination that all students who are enrolled in the same course have "identical" standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3 and 60119. (Education Code 1240.3, 42605)

However, FCOE may purchase the newest adopted instructional materials for students in FCOE schools ranked in deciles 1-3 of the base Academic Performance Index in any one of the past three school years without necessarily purchasing these materials for use in other programs or schools. (Education Code 1240.3)

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

### Complaints

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

### **Legal Reference:**

#### EDUCATION CODE

- 220 Prohibition against discrimination
- 1240 County superintendent, general duties
- 1240.3 Definition of sufficiency for categorical flexibility
- 33050-33053 General waiver authority
- 33126 School accountability report card
- 35272 Education and athletic materials

42605 Tier 3 categorical flexibility  
44805 Enforcement of course of studies; use of textbooks, rules and regulations  
49415 Maximum textbook weight  
51501 Nondiscriminatory subject matter  
60000-60005 Instructional materials, legislative intent  
60010 Definitions  
60040-60052 Instructional requirements and materials  
60060-60062 Requirements for publishers and manufacturers  
60070-60076 Prohibited acts (re instructional materials)  
60110-60115 Instructional materials on alcohol and drug education  
60119 Public hearing on sufficiency of materials  
60200-60210 Elementary school materials  
60226 Requirements for publishers and manufacturers  
60240-60252 State Instructional Materials Fund  
60350-60352 Core reading program instructional materials  
60400-60411 High school textbooks  
60510-60511 Donation for sale of obsolete instructional materials  
60605 State content standards  
60605.8 Common Core Standards  
60605.86-60605.88 Supplemental instructional materials aligned with Common Core Standards

CODE OF REGULATIONS, TITLE 5

9505-9530 Instructional materials

**Management Resources:**

CSBA PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001  
Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

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

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

California Academic Content Standards Commission, Common Core Standards: <http://www.scoe.net/castandards>

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

(11/10 11/11) 11/12

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The Fresno County Superintendent of Schools (“Superintendent”) and the Fresno County Board of Education (“Board”) encourage the use of supplementary instructional materials to enrich the curriculum and enhance student learning. Such materials shall be aligned with Fresno County Office of Education (“FCOE”) goals, curriculum objectives, and academic standards and shall supplement and not supplant the use of Board-adopted basic instructional materials that serve as the primary learning resources.

Supplementary instructional materials include, but are not limited to, instructional materials that are designed to serve one or more of the following purposes: (Education Code 60010)

1. To provide more complete coverage of one or more subjects included in a given course.
2. To meet the various learning ability levels of students in a given age group or grade level.
3. To meet the diverse educational needs of students with a language disability in a given age group or grade level.
4. To meet the diverse educational needs of students reflective of a condition of cultural pluralism.
5. To use current, relevant technology that further engages interactive learning in the classroom and beyond.

Supplementary instructional materials may be selected by the Superintendent or designee, school administrators, or teachers, as applicable, and obtained through donations to FCOE and/or available funding sources designated for these purposes.

As appropriate, supplementary instructional materials shall meet the criteria developed for the selection and evaluation of basic instructional materials as described in AR 6161.1 - Selection and Evaluation of Instructional Materials. Supplementary instructional materials shall be directly related to the course of study in which they are being used and shall be appropriate for the age and maturity level of the students.

The use or reproduction of supplementary instructional materials shall be in accordance with federal copyright law.

#### Supplementary Materials Aligned with Common Core Standards

To prepare students to achieve the Common Core Standards in English language arts and mathematics and the English language development standards, as applicable, the Superintendent

and Board may select supplementary instructional materials from the lists of materials determined by the State Board of Education (“SBE”) to be aligned with those standards. (Education Code 60605.86-60605.88)

The Superintendent and Board may approve supplementary instructional materials that are not on the lists approved by the SBE but which are aligned with the Common Core Standards provided that the materials comply with the evaluation criteria established by the SBE and Education Code 60050, 60060-60062, and 60226. The Superintendent and Board shall select content review experts who possess the qualifications specified in law to review and recommend such supplementary materials. The majority of the content review experts shall be teachers who are credentialed and/or authorized in the subject area they are reviewing and the remainder shall include appropriate persons from postsecondary educational institutions, school and FCOE curriculum administrators, and other persons who are knowledgeable in the subject area. (Education Code 60605.86-60605.88)

**Legal Reference:**

## EDUCATION CODE

233.5 Duty regarding instruction in morals, manners, and citizenship  
18111 Exclusion of books by governing board  
51510 Prohibited study or supplemental materials  
51511 Religious matters properly included  
51933 Sex education materials  
60010 Definitions  
60050 Social content review of instructional materials  
60060-60062 Requirements of publishers  
60200.7 Suspension of state instructional materials adoptions  
60226 Learner verification of instructional materials  
60242 Uses of instructional materials funds  
60400 Adoption of high school instructional materials  
60605.8 Common Core Standards  
60605.86-60605.88 Supplemental instructional materials aligned with Common Core Standards  
60811.3 English language development standards

## COURT DECISIONS

McCarthy v. Fletcher, (1989) 207 Cal. App. 3d 130  
Fowler v. Board of Education of Lincoln County, (1978) 819 F.2d 657

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
Standards for Evaluating Instructional Materials for Social Content, 2000

## WEB SITES

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

(12/90 10/95) 11/12

The Superintendent and County Board recognize that instructional materials are an expensive resource and that each student is entitled to sufficient instructional materials in accordance with law. Instructional materials provided for use by students remain the property of Fresno County Office of Education ("FCOE"). Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

When materials are lost or so damaged that they are no longer usable, the student shall be immediately issued a replacement material. However, students or parents/guardians shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the Superintendent or designee shall determine an appropriate charge.

If it can be demonstrated to the Superintendent or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the Superintendent or designee may excuse the student or parent/guardian from payment of reparation.

If reparation is not excused and not paid by the student or parent/guardian, FCOE may withhold the student's grades, diploma, and transcripts in accordance with law, policy, and administrative regulation.

**Legal Reference:**

## EDUCATION CODE

- 48904 Willful misconduct; limit of liability of parent or guardian
- 48904.3 Withholding grades, diplomas or transcripts of students causing property damage or injury
- 60119 Public hearing on sufficiency of materials
- 60411 Purchase and use; property of district

## CIVIL CODE

- 1714.1 Liability of parent or guardian for act of willful misconduct by a minor

## CODE OF REGULATIONS, TITLE 5

- 305 Student responsible for care of property

**Management Resources:**

## WEB SITES

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

The Superintendent and County Board recognize that student assessments are an important instructional and accountability tool. Assessment data shall be used to help determine individual student's progress, mastery of academic standards, appropriate placement in Fresno County Office of Education ("FCOE") programs, and/or eligibility for graduation. In addition, program effectiveness and staff evaluations shall, as appropriate, be based in part on indicators of student achievement.

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

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

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

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

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

#### Individual Record of Accomplishment

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

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

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

**Legal Reference:**

EDUCATION CODE

313 Assessment of English language development  
10600-10610 California Education Information System  
44660-44665 Evaluation and assessment of performance of certificated employees (Stull Act)  
51041 Evaluation of educational program  
51450-51455 Golden State Seal Merit Diploma  
60600-60649 Assessment of academic achievement, especially:  
60640-60649 Standardized Testing and Reporting Program  
60800 Physical fitness testing  
60810-60812 Assessment of English language development  
60850-60859 High school exit examination  
60900 California Longitudinal Pupil Achievement Data System

CODE OF REGULATIONS, TITLE 5

850-870 Standardized Testing and Reporting program  
1200-1225 High School Exit Examination

UNITED STATES CODE, TITLE 20

9622 National Assessment of Educational Progress

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Key Elements of Testing, 2004

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Teachers' Use of Student Data Systems to Improve Instruction; 2007

WEB SITES

CSBA: <http://www.csba.org>  
California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>  
Educational Testing Service: <http://www.ets.org>  
U.S. Department of Education: <http://www.ed.gov>

(1/01 3/01) 7/10



The Superintendent and County Board desire to use the results of the achievement tests to evaluate the performance of students in achieving state academic standards and in comparison to the performance of students across the state. The Superintendent or designee shall administer mandatory student assessments within the state Standardized Testing and Reporting ("STAR") Program as required by law and in accordance with Superintendent and County Board policy and administrative regulation.

The Superintendent and County Board strongly encourage all students at the applicable grade levels to participate in the STAR assessments in order to maximize the usefulness of the data and enable the Fresno County Office of Education to meet participation levels required for state and federal accountability systems. The Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

The Superintendent and County Board shall annually examine STAR results by school, grade level, and student subgroup in each school's ranking on the statewide Academic Performance Index. If the STAR performance level of the school is below established expectations, the Superintendent may conduct an assessment of the reasons for the performance results and may adopt a performance improvement plan in accordance with Education Code 52056.

**Legal Reference:**

## EDUCATION CODE

51041 Evaluation of educational program  
52056 Board discussion of Academic Performance Index rankings, including STAR results  
56345 Individualized education program, contents  
60600-60630 Assessment of academic achievement  
60640-60649 Standardized Testing and Reporting Program  
60660-60663 Electronic learning assessment resources  
60810 Assessment of language development  
99300-99301 Early Assessment Program

## CODE OF REGULATIONS, TITLE 5

850-870 Standardized Testing and Reporting Program

## UNITED STATES CODE, TITLE 20

1412(a)(17) Participation of students with disabilities in state assessments  
6311 Adequate yearly progress

## CODE OF FEDERAL REGULATIONS, TITLE 34

200.1 Standards and assessment

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Matrix of Test Variations, Accommodations and Modifications for Administration of California Statewide Assessments

CALIFORNIA STATE UNIVERSITY PUBLICATIONS

The Early Assessment Program: Handbook for School Site Leaders, 2008

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

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

WEB SITES

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

California Department of Education, STAR Program: <http://www.cde.ca.gov/ta/tg/sr>

California Learning Resources Network: <http://clrn.org>

California State University, Early Assessment Program: <http://www.calstate.edu/eap>

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

(11/04 3/07) 11/08

The Superintendent and County Board desire to protect the integrity of student assessment processes in order to obtain an accurate assessment of student achievement in Fresno County Office of Education (“FCOE”) programs and maintain accountability to the community and state. Students and staff are expected to maintain a high level of integrity in the completion and handling of student assessments.

### Test Integrity

In the administration of standardized tests, staff shall not:

1. Provide inappropriate test preparation;
2. Modify test administration procedures, except as allowed by law;
3. Provide inappropriate assistance to students during test administration;
4. Change or fill in answers on student answer sheets;
5. Provide inaccurate data on student header sheets;
6. Discourage or exclude certain students from taking the test; or
7. Engage in any other practice to artificially raise student scores without actually improving underlying student achievement.

### Preparation for State Tests

Staff may prepare students for assessments by providing instruction in the content specified in state and the FCOE academic standards and teaching general test-taking strategies that are designed to improve their performance on tests included in the Standardized Testing and Reporting program, the California High School Exit Examination, or the California English Language Development Test. Such strategies may include, but not be limited to, using time efficiently, understanding directions, placing answers correctly on answer sheets, checking answers, problem-solving tactics, and exposing students to various test formats.

The Superintendent or designee, program administrators, and teachers shall not implement any program of specific preparation for the statewide student assessment program or a particular test used within that program. (Education Code 60611)

Practice tests provided by the publisher of the state achievement test may be used for the limited purpose of familiarizing students with the use of scanable test booklets or answer sheets and the format of test items. No alternate or parallel form of the test shall be administered or used. (5 CCR 854)

Staff shall not use released test questions to develop practice tests that mimic or parallel state tests, or for teaching or drilling students only on the released items.

Investigation and Consequences of Testing Irregularities

Reports of student cheating on assessments shall be submitted to the program administrator or designee for investigation. Students found to have cheated on assessments shall be subject to disciplinary procedures in accordance with Superintendent/Board policy and administrative regulations.

A staff member found to have committed testing irregularities shall be subject to discipline in accordance with law, where applicable, collective bargaining agreements, Superintendent/Board policy, and administrative regulations.

The Superintendent or designee shall immediately investigate with due diligence any reports of inappropriate test preparation or other testing irregularities.

If the Superintendent or designee is made aware of a testing irregularity on state assessments, he/she shall report the irregularity to the California Department of Education.

**Legal Reference:**

EDUCATION CODE

60600-60649 California Assessment of Academic Achievement, especially:

60611 Inappropriate test preparation

60850-60859 California High School Exit Examination

GOVERNMENT CODE

54957 Complaints against employees, closed session

CODE OF REGULATIONS, TITLE 5

850-870 Standardized Testing and Reporting program, especially:

854 Advance preparation for STAR test

880-901 Designated primary language test

1200-1225 California High School Exit Examination, especially:

1215 Cheating on the high school exit examination

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Guidelines on Academic Preparation for State Assessments, April 2004

WEB SITES:

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

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

(1/01 3/01) 11/05

CLASSIFICATION: Instruction

ADOPTED: 6/15/1995

REVISED: 10/20/2011

SUBJECT: *Use of Copyrighted Materials*PAGE: 1 of 2

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The Superintendent and County Board recognize the importance of ensuring that Fresno County Office of Education ("FCOE") complies with federal law regarding copyrights. FCOE staff and students are expected to maintain the highest ethical standards in using copyrighted materials.

When selecting appropriate supplementary instructional materials, it is each staff member's responsibility to adhere to the provisions of federal copyright law, Superintendent/Board policy, and administrative regulation. FCOE shall not be responsible for any violation of copyright laws by its staff or students. If a staff member is uncertain as to whether reproducing or using copyrighted material complies with the law, he/she shall contact the Superintendent or designee for clarification and assistance. At no time shall it be necessary for a FCOE employee to violate copyright laws in order to perform his/her duties.

The Superintendent or designee shall ensure that FCOE observes all publisher licensing agreements between vendors and FCOE, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single program, FCOE shall not make multiple copies of a computer program or software. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on FCOE equipment.

The Superintendent or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

**Legal Reference:**

## EDUCATION CODE

35182 Computer software

## UNITED STATES CODE, TITLE 17

101-122 Subject matter and scope of copyright, especially:

102 Definitions

107 Fair use

110 Limitations on exclusive rights: Exemption of certain performances and displays

## COURT DECISIONS

Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171

**Management Resources:**

## U.S. COPYRIGHT OFFICE PUBLICATIONS

Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, 1995

**WEB SITES**

Copyright Clearance Center: <http://www.copyright.com>

Copyright Society of the USA: <http://www.csusa.org>

U.S. Copyright Office: <http://www.copyright.gov>

(6/88) 7/08

The Superintendent and County Board recognize that school library media centers support the educational program by providing access to a variety of informational resources. Fresno County Office of Education ("FCOE") desires to provide library media centers with up-to-date books, reference materials, and electronic information resources necessary to promote literacy, support students in achieving academic standards, and encourage students to become lifelong learners.

School libraries shall be open for use by students and teachers during the school day. (Education Code 18103) Any school library open outside the school day, such as evenings and/or Saturdays, shall be under the supervision of a certificated employee. (Education Code 18103)

FCOE libraries may provide: (5 CCR 16040)

1. Library instruction to students that enables them to become proficient users of library resources.
2. Information to teachers and administrators concerning sources and availability of instructional materials that will aid in the development of school curriculum, and, in cooperation with classroom teachers, the development of instructional units and activities using library resources.
3. Assistance to teachers and students in the evaluation, selection, production, and uses of instructional materials.
4. A collection of materials and resources that support the curriculum and are appropriate for user needs.
5. Assistance to teachers, administrators, and other school staff members in becoming knowledgeable about appropriate uses of library media services, materials, and equipment.

The Superintendent or designee shall develop procedures for the selection and evaluation of library materials.

#### Library Plans

Whenever FCOE receives state funding for school and library improvement pursuant to Education Code 41570-41573, the school site council shall develop a single plan for student achievement which incorporates a plan for school libraries. (Education Code 41572)

In developing the plan, the Superintendent or designee is encouraged to consult with school library media teachers, classroom teachers, administrators, parents/guardians, and students as appropriate in the development of the plan.

The FCOE library plan shall describe FCOE's vision and goals for its libraries and action steps including how funds will be distributed to sites. As appropriate, the plan may also address staffing, facilities, selection and evaluation of materials, prioritization of needs, and other related matters.

**Legal Reference:**

**EDUCATION CODE**

1703 Coordination of district library services by county superintendent  
1770-1775 Provision of library services by county superintendent  
18100-18203 School libraries  
18300-18571 Union high school district/unified school district library district  
19335-19336 Reading Initiative Program; recommended books  
41570-41573 School and Library Improvement Block Grant  
44868-44869 Qualifications and employment of library media teachers  
45340-45349 Instructional aides  
60119 Sufficiency of textbooks and instructional materials; public hearing  
60240-60251.5 State Instructional Materials Fund, purchase of classroom library materials  
60420-60424 Instructional Materials Funding Realignment Program

**REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS**

18181 Districtwide library plan  
52012 Establishment of school site council  
52014-52015 School plans

**CODE OF REGULATIONS, TITLE 5**

16040-16043 School libraries  
80053 Library media service teaching credential

**UNITED STATES CODE, TITLE 20**

6383 Improving Literacy Through School Libraries grant program

**Management Resources:**

**CDE PUBLICATIONS**

Check It Out! Assessing School Library Media Programs, 1998  
Recommended Literature: Kindergarten Through Grade Twelve

**CALIFORNIA SCHOOL LIBRARY ASSOCIATION PUBLICATIONS**

Standards and Guidelines for Strong School Libraries, 2004

**WEB SITES**

American Library Association: <http://www.ala.org>  
American Association of School Librarians: <http://www.ala.org/aasi>  
California Department of Education, School Libraries: <http://www.cde.ca.gov/ci/cr/lb>  
California Library Association: <http://www.cla-net.org>  
California School Library Association: <http://www.csla.net>



The Superintendent and County Board recognize that animals can contribute to Fresno County Office of Education's ("FCOE") instructional program by being effective teaching aids to students and by assisting individuals with disabilities to access FCOE programs and activities. In addition, instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures.

The Superintendent or designee shall develop rules and procedures to ensure that when animals are brought to school, the health, safety, and welfare of students, staff, and the animals are protected. However, FCOE assumes no liability for the safety of animals allowed on FCOE property.

**Legal Reference:**

## EDUCATION CODE

- 233.5 Instruction in kindness to pets and humane treatment of living creatures
- 39839 Transportation of guide dogs, signal dogs, service dogs
- 51202 Instruction in personal and public health and safety
- 51540 Safe and humane treatment of animals at school

## CIVIL CODE

- 54.1 Access to public places
- 54.2 Guide, signal, or service dogs, right to accompany

## GOVERNMENT CODE

- 810-996.6 California Tort Claims Act, especially:
- 815 Liability for injuries generally; immunity of public entity
- 835 Conditions of liability

## VEHICLE CODE

- 21113 Public grounds

## CODE OF REGULATIONS, TITLE 13

- 1216 Transportation of property

## UNITED STATES CODE, TITLE 20

- 1400-1482 Individuals with Disabilities Education Act

## UNITED STATES CODE, TITLE 29

- 794 Rehabilitation Act of 1973, Section 504

## CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.104 Definitions
- 35.136 Service animals

## COURT DECISIONS

- Sullivan v. VL:\wdocs\lgldocs\00401\011\00018559.RTFallejo City USD, (1990) 731 F.Supp. 947

**Management Resources:**

**FEDERAL REGISTER**

Rules and Regulations, September 15, 2010, Vol. 75, Number 178, pages 56164-56236

**CSBA PUBLICATIONS**

Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008

Asthma Management in the Schools, Policy Brief, March 2008

**WEB SITES:**

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

American Society for the Prevention of Cruelty to Animals: <http://www.aspca.org>

Humane Society of the United States: <http://www.hsus.org>

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

(10/96 7/08) 3/11

The Superintendent and County Board intend that technological resources provided by Fresno County Office of Education ("FCOE") be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of FCOE computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with FCOE regulations and FCOE's Acceptable Use Agreement.

Before a student is authorized to use FCOE's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold FCOE or any FCOE staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless FCOE and FCOE personnel for any damages or costs incurred.

The Superintendent or designee, with input from students and appropriate staff, shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using FCOE's technological resources and to help ensure that FCOE adapts to changing technologies and circumstances.

#### Use of FCOE Computers for Online Services/Internet Access

The Superintendent or designee shall ensure that all FCOE computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

The Superintendent or designee also shall establish regulations to address the safety and security of students and student information when using email and other forms of direct electronic communication.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online,

misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Student use of FCOE computers to access social networking sites is prohibited. To the extent possible, the Superintendent or designee shall block access to such sites on FCOE computers with Internet access.

**Legal Reference:**

EDUCATION CODE

51006 Computer education and resources  
51007 Programs to strengthen technological skills  
51870-51874 Education technology  
60044 Prohibited instructional materials

PENAL CODE

313 Harmful matter  
502 Computer crimes, remedies  
632 Eavesdropping on or recording confidential communications  
653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 15

6501-6506 Children's Online Privacy Protection Act

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:  
6777 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's Online Privacy Protection Act

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

**Management Resources:**

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

FEDERAL TRADE COMMISSION PUBLICATIONS

How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000

MY SPACE.COM PUBLICATIONS

The Official School Administrator's Guide to Understanding MySpace and Resolving Social Networking Issues

WEB SITES

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

American Library Association: <http://www.ala.org>

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://csriu.org>

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

Federal Trade Commission, Children's Online Privacy Protection:

<http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>

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

Web Wise Kids: <http://www.webwisekids.org>

(11/05 7/07) 3/09

The Superintendent and County Board recognize that a comprehensive counseling program can help promote academic achievement and serve the diverse needs of all students. Counseling staff shall be available to meet with students to discuss academic, social, or personal difficulties, as well as other issues that may impact student learning.

### Academic and Career Counseling

Fresno County Office of Education's ("FCOE") academic counseling program shall help students establish immediate and long-range educational plans, achieve academic standards, prepare for the high school exit examination, and complete the required curriculum in accordance with their individual needs, abilities, and interests. Insofar as possible, parents/guardians shall be included when making educational plans.

Counseling staff shall help all students plan for the future and become aware of their career potential. Academic planning for higher education shall include information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships.

The Superintendent or designee shall establish and maintain a program of guidance, placement, and follow-up for all FCOE students subject to compulsory continuation education. (Education Code 48431)

Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (20 USC 7908; 10 USC 503; Education Code 49603)

### Supplemental School Counseling Program for Students in Grades 7-12

The Board-adopted supplemental school counseling program for students in grades 7-12 shall be delivered by personnel who hold a valid pupil personnel services credential. FCOE's program shall provide for: (Education Code 52378)

1. An individualized review of academic and department records.
2. An individualized review of the career goals of students, and the available academic and career technical education opportunities and community and workplace experiences available to students to support their goals.
3. An opportunity for a counselor to meet with students and, if practicable the parent/guardian, to discuss available educational and career technical options.
4. Specialized counseling services for students identified as at risk.

### Personal Counseling

Counseling staff shall identify and work with students whose personal problems may prevent them from reaching their potential. As appropriate, students shall be informed about agencies that offer qualified professional assistance with substance abuse, physical or emotional problems, or other personal problems.

Counselors shall respect student confidentiality as appropriate and shall consult with the Superintendent or designee or with the district's legal counsel whenever unsure of how to respond to a student's personal problem. Parent/guardian consultation and consent shall be obtained as appropriate.

### Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students before and after a crisis.

In addition, the Superintendent or designee shall identify crisis counseling resources to train FCOE staff in appropriate response techniques and/or to directly help students cope with such crises if they occur.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

#### **Legal Reference:**

##### EDUCATION CODE

221.5 Prohibited sex discrimination  
37254 Supplemental instruction based on failure to pass exit exam by end of grade 12  
41505-41508 Pupil Retention Block Grant  
48431 Establishing and maintaining high school guidance and placement program  
49600-49604 Educational counseling  
51250 School age military dependents  
51513 Personal beliefs  
52378-52380 Supplemental School Counseling Program

##### REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

48431.6 Tenth grade counseling program

##### PENAL CODE

11166-11170 Reporting known or suspected cases of child abuse

##### CODE OF REGULATIONS, TITLE 5

4930-4931 Counseling

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family educational rights and privacy

**Management Resources:**

WEB SITES

American School Counseling Association: <http://www.schoolcounselor.org>

California Association of School Counselors: <http://www.schoolcounselor-ca.org>

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

U.S. Department of Education, access to military recruiters:

<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-09-02.html>

(7/05 10/06) 11/07



INSTRUCTION

Identification Of Individuals With Exceptional Needs

The County Superintendent and the County Board recognizes that each individual is unique, and that while for most pupils the conventional school program is appropriate, a substantial number of pupils have exceptional needs which should be served.

The County Board and the County Superintendent, as RLA administrator, will therefore require the districts to develop and implement regulations and procedures which will serve to seek out all individuals with exceptional needs residing in the County and who are eligible for "free appropriate public education."

The County is also required to develop a plan for the assessment and evaluation of the exceptional needs of each individual identified in the search. The assessment plan shall be a description in ordinary language of the procedures, tests, records, or reports proposed for use in the assessment of the individual.

Legal Reference:      Education Code  
                          56001 Reports of governing boards  
  (Handicapped children)  
                          56500 Mentally retarded pupils, definition  
                          56601 Educationally handicapped pupils  
                          56701 Pupils considered physically handicapped  
  
                          California Administrative Code, Title 5  
                          3105 Standards and procedures for assessment  
                          3300 Scope (individual protections)  
                          3302 Search  
                          3304 Standard and procedures for assessment  
  
                          Code of Federal Regulations, Title 45  
                          121a.128(a) Identification, location and  
  evaluation of handicapped children  
                          121a.220 Child identification  
                          121a.500-534 Protection in evaluation  
  procedures

Policy adopted:

CLASSIFICATION: Instruction

ADOPTED: 6/15/1995

REVISED: 10/20/2011

SUBJECT: *Student Success Teams*

PAGE: 1 of 1

The Superintendent or County Board encourage the collaboration of parents/guardians, teachers, resource personnel, administrators and students in evaluating the strengths and needs of students having academic, attendance, or behavioral difficulties, and in identifying strategies and programs that may assist the students. The Superintendent or designee shall establish student success teams as needed to address individual student's needs.

The Superintendent or designee shall establish a process for initiating referrals of students to the student success team.

Each student success team shall develop intervention strategies to assist the student. Such strategies may include changes in program placement or instructional methods, recommendation of supplemental educational services, parent involvement strategies, behavioral interventions, discipline, referrals to other agencies or resources, and/or other appropriate interventions.

The student success team shall monitor the student's progress, evaluate the extent to which the recommended strategies have been implemented, and develop additional interventions as needed.

**Legal Reference:**

## EDUCATION CODE

8800-8807 Healthy Start support services for children  
41505-41508 Pupil Retention Block Grant  
48260-48273 Truancy  
48400-48454 Continuation education  
49600-49604 Educational counseling  
51745-51749.3 Independent study programs  
52200-52212 Gifted and talented student programs  
54400-54425 Programs for disadvantaged children  
54440-54445 Migrant children

## WELFARE AND INSTITUTIONS CODE

4343-4352.5 Primary interventions program, mental health  
18986.40-18986.46 Interagency children's services

**Management Resources:**

## CDE PUBLICATIONS

SB 65 School-Based Pupil Motivation and Maintenance Program Guidelines (2000-01 Edition), 2000  
Student Success Teams: Supporting Teachers in General Education, 1997

## CALIFORNIA DROPOUT PREVENTION NETWORK PUBLICATIONS

SST: Student Success Teams, 2000

## WEB SITES

California Department of Education: <http://www.cde.ca.gov/spbranch/ssp>  
California Dropout Prevention Network: <http://www.edualliance.org/cdpn>  
National Dropout Prevention Center: <http://www.dropoutprevention.org>

CLASSIFICATION: Instruction

ADOPTED: 6/15/1995

REVISED: 10/20/2011

**SUBJECT: *Identification and Education under Section 504*****PAGE: 1 of 2**

The Superintendent and County Board recognize the need to identify and evaluate children with disabilities in order to provide them with the services required by law.

The Fresno County Office of Education ("FCOE") shall provide a free appropriate public education to students who attend FCOE schools and who are classified as disabled under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

**Legal Reference:**

## EDUCATION CODE

49423.5 Specialized physical health care services

## CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

## UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

## UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

## CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 Nondiscrimination on the basis of handicap, especially:

104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973

104.3 Definitions

104.33 Free appropriate public education

104.35 Evaluation and placement

104.36 Procedural safeguards

## COURT DECISIONS

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

**Management Resources:**

## CSBA PUBLICATIONS

Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, November 2007

## CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

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

**Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007**

**WEB SITES**

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

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

**U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html?src=mr>**

**(6/93 10/95) 11/07**

In order to improve the academic achievement of students from economically disadvantaged families, the Fresno County Office of Education (“FCOE”) shall use federal Title I funds to provide supplementary services that reinforce the core curriculum and assist students in attaining proficiency on state academic standards and assessments.

The Superintendent or designee shall provide technical assistance and support to any school participating in the Title I program, including consultation in the development and implementation of school plans and activities. (20 USC 6312)

FCOE and each school receiving Title I funds shall develop a written parent involvement policy in accordance with 20 USC 6318.

#### Local Educational Agency Plan

The Superintendent or designee shall consult with teachers, principals, administrators, other appropriate school personnel, and parents/guardians of participating students in the development, periodic review, and, as necessary, the revision of a local educational agency (“LEA”) plan. The plan and any revisions shall be submitted to the County Board for approval. (20 USC 6312)

The plan shall address the components specified in 20 USC 6312, which describe the assessments, strategies, and services FCOE will use to help low-achieving students meet challenging academic standards.

The initial plan shall be submitted to the California Department of Education (CDE) and approved by the State Board of Education. Subsequent revisions of the plan shall be kept on file with the Deputy Superintendent of Educational Services.

#### Comparability of Services

State and local funds used in schools receiving Title I funds shall provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds or, if all FCOE schools are receiving Title I funds, that are substantially comparable in each school. Comparability may be determined on a school-by-school basis or by grade span. (20 USC 6321)

To demonstrate comparability of services among FCOE schools:

1. The Superintendent shall adopt and implement an FCOE salary schedule.
2. The ratio of students to teachers, administrators, and other staff at each Title I school shall not exceed 110 percent of the average ratio across non-Title I schools.

3. Salary expenditures at each Title I school shall be no less than 90 percent of the average salary expenditure across non-Title I schools.
4. All FCOE schools shall be provided with the same level of base funding per student for curriculum and instructional materials.
5. The Superintendent or designee shall maintain records of the quantity and quality of instructional materials and equipment at each school.

In determining comparability, FCOE shall not include staff salary differentials for years of employment. FCOE also may exclude unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year, state and local funds expended for language instruction educational programs, state and local funds expended for the excess costs of providing services to disabled students, and supplemental state or local funds expended in any school attendance area or school for programs that specifically meet the intent and purposes of Title I. (20 USC 6321)

At the beginning of each school year, the Superintendent or designee shall measure comparability in accordance with the above criteria and maintain records documenting FCOE's compliance. If any instances of noncomparability are identified, the Superintendent or designee shall promptly implement adjustments as needed to ensure comparability.

#### Program Evaluation

FCOE shall use state assessment results and other available measures or indicators to annually determine whether each participating school is making adequate yearly progress toward ensuring that all students meet the state's proficient level of achievement on state assessments. (20 USC 6316)

#### **Legal Reference:**

##### EDUCATION CODE

- 11503 Parent involvement programs in Title I schools
- 52055.57 Districts identified or at risk of identification for program improvement
- 54020-54028 Economic Impact Aid
- 54420-54425 State Compensatory Education
- 64001 Single plan for student achievement, consolidated application programs

##### UNITED STATES CODE, TITLE 20

- 6301 Program purpose
- 6311-6322 Improving basic programs for disadvantaged students, including:
  - 6312 Local educational agency plan
  - 6313 Eligibility of schools and school attendance areas; funding allocation
  - 6314 Title I schoolwide programs
  - 6315 Targeted assistance schools
  - 6316 School improvement
  - 6318 Parent involvement
  - 6320 Participation of private school students

6321 Comparability of services  
7881 Participation of private school students

CODE OF FEDERAL REGULATIONS, TITLE 34  
200.1-200.79 Improving basic programs for disadvantaged students

**Management Resources:**

**CSBA PUBLICATIONS**

Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services  
Policy Briefs, August 2006

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

LEA Plan, rev. May 17, 2006

Provisions for Private School Students, Teachers, and Other Education Personnel in the No Child Left Behind Act of  
2001, rev. November 1, 2005

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

Title I Fiscal Issues, May 26, 2006

Designing Schoolwide Programs, March 22, 2006

Supplemental Educational Services, June 13, 2005

The Impact of the New Title I Requirements on Charter Schools, July 2004

Parental Involvement: Title I, Part A, April 23, 2004

Serving Preschool Children Under Title I, March 4, 2004

Title I Services to Eligible Private School Students, October 17, 2003

Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of  
Title I Funds to Those Areas and Schools, August 2003

**WEB SITES**

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

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

No Child Left Behind: <http://www.ed.gov/nclb>

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

(10/95 11/02) 8/06

The Superintendent and County Board desire to provide opportunities for eligible students to enroll concurrently in courses offered at postsecondary institutions in order to foster individual student achievement, increase opportunities for students to complete college preparatory course requirements or career technical education preparation, and prepare students for a smooth transition into college by providing exposure to the collegiate environment.

When it is determined that the postsecondary course in which the student intends to enroll is substantially equivalent to a course provided by Fresno County Office of Education ("FCOE"), the student may receive credit toward high school graduation requirements in addition to credit received from the college.

#### Approval of Concurrent Enrollment

The Superintendent or designee may approve a limited number of students of any age or grade level to apply for part-time or full-time concurrent enrollment in a community college or four-year college when it is determined to be in the student's best interest and the student is adequately prepared for such coursework.

Upon recommendation of the site administrator and with parent/guardian consent, the Superintendent may authorize a student to apply for attendance at a community college during any session or term as a special part-time or full-time student and to undertake one or more courses of instruction offered at the community college level. (Education Code 48800)

Within the enrollment limits and exceptions allowed by law, the site administrator may recommend a student for community college summer session if that student demonstrates adequate preparation in the discipline to be studied and exhausts all opportunities to enroll in an equivalent course, if any, at his/her school of attendance. (Education Code 48800)

Any student's parent/guardian may petition the Superintendent to authorize full-time attendance at a community college if he/she believes the student would benefit from advanced scholastic or career technical work that would be available. (Education Code 48800.5)

If the Superintendent or designee denies a request for special part-time or full-time enrollment at a community college for a student who is identified as highly gifted and talented as defined in Education Code 52201, the Superintendent shall issue his/her written recommendation and the reasons for the denial within 60 days. The written recommendation and denial shall be issued no later than 30 days after the request has been submitted. (Education Code 48800, 48800.5)

#### Program Evaluation

The Superintendent or designee shall report to the Board regarding the number of FCOE students participating in the concurrent enrollment option, their success in completing in postsecondary courses, and any impact on their achievement in FCOE courses.



**Legal Reference:**

EDUCATION CODE

46145-46147 Minimum day, high school  
48800-48802 Enrollment of gifted students in community college  
51225.3 Alternative means of satisfying graduation requirements  
52200-52212 Gifted and talented education program  
76000-76002 Enrollment in community college

**Management Resources:**

WEB SITES

California Community Colleges System: <http://www.cccco.edu>  
California Department of Education: <http://www.cde.ca.gov>  
California Postsecondary Education Commission: <http://www.cpec.ca.gov>  
California State University: <http://www.calstate.edu>  
Foundation for California Community Colleges, Early College High School Initiative:  
<http://www.foundationccc.org/ECHS>  
University of California: <http://www.universityofcalifornia.edu>

7/08

The Superintendent and County Board recognize the challenges to the academic success of children of military families caused by the frequent moves or deployments of their parents/guardians in fulfillment of military service. In accordance with law, the Fresno County Office of Education ("FCOE") shall provide such students with academic resources, services, and opportunities for extracurricular and enrichment activities that are available to all FCOE students.

In making decisions about children of military families, including decisions regarding their enrollment, placement, eligibility for extracurricular activities, or waiver of any graduation requirement, the Superintendent or designee shall be flexible to the extent permitted by law and FCOE policy.

The Superintendent or designee shall work with parents/guardians and shall collaborate with local, state, and other agencies within and outside the state to facilitate the transition of children of military families into and out of FCOE programs.

**Legal Reference:**

## EDUCATION CODE

35160.5 District policy rules and regulations; requirements; matters subject to regulation  
35179 Interscholastic athletics; associations or consortia  
35181 Students' responsibilities  
35351 Assignment of students to particular schools  
46600-46611 Interdistrict attendance agreements  
48050-48054 Nonresidents  
48200-48208 Persons included (compulsory education law)  
49700-49704 Education of children of military families  
51225.3 Requirements for graduation  
51240-51246 Exemptions from requirements  
51250-51251 School-age military dependents  
60850-60859 High school exit examination  
66204 Certification of high school courses as meeting university admissions criteria

## UNITED STATES CODE, TITLE 10

1209 Transfer to inactive status list instead of separation  
1211 Members on temporary disability retired list: return to active duty; promotion

## UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

## UNITED STATES CODE, TITLE 29

794 Section 504

**Management Resources:**

CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

**WEB SITES**

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

California Department of Education, Educational Options Office: <http://www.cde.ca.gov/ls/pf/mc>

11/09

CLASSIFICATION: Instruction

ADOPTED: 12/8/2011

REVISED: 3/21/2013

**SUBJECT: *Education for English Language Learners*****PAGE: 1 of 3**

The Fresno County Superintendent of Schools (“Superintendent”) and Fresno County Board of Education (“Board”) intend to provide English learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible while facilitating student achievement in the Fresno County Office of Education’s (“FCOE”) regular course of study.

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with state content standards. FCOE’s program shall be based on sound instructional theory and adequately supported in order to assist students in accessing the full educational program.

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

The Superintendent or designee shall encourage parent and community involvement in the development, implementation, and evaluation of English language development programs. In addition, to support students’ English language development, the Superintendent or designee may provide an adult literacy training program for parents/guardians and community members that leads to English fluency.

#### Identification and Assessment

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

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

#### Placement of English Learners

Students who are English learners shall be educated through “sheltered English immersion” or “structured English immersion,” as defined in law and administrative regulation, during a temporary transition period not normally intended to exceed one year. Nearly all of the classroom instruction in FCOE’s structured English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305-306)

For purposes of determining the amount of instruction conducted in English in the structured English immersion classroom, “nearly all” shall be defined as follows:

When an English learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education, any FCOE assessments, and/or other criteria adopted by the Board, 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 305-306; 5 CCR 11301)

An English learner has acquired a “reasonable level of English proficiency” when he/she has achieved an overall early intermediate level on the California English language mainstream classroom. (5 CCR 11301)

At any time during the school year, the parent/guardian of an English learner may have his/her child moved into an English language mainstream program. (5 CCR 11301)

#### Parental Exception Waivers

When allowed by law, the parent/guardian of an English learner may submit a request that his/her child be exempted from placement in a structured English immersion program and instead be placed in a class where he/she is taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. (Education Code 310-311)

Each waiver request shall be considered on its individual merits with deference given to parental preference for student placement.

A waiver request shall be granted in accordance with law unless the site administrator and educational staff have determined that an alternative program would not be better suited to the student's overall educational development. (5 CCR 11309)

#### Program Evaluation

To evaluate the effectiveness of FCOE's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding the progress of English learners towards proficiency in English, the number and percentage of English learners reclassified as fluent English proficient, the number and percentage of English learners who are or are at risk of being classified as long-term English learners, the achievement of English learners on standards-based tests in core curricular areas, and a comparison of current data with data from at least the previous year. The Superintendent or designee also shall provide the Board with regular reports from any FCOE English learner advisory committees.

#### **Legal Reference:**

EDUCATION CODE  
300-340 English language education

430-446 English Learner and Immigrant Pupil Federal Conformity Act  
33050 State Board of Education waiver authority  
44253.1-44253.11 Qualifications for teaching English learners  
48985 Notices to parents in language other than English  
51101-51101.1 Rights of parents  
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  
60200.7 Suspension of state instructional materials adoptions  
60605.87 Supplemental instructional materials, English language development  
60810-60812 Assessment of language development  
62005.5 Continuation of advisory committee after program sunsets

CODE OF REGULATIONS, TITLE 5

11300-11316 English learner education  
11510-11517 California English Language Development Test

UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act  
6312 Local education agency plans  
6801-6871 Title III, Language instruction for limited English proficient and immigrant students  
7012 Parental notification

COURT DECISIONS

Valeria G. v. Wilson, (2002) 307 F.3d 1036  
California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141  
McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196  
Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 40 (2000)

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California English Language Development Test (CELDT): 2012-13 CELDT Information Guide, 2012  
English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012  
Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007

WEB SITES

California Department of Education: <http://www.cde.ca.gov/sp/el>  
U.S. Department of Education: <http://www.ed.gov>

(10/98 11/02) 11/12

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The Superintendent and County Board desire to provide a comprehensive career technical education (“CTE”) program in grades 7-12 which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The Fresno County Office of Education’s (“FCOE”) CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. The program shall include a rigorous academic component and provide students with a strong experience and understanding of all aspects of an industry.

The County Board shall review and approve all plans and applications for the use of state and/or federal funds supporting CTE.

The County Board shall adopt standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with FCOE-adopted standards and the state's curriculum framework.

The Superintendent or designee shall develop partnerships with local businesses and industries to ensure that classroom instruction has real-world relevance and reflects labor market needs and priorities. He/she also shall work to develop connections with employers to provide students with work-based learning opportunities.

The Superintendent or designee shall collaborate with postsecondary institutions to ensure that FCOE's program is articulated with postsecondary programs in order to provide a sequential course of study.

The Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. He/she also shall provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned CTE and ways to integrate technical and occupational instruction with academic instruction.

FCOE shall provide services to support students in the CTE program, including comprehensive career guidance and academic counseling. The Superintendent or designee shall provide counselors with professional development that includes, but is not limited to, information about current workforce needs and trends, requirements of FCOE's CTE program, work experience opportunities, postsecondary education, and employment options following high school.

The Superintendent or designee shall regularly assess FCOE’s needs for facilities, technologies, and equipment to increase students' access to FCOE’s CTE program.

### Nondiscrimination

FCOE's program shall provide equal access to and shall not unlawfully discriminate against students who are members of special populations. Special populations include, but are not limited to, students with disabilities; students from economically disadvantaged families, including foster youth; students preparing for nontraditional fields; single parents and single pregnant females; displaced homemakers; and students with limited English proficiency. (20 USC 2302, 2354, 2373)

Prior to the beginning of each school year, the Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to race, color, national origin, sex, or disability. (34 CFR 104.8, 106.9)

The above notification shall be disseminated in languages other than English as needed and shall state that FCOE will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in FCOE's CTE program. (20 USC 2354)

### Advisory Committee

The County Board shall appoint a CTE advisory committee to develop recommendations on FCOE's CTE program and to serve as a liaison between FCOE and potential employers. The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantaged, students, teachers, business, industry, school administration, and the field office of the California Department of Employment Development. (Education Code 8070)

This committee may be expanded to include parents/guardians, representatives of labor organizations, representatives of special populations, and other interested individuals in order to involve them in the development, implementation, and evaluation of CTE programs funded through the federal Carl D. Perkins Career and Technical Education Act.

### Program Evaluation

The County Board shall monitor and evaluate the achievement of students participating in FCOE's CTE program. The Superintendent or designee shall annually report to the County Board on program enrollment and completion rates, including enrollment and completion of programs in nontraditional fields as defined in 20 USC 2302; student academic assessment results; attainment of career and technical skill proficiencies; attainment of a high school diploma or equivalent; graduation rates; and subsequent placement in postsecondary education or advanced training, military service, or employment.

At least every three years, the County Board shall compare FCOE's curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

The Superintendent or designee shall systematically review FCOE's CTE classes to determine the degree to which each class may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by FCOE for high school graduation. The



County Board shall ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

**Legal Reference:**

EDUCATION CODE

8006-8156 Career technical education  
17078.70-17078.72 Career technical education facilities  
33430-33432 Health science and medical technology grants  
41505-41508 Pupil Retention Block Grant  
41540-41544 Targeted instructional improvement block grant  
44260-44260.1 Designated subjects career technical education credential  
44260.9 Designated subjects career technical education credential  
48430 Legislative intent; continuation education schools and classes  
48980 Parental notifications  
51220-51229 Courses of study, grades 7-12  
51760-51769.5 Work experience education  
52300-52499.66 Career technical education  
52519-52520 Adult education, occupational training  
53080-53084 School-to-career initiatives  
53086 California Career Resource Network  
54690-54697 California Partnership Academies  
56363 Related services for students with disabilities; specially designed career technical education  
66205.5-66205.9 Approval of career technical education courses for admission to California colleges  
88500-88551 Community college economic and workforce development program

GOVERNMENT CODE

54950-54963 Brown Act

LABOR CODE

3070-3099.5 Apprenticeships

CODE OF REGULATIONS, TITLE 5

1635 Credit for work experience education  
3051.14 Specially designed career technical education for students with disabilities  
10070-10075 Work experience education  
10080-10092 Community classrooms  
10100-10111 Cooperative vocational education  
11500-11508 Regional occupational centers and programs  
11535-11538 Career technical education contracts with private postsecondary schools  
11610-11611 Regional adult and vocational education councils

CODE OF REGULATIONS, TITLE 8

200-240 Apprenticeships

UNITED STATES CODE, TITLE 20

2301-2414 Carl D. Perkins Career and Technical Education Act of 2006  
6301-6578 Improving the Academic Achievement of the Disadvantaged

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 Equipment acquired with federal funds  
100.B Appendix B Guidelines for eliminating discrimination in career technical education programs  
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

**Management Resources:**

**CSBA PUBLICATIONS**

Orientation to Apprenticeship Overview, Construction Management Task Force Fact Sheet, November 2007

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

2008-2012 State Plan for Career Technical Education

Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007

California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005

Management of Vocational Education Equipment, April 2000

**CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF APPRENTICESHIP**

**STANDARDS PUBLICATIONS**

Orientation to Apprenticeships: A Guide for Educators, January 2001

**WEB SITES**

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

Association for Career and Technical Education: <http://www.acteonline.org>

California Association of Regional Occupational Centers and Programs: <http://www.carocp.org>

California Career Resource Network: <http://www.californiacareers.info>

California Department of Education, Career Technical Education: <http://www.cde.ca.gov/ci/ct>

California Department of Employment Development: <http://www.edd.ca.gov>

California Department of Industrial Relations: <http://www.dir.ca.gov>

California Workforce Investment Board: <http://www.calwia.org>

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

U.S. Department of Education, Office of Vocational and Adult Education:

<http://www.ed.gov/about/offices/list/ovae/pi/cte/index.html>

U.S. Department of Labor, Bureau of Labor Statistics: <http://www.bls.gov>

(6/91 3/00) 3/08

The Superintendent and County Board desire to provide opportunities for Fresno County Office of Education (“FCOE”) students to receive specialized training and career technical skills through a regional occupational center or program (“ROC/P”) that prepares them for employment, advanced training, or postsecondary education.

#### Participation in County-Operated ROC/P

FCOE shall refer eligible students to the ROC/P that has been established by the County Superintendent of Schools and is under the governance of the County Board of Education. (Education Code 52301, 52310.5)

The Board shall adopt and regularly review the mission, goals, budget, curriculum, and policies of the ROC/P to ensure that the program is focused on student learning and meets all applicable state and federal laws, regulations, and standards.

An employer advisory board shall perform the duties specified in Education Code 52302.2. The employer advisory board shall be composed of representatives of trade organizations and businesses or government agencies that hire a significant number of employees each year and require the skills and knowledge that are taught in the course sequence(s) in that occupational area, as well as at least one representative from a school district career technical educational advisory committee. (Education Code 52302.2)

#### Student Eligibility and Participation

To enroll in the ROC/P on a part-time or full-time basis, a district high school or adult student must have his/her admittance approved by the ROC/P based on a determination that he/she will benefit from the program. To be eligible, a student must be at least 16 years of age, unless he/she meets one of the conditions specified in Education Code 52314. (Education Code 52314, 52314.5, 52315)

Adult students may have access to ROC/P classes offered on high school campuses during the school day.

A student who is attending an ROC/P may be exempted from FCOE’s physical education requirement in accordance with law, Superintendent/Board policy, and administrative regulation. (Education Code 48410, 52316)

Credits earned from courses completed in an ROC/P may be applied toward fulfillment of high school graduation course requirements. (Education Code 51225.3, 52310)

## Student Services

FCOE may provide or arrange for transportation to the ROC/P in accordance with law, Superintendent/Board policy, and administrative regulation.

FCOE's academic counseling program shall be designed to increase students' awareness of available educational options aligned with their career goals, including, as appropriate, career technical programs offered through the ROC/P.

## Program Evaluation

The County Board shall annually hold a public hearing to review and assess the participation of students in grades 11-12 in the ROC/P and the annual plan to increase participation of students in this program, unless it is determined that there are no additional students who would benefit from this participation. (Education Code 52304.1)

The County Board also shall review student achievement data for participating students.

### **Legal Reference:**

#### EDUCATION CODE

1205 Classification of counties  
37223 Weekend classes  
39807.5 Transportation to ROC/P, parent/guardian payment  
41850 Transportation to ROC/P, apportionments  
44910 Permanent employment status; preclusion of ROC/P service  
46140 Attendance credit  
46300 Computation of average daily attendance  
48410 Exemption from compulsory continuation education  
48430-48433 Continuation education, ROC/P classes  
51225.3 Requirements for graduation  
52300-52335.6 Regional occupational centers/programs  
52378 Supplemental school counseling program, grades 7-12  
60850-60859 High school exit examination  
60900 California longitudinal student achievement data system

#### GOVERNMENT CODE

6500-6536 Joint powers agreements

#### LABOR CODE

3368 Workers' compensation, responsibility in jointly operated ROC/P

#### UNEMPLOYMENT INSURANCE CODE

15037.1 Education and job training, performance accountability

#### CODE OF REGULATIONS, TITLE 5

10080-10092 Community classrooms  
10100-10111 Cooperative vocational education  
11500-11508 Regional occupational centers and programs

UNITED STATES CODE, TITLE 20  
2301-2414 Carl D. Perkins Career and Technical Education Act of 2006  
6319 Highly qualified teachers

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

2008-2012 State Plan for Career Technical Education

Regional Occupational Centers and Programs Operations Handbook March 2008

Model Programs and Practices: Setting Standards for Regional Occupational Centers and Programs (ROCPs), rev. October 2007

Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007

California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005

WEB SITES

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

Association for Career and Technical Education: <http://www.acteonline.org>

California Association of Regional Occupational Centers and Programs: <http://www.carocp.org>

California Department of Education, ROC/P: <http://www.cde.ca.gov/ci/ct/rp>

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

7/08

The Superintendent and County Board recognize that high-quality supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills.

### Required Supplemental Programs

Fresno County Office of Education shall offer direct, systematic, and intensive supplemental instruction for:

1. Students in grades 2-9 who have been retained or recommended for retention pursuant to Education Code 48070.5. (Education Code 37252.2)
2. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation in order to help them pass the exam. (Education Code 37252, 60851)

"Sufficient progress" shall be determined based on a student's results on the state Standardized Testing and Reporting assessments and the minimum levels of proficiency recommended by the State Board of Education.

In addition, students who do not possess sufficient English language skills to be assessed shall be considered students who do not demonstrate sufficient progress towards passing the exit exam and shall receive supplemental instruction designed to help them succeed on the exit exam. (Education Code 37252)

3. Students who have not passed one or both parts of the exit exam by the end of grade 12, for up to two consecutive school years after the completion of grade 12 or until they have passed both parts of the exit exam, whichever comes first. (Education Code 37254)
4. Eligible students from low-income families whenever the school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more years. (20 USC 6316)

### **Legal Reference:**

#### EDUCATION CODE

1240 County Superintendent duties  
35186 Williams Uniform Complaint Procedures  
37200-37202 School calendar  
37223 Weekend classes  
37252-37254.1 Supplemental instruction  
41505-41508 Pupil Retention Block Grant  
42239 Supplemental instruction, apportionments

44259 Comprehensive reading program  
46100 Length of school day  
48070-48070.5 Promotion and retention  
48200 Compulsory education  
48985 Translation of notices  
51210 Courses of study, elementary schools  
51220 Courses of study, secondary schools  
52378-52380 Supplemental School Counseling Program  
60603 Definitions, core curriculum areas  
60640-60648 Standardized Testing and Reporting Program  
60850-60859 High school exit examination

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

52012 Establishment of school site council  
52014-52015 School plans  
53025-53031 Intensive reading instruction  
53091-53094 Intensive algebra instruction

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6316 Program improvement schools and districts

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

Implementation of Assembly Bill (AB) 347: requiring instruction and services for students who have not passed the exit exam but have met all other graduation requirements, October 26, 2007

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Supplemental Educational Services, June 13, 2005

Creating Strong Supplemental Educational Services Programs, May 2004

WEB SITES

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

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

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

(11/05 3/07) 11/07

The Superintendent and County Board recognize that it is accountable to students, parents/guardians, and the community for the effectiveness of Fresno County Office of Education's ("FCOE") educational program in meeting goals for student learning. The Superintendent or designee shall conduct a continual evaluation of the curriculum and the instructional program in order to improve student achievement.

The Superintendent or designee shall provide the Board and the community with regular reports on student progress toward established standards of expected achievement at each grade level in each area of study. In addition, he/she shall evaluate and report data for each school and for every numerically significant subgroup of the student population, including, but not limited to, school and subgroup performance on statewide achievement indicators.

Based on these reports, the Board shall take appropriate actions to maintain the effectiveness of programs and to improve the quality of education that FCOE students receive.

#### Categorical Program Monitoring

The Superintendent or designee shall cooperate with the California Department of Education ("CDE") in the categorical program monitoring process to ensure that FCOE categorical programs comply with federal and state laws and regulations. The Superintendent or designee shall report to the Board regarding the results of this monitoring process.

On an ongoing basis, the Superintendent or designee shall conduct a self-evaluation which may utilize tools developed by FCOE or the CDE to ensure compliance of categorical programs with legal requirements.

#### Evaluation of Consolidated Categorical Programs

The Superintendent or designee and the Board shall annually determine whether FCOE's categorical programs funded through the state's consolidated application are supportive of the core curriculum and are effective in meeting the needs of the students they are intended to serve. As a basis for this evaluation, the Superintendent or designee shall recommend for Board approval the specific, measurable criteria that shall be used at each FCOE school. These criteria shall include, but not necessarily be limited to, progress toward goals contained in the school's single plan for student achievement and progress of the total student population and each numerically significant subgroup toward growth targets on the statewide Academic Performance Index.

#### Western Association of Schools and Colleges (WASC) Accreditation

The Superintendent and Board believe that accreditation by the Western Association of Schools and Colleges ("WASC") can foster excellence and ongoing academic improvement in FCOE's



schools. The results of the accreditation process also may demonstrate to parents/guardians and the community that the schools are meeting their goals and objectives and the WASC criteria for school effectiveness through a viable instructional program.

The Superintendent or designee shall undertake procedures whereby FCOE schools may achieve and maintain full WASC accreditation status. The schools shall conduct a self-study in accordance with WASC requirements, cooperate with the WASC committee during a site visit, and develop and review action plans to increase the effectiveness of the instructional program for students. The Superintendent or designee shall regularly report to the Board on the status of FCOE schools and any WASC recommendations for school improvement.

The results of any inspection of a school by WASC, or any other the accrediting agency, shall be published not later than 60 days after the results are made available to FCOE. Publication shall be by notifying each parent/guardian in writing and/or by posting the information on FCOE's web site, as determined by the Superintendent or designee. (Education Code 35178.4)

If any FCOE school loses its accreditation status, the Board shall give official notice at a regularly scheduled Board meeting. The Superintendent or designee shall provide written notification to each parent/guardian of a student in the school that the school has lost its accreditation status, including the potential consequences of the loss of accreditation status. This notice shall also be posted on FCOE's web site. (Education Code 35178.4)

**Legal Reference:**

EDUCATION CODE

33400-33407 Educational evaluations  
 35178.4 Notice of accreditation status  
 44662 Evaluation and assessment guidelines, certificated employee performance  
 48985 Compliance with translation of parental notifications  
 51041 Education program, evaluation and revisions  
 51226 Model curriculum standards  
 52050-52059 Public Schools Accountability Act  
 54650-54659 Education Improvement Incentive Program  
 62005.5 Failure to comply with purposes of funds  
 64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3930-3937 Program requirements  
 3942 Continuity of funding

UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress

**Management Resources:**

CSBA PUBLICATIONS

Maximizing School Board Leadership: Curriculum, 1996

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Ongoing Program Self-Evaluation Tools (OPSET)  
 Categorical Program Monitoring Instruments

WEB SITES

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

California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>

Western Association of Schools and Colleges (WASC), Accrediting Commission for Schools:  
<http://www.acswasc.org>

(3/02 3/06) 3/07

The Superintendent and County Board recognize that education is a lifelong process and that it is important for individuals to continuously develop new skills.

The Superintendent or designee shall develop and oversee Fresno County Office of Education's adult education program. The Board shall approve all courses to be offered in this program.

**Legal Reference:**

## EDUCATION CODE

8500-8538 Adult education  
41505-41508 Pupil Retention Block Grant  
41975-41976.2 Adult education; authorized classes and courses  
44865 Qualifications for home teachers and teachers in special classes  
46190-46192 Adult school; days of attendance  
46300.4 Independent study in adult education  
46351-46352 Adult classes  
51040 Prescribed courses  
51225.3 Requirements for graduation  
51241-51246 Exemptions from attendance  
51730-51732 Elementary school special day and evening classes  
51810-51815 Community service classes  
51938 Parental excuse from sexual education or HIV/AIDS prevention education  
52500-52523 Adult schools  
52530-52531 Use of hospitals  
52540-52544 Adult English classes  
52550-52556 Classes in citizenship  
52570-52572 Disabled adults  
52610-52616.24 Finances  
52651-52656 Immigrant Workforce Preparation Act  
60410 Books for adult classes

## CODE OF REGULATIONS, TITLE 5

10501 Adult education  
10508 Records and reports  
10530-10560 Standards  
10600-10615 Adult education innovation

## UNITED STATES CODE, TITLE 8

1184 Foreign students

**Management Resources:**

## CDE PUBLICATIONS

Adult Education Handbook for California, 1997

## CDE LEGAL ADVISORIES

0319.97 Amendments to F-1 Student Visa Requirements, LO: 1-97

CDE PROGRAM ADVISORIES

0600.92 Using Independent Study in Adult Education Programs: An Option

0609.88 Education Fees for F-1 Visa Students

0622.87 Discrimination Against the Handicapped in Adult Education Programs

(6/95 6/97) 7/99

# *Action Items*

## **ACTION**

- TOPIC:** Consider Adoption of Resolution No. 2020-17 regarding Crescent View West Public Charter Material Revision to Current Charter Petition (July 1, 2016 – June 30, 2021)
- ISSUE:** Crescent View West Public Charter (CVW) requests a material revision to their current petition
- BACKGROUND:** Crescent View West submitted a material revision which proposes to change the location of services in Mendota from the Mendota Branch of the Fresno County Public Library located at 1246 Belmont Ave, Mendota, CA to the AMOR (Alliance for Medical Outreach & Relief) Wellness Center located at 115 Belmont Ave, Mendota, CA, approximately one half mile from the current library location.
- The Charter Review Committee has reviewed the material revision and supporting materials and performed site visits pursuant to the material revision submitted. Pursuant to Education Code section 47607, material revisions must be approved by the authorizing entity; Fresno County Board of Education (FCBE).
- PRESENTER:** Jeffrey Hunt, Ed.D., Director  
EDUCATIONAL SERVICES  
265-3074
- RESOURCE:** Jeffrey Hunt, Ed.D., Director  
EDUCATIONAL SERVICES  
265-3074
- RECOMMENDATION:** Based upon review and analysis of materials, information presented at the public hearing, and applicable legal standards, the Committee recommends that the Fresno County Board of Education approve the material revision of Crescent View West Public Charter.



# fresno county board of education

Trustee Area 1      Trustee Area 2      Trustee Area 3      Trustee Area 4      Trustee Area 5  
Kimberly Tapscott-Munson      Mike Robinson      Daren A. Miller      Dr. Marcy Masumoto      Dr. Allen Clyde

## BEFORE THE FRESNO COUNTY BOARD OF EDUCATION FRESNO COUNTY, CALIFORNIA

In the Matter Regarding Approval of the  
Crescent View West Public Charter Material  
Revision

RESOLUTION NO. 2020 - 17

WHEREAS, pursuant to Education Code ("EC") Sections 47605 and 47607, the Fresno County Board of Education ("County Board"), on August 5, 2020, received a material revision ("Material Revision") from Crescent View West Public Charter, Inc. ("CVWPC") regarding its currently authorized charter covering the five year term of July 1, 2016 through June 30, 2021; and

WHEREAS, a committee ("Charter Committee") reviewed the Material Revision pursuant to the criteria established in EC Sections 47605 and 47607, and other applicable statutes and regulations; and

WHEREAS, a public hearing on the Material Revision was conducted on September 17, 2020 at which time the County Board received and considered the level of support for the Material Revision; and

WHEREAS, the Charter Committee reviewed the Material Revision and submitted for the County Board's consideration a Committee Report regarding the Material Revision dated September 30, 2020 ("Committee Report"), which is attached as Attachment A, in which the Charter Committee recommends approval of the Material Revision.

NOW, THEREFORE, BE IT RESOLVED by the Fresno County Board of Education as follows:

1. The County Board finds the above-listed recitals to be true and correct, and incorporates them herein by this reference.
2. The County Board hereby adopts the Committee Report (See attached Attachment A) which is incorporated herein in its entirety by this reference.
3. The County Board, having reviewed and considered the Material Revision, applicable Education Code, other applicable statutes and regulations, the Committee Report, and Committee findings, hereby approves the Material Revision.
4. The County Board's approval of the Material Revision is conditioned upon CVWPC entering into an amendment to the current memorandum of understanding between CVWPC and the County Board within 30 days reflecting the changes set forth in the Material Revision.

This Resolution is adopted by the Fresno County Board of Education at its meeting of October 15, 2020 by the following votes:

President Mike Robinson:	Yes ___	No ___	Abstain ___	Absent ___
Vice President Marcy Masumoto:	Yes ___	No ___	Abstain ___	Absent ___
Member Dr. Allen Clyde:	Yes ___	No ___	Abstain ___	Absent ___
Member Daren A. Miller:	Yes ___	No ___	Abstain ___	Absent ___
Member Kimberly Tapscott-Munson:	Yes ___	No ___	Abstain ___	Absent ___

\_\_\_\_\_  
Mike Robinson, President

#### CERTIFICATION

I am the Ex-Officio Secretary and Executive Officer of the Fresno County Board of Education and hereby certify that the foregoing resolution is the full, true, and correct resolution duly passed and adopted by the Fresno County Board of Education on the date stated above.

By: \_\_\_\_\_  
Jim A. Yovino, Fresno County Superintendent of Schools  
Ex-Officio Secretary and Executive Officer of the  
Fresno County Board of Education

Date: \_\_\_\_\_

Doc# 125044

//



# Attachment A



**Jim A. Yovino**  
Superintendent

# fresno county superintendent of schools

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**To:** Fresno County Board of Education

**From:** Fresno County Superintendent of Schools Charter School Petition Review Committee

**Subject:** Committee Report Regarding the Crescent View West Public Charter School Material Revision

**Date:** September 30, 2020

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The Fresno County Superintendent of School's (FCSS) Charter School Petition Review Committee (Charter Committee) has reviewed Crescent View West Public Charter, Inc.'s (CVW) request for a Material Revision to their current charter petition. The purpose of this Committee Report is to provide a detailed discussion of the Charter Committee's review, concerns, and findings related to the Material Revision.

## **I. BACKGROUND**

Lead petitioner Shellie Hanes, Area Superintendent, is applying to the Fresno County Board of Education (FCBE) on behalf of CVW for a Material Revision of its current charter petition (2016-2021). The Material Revision, submitted to the FCBE on August 5, 2020, covers the period from October 15, 2020 through June 30, 2021. The Material Revision proposes to change the location of services in Mendota from the Mendota Branch of the Fresno County Public Library located at 1246 Belmont Ave, Mendota, CA to the AMOR (Alliance for Medical Outreach & Relief) Wellness Center located at 115 Belmont Ave, Mendota, CA, approximately one half mile from the current library location.

Each member of the FCBE has received a copy of the proposed petition reflecting the Material Revision, and a public hearing was conducted on September 17, 2020. A site visit was conducted August 19, 2020 by Senior Director of Facilities and Operations Jeff Becker and Director of Charter Schools Dr. Jeffrey Hunt as a part of the Charter Committee review.

## **II. MATERIAL REVISION CRITERIA**

The Charter Committee reviewed the CVW Material Revision In accordance with Education Code (EC) sections 47605, 47607, and the Memorandum of Understanding (MOU) between FCBE and CVW for the charter term of July 1, 2016-June 30, 2021.

Education Code section 47607(a) through (b) states:

- (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, 47605.6, and 47606 for a period not to exceed five years.
- (2) A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e).
- (3) A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter. A material revision of the provisions of a charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Section 47605.
- (4) The findings of paragraphs (7) and (8) of subdivision (c) of Section 47605 shall not be used to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material revision. For a material revision, analysis under paragraphs (7) and (8) of subdivision (c) of Section 47605 shall be limited to consideration only of the impact of the proposed material revision.
- (5) The chartering authority may inspect or observe any part of the charter school at any time.
- (b) Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

Education Code section 47605 establishes the criteria for reviewing a charter petition. According to EC section 47605(a)(4):

*After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade levels are approved pursuant to the standards and criteria described in subdivision (c), they shall be a material revision to the charter school's charter.*

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Article 5 of the MOU between FCBE and CVW describes the process for considering Material Revisions.

- 5.1.1 **MATERIAL REVISION DEFINED.** A **“Material Revision”** is any change to the Charter and/or MOU that is any of the following:
- 5.1.1.1 Any change to any terms and conditions set forth on the Cover (MOU Document A), General Terms and Conditions (MOU Document C), and/or the Charter Petition (MOU Document D).
  - 5.1.1.2 Any change to Charter School’s legal status, for example and not as a limitation, merger into another nonprofit public benefit corporation; change from a nonprofit public benefit corporation to a for-profit corporation or non-incorporated entity; or becoming an affiliate, division, or parent corporation of another corporation or entity.
  - 5.1.1.3 Material change in Charter School’s articles of incorporation (for example and not as a limitation, increase or decrease in the number of members on, or change of compensation for members of the Charter School Board) if Charter School, as marked on the Cover, is a nonprofit public benefit corporation.
  - 5.1.1.4 Material change to Charter School’s mission statement (see Section 6.1 below).
  - 5.1.1.5 Elimination of any grade level that Charter School is required to serve pursuant to the Charter or expansion to serve any grade level that is not in the Charter.
  - 5.1.1.6 Addition of any new Charter School Site, or elimination of any Charter School Site listed on the Cover or in an amendment.
  - 5.1.1.7 Change in Charter School’s admissions requirements or enrollment preferences or procedures from those set forth in the Charter.
  - 5.1.1.8 Material change that is substantive in nature to Charter School’s educational program in terms of content or methodology (for example and not as a limitation, change from a non-classroom to a classroom-based methodology), including where such change is required by Applicable Law.
  - 5.1.1.9 Change to Charter School’s instructional status that results in more than 20 percent of the California-required instructional minutes being designated as nonclassroom-based from classroom-based or vice versa.
  - 5.1.1.10 Change of the Operator if Charter School, as stated on the Cover, is operated by Operator.
  - 5.1.1.11 Change to Operator’s legal status (if Charter School, as marked on the Cover, is operated by Operator), for example and not as a limitation, merger into another nonprofit public benefit corporation; change from a nonprofit public benefit corporation to a for-profit corporation or non-incorporated entity; or becoming an affiliate, division, or parent corporation of another corporation or entity.

5.1.2 REQUEST FOR MATERIAL REVISION.

5.1.2.1 *GENERALLY. Charter School may submit to Authorizer, and Authorizer will consider, any proposed Material Revision to the Charter and/or MOU in accordance with Authorizer's policies and procedures, if any, that are in effect at the time that Charter School submits the proposed Material Revision. Unless stated otherwise in Authorizer's policies and procedures, Charter School shall submit any proposed Material Revision at least 90 days before the date on which Charter School intends the Material Revision to take effect. The proposed Material Revision shall be in writing and state, at a minimum, the following: (A) a description of the proposed Material Revision; (B) the date on which Charter School anticipates the proposed Material Revision to take effect; and (C) the name and contact information of the person at Charter School with whom Authorizer is to communicate regarding the proposed Material Revision.*

5.1.2.2 *ADDITION OF CHARTER SCHOOL SITE. In addition to the requirements in Section 5.1.2.1 above, in any request for a Material Revision to add a new Charter School Site, Charter School shall allow Authorizer to inspect the new facility as part of Authorizer's consideration of such request.*

5.1.3 AMENDMENT REFLECTING MATERIAL REVISION.

5.1.3.1 *GENERALLY. Except as provided otherwise in this Article 5 in which case such provision shall apply, any Material Revision shall be set forth in an amendment, which must be approved and executed by the Parties. Any amendment to the Charter that requires County Superintendent to perform any services or assume any obligations must be signed by County Superintendent to be binding on County Superintendent.*

5.1.3.2 *ADDITION OF CHARTER SCHOOL SITE. In addition to the requirements in Section 5.1.3.1 above, the following shall apply to any amendment for a Material Revision to add a new Charter School Site:*

5.1.3.2(A) *The amendment shall state the full street address of the new Charter School Site.*

5.1.3.2(B) *At least 30 days before Charter School's first day of occupancy of the new Charter School Site, Charter School shall submit to Authorizer a certificate of occupancy or other documentation issued by the appropriate governmental agency(ies) authorizing Charter School to use the new Charter School Site for the purposes intended by Charter School.*

5.1.3.2(C) *Charter School shall submit evidence to Authorizer that the new Charter School Site complies with the provisions of Sections 7.2.1 and 7.2.2.*

5.1.3.3 *ELIMINATION OF CHARTER SCHOOL SITE. In addition to the requirements in Section 5.1.3.1 above, any amendment for a Material Revision to eliminate a Charter School Site shall state the full street address of the Charter School Site that is being eliminated.*

Article 7, Section 2 of the MOU between FCBE and CVW provides general requirements of appropriate charter school sites.

**SECTION 7.2 CHARTER SCHOOL SITE(S).**

**7.2.1 GENERAL REQUIREMENTS.** Each Charter School Site that Charter School operates shall comply with the following requirements:

7.2.1.1 Health, safety and fire code requirements applicable to California charter schools.

7.2.1.2 Federal and California laws applicable to charter school facilities.

7.2.1.3 Requirements under the ADA.

7.2.1.4 California and local regulations governing the operation of charter school facilities.

7.2.1.5 One of the following unless a Charter School Site is exclusively owned or controlled by an entity (e.g., federal government) that is not subject to the California Building Standards Code; (A) the California Building Standards Code (Part 2, commencing with Section 101 of Title 24 of the CCR) as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which Charter School is located; or (B) the Field Act, EC 17280 et seq. and 17365 et seq.

7.2.1.6 Location in an area properly zoned for operation of a school and has been cleared for pupil occupancy by local authorities with jurisdiction of the Charter School Site.

7.2.1.7 Local approvals, including but not limited to, applicable fire marshal clearance, certificate of occupancy or other documentation authorizing Charter School to use the facility for the purposes intended by Charter School, signed building permit inspections, and any approved zoning variances.

**7.2.2 NUMBER OF CHARTER SCHOOL SITES.** Charter School shall only operate at the Charter School Sites set forth on the Cover.

**7.2.3 LOCATION.** Charter School shall provide its primary educational services, including the delivery of instruction, only at the Charter School Sites listed on the Cover or subsequently added through an amendment. Charter School shall operate the Charter School Site(s) in compliance with the geographical boundary requirements set forth in Education Code sections 47605 and 47605.1

**7.2.4 SIZE AND CONDITION.** Each Charter School Site shall be of sufficient size to house the portion of Charter School's pupil enrollment for that Charter School Site and be conducive to provide educational programs for such pupils.

**7.2.5 ADDITION AND ELIMINATION.** **Elimination of a Charter School Site or addition of any new Charter School Site constitutes a Material Revision, and Charter School shall comply with Section 5.1 relating to a Material Revision. A relocation from an existing Charter School Site to a new Charter School Site shall be treated as an**

***elimination of the existing Charter School Site and the addition of the new Charter School Site.***

**III. CHARTER PETITION REVIEW COMMITTEE ANALYSIS:**

The Charter Committee evaluated the request for the Material Revision against EC 47607, 47605, and Articles 5 and 7 of the MOU between FCBE and CVW. The Charter Committee also considered testimony at the public hearing September 17, 2020 in which Area Superintendent Shellie Hanes and Principal Rafael Aguilar presented on CVW's behalf. Additionally, a business owner shared his experiences with CVW students in Mendota.

CVW provided a proposed updated charter petition reflecting the Material Revision, required legal updates, and program updates to reflect their current educational program, processes, and procedures. CVW also submitted supporting documents to satisfy the requirements of Article 7 of the MOU as it relates to facilities.

The proposed facility site visit on August 19, 2020 was led by Mr. Ralph Aguilar, principal of the Mendota CVW location. The guided tour included a discussion of the benefits of the new location to CVW students including but not limited to: a computer lab, child-care, physical and mental healthcare, small group instruction, and other community resources that will be located in the AMOR complex.

The Charter Committee met Monday, September 21, 2020 to discuss the review of the Material Revision.

**IV. CHARTER COMMITTEE FINDINGS**

CVW has submitted necessary documentation to satisfy the Charter Committee's facility requirements outlined in MOU Article 7. CVW has made the required legal updates and relevant program updates to the petition.

Upon review of the Material Revision, the Committee recommends that the FCBE **approve** the Material Revision.

## **ACTION**

**TOPIC:** Consider Approval of Amendment No. 2 to Memorandum of Understanding with Crescent View West Public Charter, Inc.

**ISSUE:** If the Fresno County Board of Education ("County Board") approves Crescent View West Public Charter, Inc.'s ("CVW") proposed Material Revision, the County Board should formalize the approval of such Material Revision by approving an amendment to the current Memorandum of Understanding between the County Board and CVW ("MOU").

**BACKGROUND:** If the County Board approves CVW's proposed Material Revision, an amendment to the MOU/Charter is necessary to:

1. Change CVW's Mendota site from 1246 Belmont Avenue, Mendota, CA 93640 to 115 Belmont Avenue, Suite 300, Mendota, CA 93640.
2. Make changes required because of updates in the law and other minor changes requested by CVW in the Material Revision.

**PRESENTER:** Jeffrey Hunt, Ed.D., Director  
Educational Services  
(559) 265-3074

**RESOURCE:** Jeffrey Hunt, Ed.D., Director  
Educational Services  
(559) 265-3074

Jason Parkin, Legal Counsel  
Legal Services  
(559) 265-3003

**RECOMMENDATION:** If the County Board approves CVW's proposed Material Revision, it is recommended that the County Board approve the Amendment No. 2 to the MOU with CVW to formalize the Material Revision.



**AMENDMENT NO. 2  
TO MEMORANDUM OF UNDERSTANDING –  
CHARTER SCHOOL AUTHORIZATION (“MOU”) AND CHARTER**

**Crescent View West Public Charter**

This Amendment No. 2 is entered into by and between Crescent View West Public Charter, Inc. (“**Charter School**”) and the Fresno County Board of Education (“**Authorizer**”) and amends the MOU regarding Charter School’s Charter Renewal Petition for the term July 1, 2016 – June 30, 2021 (“**MOU**”). Charter School and Authorizer are separately referred to as a “**Party**” and collectively as the “**Parties**”.

**SECTION 1. EFFECTIVE DATE OF AMENDMENT.** This Amendment shall become effective commencing on October 15, 2020 and remain in effect thereafter until and including June 30, 2021 (“**Amendment Term**”), subject to termination of the MOU. This Amendment shall terminate effective 12:00 midnight on June 30, 2021 without any notice or action by either Party unless the MOU is terminated at an earlier date in which case this Amendment shall terminate concurrently with the MOU.

**SECTION 2. SCOPE OF AMENDMENT.**

By this Amendment, Authorizer and Charter School agree to add the following revisions to the Charter:

2.1 By this Amendment, Authorizer and Charter School agree to amend the section entitled “CHARTER SCHOOL SITES” on page 2 of the COVER, MOU Document A as follows:

- |  |  |
|--|--|
| 1. (Resource Center)<br>115 Belmont Avenue, Suite 300<br>Mendota, CA 93640     | 3. (Resource Center)<br>955b East Shaw Avenue, Suite B<br>Clovis, CA 93612       |
| 2. (Resource Center)<br>1901 E. Shields Avenue, Suite R105<br>Fresno, CA 93726 | 4. (Resource Center)<br>5659 E. Kings Canyon Road, Suite 101<br>Fresno, CA 93727 |

2.2 By this Amendment, all other requested revisions to the Charter and MOU set forth in Charter School’s request for material revision, attached hereto as Exhibit A, are hereby made.

**SECTION 3. EFFECT OF MOU AND CONFLICTS.** Except as specifically stated in this Amendment, all terms and conditions in the MOU and Charter shall remain and continue in full force and effect. All terms used in this Amendment shall have the same meanings as in the MOU. If there is any conflict between any provision in this Amendment and any provision in the MOU, prior amendments to the MOU, or Charter, the provision in this Amendment shall govern.

In consideration of the covenants, conditions and stipulations in and for good and valuable consideration and the mutual benefits to be derived from this Amendment, Charter School and Authorizer hereby enter into this Amendment. Each person executing this Amendment on behalf of a Party represents that he/she is authorized to execute on behalf of and to bind the Party to this Amendment.

CHARTER SCHOOL

AUTHORIZER

By: \_\_\_\_\_  
Print Name:  
Title:

By: \_\_\_\_\_  
Mike Robinson, Board President

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

By: \_\_\_\_\_  
Jim A. Yovino, Superintendent, or Authorized Designee

## **ACTION**

- TOPIC:** Consider Adoption of Resolution No. 2020-18 regarding Crescent View West Public Charter Renewal Petition (July 1, 2021 – June 30, 2026)
- ISSUE:** Crescent View West Public Charter (CVW) requests a five year renewal to their current petition.
- BACKGROUND:** CVW was originally chartered by the Fresno County Board of Education (FCBE) in 2010, and began serving students under FCBE authorization during the 2010-2011 school year. The FCBE renewed CVW's charter for a five-year term in 2011 (2011-2016) and in 2015 (2016-2021). Site visits were conducted as a part of this petition review on August 19, 2020 (Mendota), September 16, 2020 (Virtual), and September 17, 2020 (Manchester, Clovis, and Sunnyside). Each member of the FCBE has received a copy of the Renewal Petition, and a public hearing was conducted on September 17, 2020. CVW offers high school diploma programs, job training, and flexible, personalized education for students whose needs generally fall outside the scope of the traditional high school system.
- In accordance with Education Code (EC) section 47607, which establishes the criteria for granting charter renewals, the Charter Committee reviewed the CVW Renewal Petition. The Renewal Petition was reviewed against the requirements of EC sections 47605 and 47607.
- PRESENTER:** Jeffrey Hunt, Ed.D., Director  
EDUCATIONAL SERVICES  
265-3074
- RESOURCE:** Jeffrey Hunt, Ed.D., Director  
EDUCATIONAL SERVICES  
265-3074
- RECOMMENDATION:** Based upon review and analysis of materials, information presented at the public hearing, and applicable legal standards, the Committee recommends that the Fresno County Board of Education approve the renewal petition of Crescent View West Public Charter.



# fresno county board of education

Trustee Area 1      Trustee Area 2      Trustee Area 3      Trustee Area 4      Trustee Area 5  
Kimberly Tapscott-Munson      Mike Robinson      Daren A. Miller      Dr. Marcy Masumoto      Dr. Allen Clyde

## BEFORE THE FRESNO COUNTY BOARD OF EDUCATION FRESNO COUNTY, CALIFORNIA

In the Matter Regarding Approval of the  
Crescent View West Public Charter Renewal  
Petition

RESOLUTION NO. 2020 - 18

WHEREAS, pursuant to Education Code ("EC") Section 47607, the Fresno County Board of Education ("County Board"), on August 5, 2020, received a renewal charter petition ("Renewal Petition") covering the five year term beginning July 1, 2021 and ending June 30, 2026, for the Crescent View West Public Charter, Inc. ("CVWPC"); and

WHEREAS, CVWPC is currently authorized pursuant to a charter that had previously been granted by the County Board for the term of July 1, 2016 through June 30, 2021; and

WHEREAS, a committee ("Charter Committee") reviewed the Renewal Petition pursuant to the criteria established in EC Sections 47605 and 47607, and other applicable statutes and regulations; and

WHEREAS, a public hearing on the Renewal Petition was conducted on September 17, 2020 at which time the County Board received and considered the level of support for the Renewal Petition; and

WHEREAS, the Charter Committee reviewed the Renewal Petition and submitted for the County Board's consideration a Committee Report regarding the Renewal Petition dated September 30, 2020 ("Committee Report"), which is attached as Attachment A, in which the Charter Committee recommends approval of the Renewal Petition.

NOW, THEREFORE, BE IT RESOLVED by the Fresno County Board of Education as follows:

1. The County Board finds the above-listed recitals to be true and correct, and incorporates them herein by this reference.
2. The County Board hereby adopts the Committee Report (See attached Attachment A) which is incorporated herein in its entirety by this reference.
3. The County Board, having reviewed and considered the Renewal Petition, applicable Education Code, other applicable statutes and regulations, the Committee Report, and Committee findings, hereby approves the Renewal Petition for a term of five years (July 1, 2021 through June 30, 2026).
4. The County Board's approval of the Renewal Petition is conditioned upon CVWPC entering into a memorandum of understanding with the County Board within 30 days setting forth the terms and conditions governing CVWPC's operation and program.

This Resolution is adopted by the Fresno County Board of Education at its meeting of October 15, 2020 by the following votes:

President Mike Robinson:	Yes ___	No ___	Abstain ___	Absent ___
Vice President Marcy Masumoto:	Yes ___	No ___	Abstain ___	Absent ___
Member Dr. Allen Clyde:	Yes ___	No ___	Abstain ___	Absent ___
Member Daren A. Miller:	Yes ___	No ___	Abstain ___	Absent ___
Member Kimberly Tapscott-Munson:	Yes ___	No ___	Abstain ___	Absent ___

\_\_\_\_\_  
Mike Robinson, President

CERTIFICATION

I am the Ex-Officio Secretary and Executive Officer of the Fresno County Board of Education and hereby certify that the foregoing resolution is the full, true, and correct resolution duly passed and adopted by the Fresno County Board of Education on the date stated above.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Jim A. Yovino, Fresno County Superintendent of Schools  
Ex-Officio Secretary and Executive Officer of the  
Fresno County Board of Education

Doc# 125034  
//

# Attachment 1



**Jim A. Yovino**  
Superintendent

# fresno county superintendent of schools

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**To:** Fresno County Board of Education

**From:** Fresno County Superintendent of Schools Charter School Petition Review Committee

**Subject:** Committee Report Regarding the Crescent View West Public Charter School Renewal Charter Petition

**Date:** September 30, 2020

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The Fresno County Superintendent of School's (FCSS) Charter School Petition Review Committee (Charter Committee) has reviewed Crescent View West Public Charter, Inc.'s (CVW) Renewal Charter Petition (Renewal Petition). The purpose of this Committee Report is to provide a detailed discussion of the Charter Committee's review, concerns, and findings related to the Renewal Petition.

## **I. BACKGROUND:**

Lead petitioner Shellie Hanes, Area Superintendent, is applying to the Fresno County Board of Education (FCBE) on behalf of CVW for a renewal of its charter school petition. The Renewal Petition, submitted to the FCBE on August 5, 2020, covers the period from July 1, 2021 through June 30, 2026.

CVW was originally chartered by the FCBE in 2010, and began serving students under FCBE authorization during the 2010-2011 school year. The FCBE renewed CVW's charter for a five-year term in 2011 (2011-2016) and again in 2015 (2016-2021). Site visits were conducted as a part of the petition review on August 19, 2020 (Mendota), September 16, 2020 (Virtual), and September 17, 2020 (Manchester, Clovis, and Sunnyside). Each member of the FCBE has received a copy of the Renewal Petition, and a public hearing was conducted on September 17, 2020.

CVW offers high school diploma programs, job training, and flexible, personalized education for students whose needs generally fall outside the scope of the traditional high school system.

## **II. CHARTER RENEWAL CRITERIA:**

In accordance with Education Code (EC) section 47607, which establishes the criteria for granting charter renewals, the Charter Committee reviewed the CVW Renewal Petition. The Renewal Petition was reviewed against the requirements of EC sections 47605 and 47607.

Education Code section 47607(a) through (e) states:

- (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, 47605.6, and 47606 for a period not to exceed five years.
- (2) A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e).
- (3) A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter. A material revision of the provisions of a charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Section 47605.
- (4) The findings of paragraphs (7) and (8) of subdivision (c) of Section 47605 shall not be used to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material revision. For a material revision, analysis under paragraphs (7) and (8) of subdivision (c) of Section 47605 shall be limited to consideration only of the impact of the proposed material revision.
- (5) The chartering authority may inspect or observe any part of the charter school at any time.
- (b) Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.
- (c) (1) As an additional criterion for determining whether to grant a charter renewal, the chartering authority shall consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.
- (2) (A) The chartering authority shall not deny renewal for a charter school pursuant to this subdivision if either of the following apply for two consecutive years immediately preceding the renewal decision:
- (i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.
- (ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each

*respective year, received performance levels that are higher than the state average.*

*(B) Notwithstanding subparagraph (A), if the two consecutive years immediately preceding the renewal decision include the 2019–20 school year, the chartering authority shall not deny renewal for a charter school if either of the following apply for two of the three years immediately preceding the renewal decision:*

*(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.*

*(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.*

*(C) Notwithstanding subparagraphs (A) and (B), a charter school eligible for technical assistance pursuant to Section 47607.3 shall not qualify for renewal under this paragraph.*

*(D) A charter school that meets the criteria established by this paragraph and subdivision (a) of Section 47607.2 shall not qualify for treatment under this paragraph.*

*(E) The chartering authority that granted the charter may renew a charter pursuant to this paragraph for a period of between five and seven years.*

*(F) A charter that satisfies the criteria in subparagraph (A) or (B) shall only be required to update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter.*

*(3) For purposes of this section and Section 47607.2, "measurements of academic performance" means indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 that are based on statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, the English Language Proficiency Assessments for California, or any successor system, and the college and career readiness indicator.*

*(4) For purposes of this section and Section 47607.2, "subgroup" means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.*



(5) To qualify for renewal under clause (i) of subparagraph (A) or (B) of paragraph (2), subparagraph (A) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have schoolwide performance levels on at least two measurements of academic performance per year in each of the two consecutive years immediately preceding the renewal decision. To qualify for renewal under clause (ii) of subparagraph (A) or (B) of paragraph (2), subparagraph (B) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have performance levels on at least two measurements of academic performance for at least two subgroups. A charter school without sufficient performance levels to meet these criteria shall be considered under subdivision (b) of Section 47607.2.

(6) For purposes of this section and Section 47607.2, if the dashboard indicators are not yet available for the most recently completed academic year before renewal, the chartering authority shall consider verifiable data provided by the charter school related to the dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year.

(7) Paragraph (2) and subdivisions (a) and (b) of Section 47607.2 shall not apply to a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5. In determining whether to grant a charter renewal for such a charter school, the chartering authority shall consider, in addition to the charter school's performance on the state and local indicators included in the evaluation rubrics adopted pursuant to subdivision (c) of Section 52064.5, the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served. The chartering authority shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered pursuant to this paragraph and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The chartering authority may deny a charter renewal pursuant to this paragraph only upon making written findings, setting forth specific facts to support the findings that the closure of the charter school is in the best interest of pupils.

(d) (1) At the conclusion of the year immediately preceding the final year of the charter school's term, the charter school authorizer may request, and the department shall provide, the following aggregate data reflecting pupil enrollment patterns at the charter school:

(A) The cumulative enrollment for each school year of the charter school's term. For purposes of this chapter, cumulative enrollment is defined as the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time during the school year.

*(B) For each school year of the charter school's term, the percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils who were enrolled in the charter school the prior school year.*

*(C) For each school year of the charter school's term, the percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils.*

*(2) When determining whether to grant a charter renewal, the chartering authority shall review data provided pursuant to paragraph (1), any data that may be provided to chartering authorities by the department, and any substantiated complaints that the charter school has not complied with subparagraph (J) of paragraph (5) of subdivision (c) of Section 47605 or with subparagraph (J) of paragraph (5) of subdivision (b) of Section 47605.6.*

*(3) As part of its determination of whether to grant a charter renewal based on the criterion established pursuant to subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may make a finding that the charter school is not serving all pupils who wish to attend and, upon making such a finding, specifically identify the evidence supporting the finding.*

*(e) Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The chartering authority may deny renewal only by making either of the following findings:*

*(1) The corrective action proposed by the charter school has been unsuccessful.*

*(2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.*

Education Code section 47605 establishes the criteria for reviewing a charter petition. According to EC section 47605:

*(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to paragraph (8) of subdivision (c), regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the governing board of the school district will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.*

*(c) In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:*

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*
- (3) The petition does not contain the number of signatures required by subdivision (a).*
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).*

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A to G” admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(G) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(H) Admission policies and procedures, consistent with subdivision (e).

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to

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*remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).*

*(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.*

*(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.*

*(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.*

*(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.*

*(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.*

*(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.*

*(7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:*

*(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.*

*(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.*

*(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 1240 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 1240, has a negative interim certification pursuant to Section 1240, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.*

### **Dashboard Alternative School Status**

As CVW is a Dashboard Alternative School Status charter school, the renewal process is governed by EC 47607(c)(7).

*(7) Paragraph (2) and subdivisions (a) and (b) of Section 47607.2 shall not apply to a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5. In determining whether to grant a charter renewal for such a charter school, the chartering authority shall consider, in addition to the charter school's performance on the state and local indicators included in the evaluation rubrics adopted pursuant to subdivision (c) of Section 52064.5, the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served. The chartering authority shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered pursuant to this paragraph and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The chartering authority may deny a charter renewal pursuant to this paragraph only upon making written findings, setting forth specific facts to support the findings that the closure of the charter school is in the best interest of pupils.*

In addition to the petition review and in accordance with Title 5 of the California Code of Regulations (CCR) section 11966.4(b)(1), consideration regarding past performance of the school's academics, finances, and operation has been used to evaluate the likelihood of the future success of CVW as well as CVW's future plans for improvement. Information regarding CVW's past performance has been collected through statutory data submission and through the regular interaction that has occurred between CVW and FCSS through the current and prior charter terms. Throughout each charter term, FCSS's Educational Services, Business Services, Human Resources, Legal Services, and Support Services have been involved in the annual site visits (EC section 47604.32(b)) and ongoing oversight and support provided to CVW.

Site visits were conducted as a part of the petition review on August 19, 2020 (Mendota), September 16, 2020 (Virtual), and September 17, 2020 (Manchester, Clovis, Sunnyside).

**III. CHARTER PETITION REVIEW COMMITTEE ANALYSIS:** A summary of the Charter Committee's analysis related to the criteria listed above is provided in the following table. The page numbers where supporting information can be found in the Renewal Petition documents are provided for each criterion. Charter Committee comments are provided where needed for clarity.

	Criteria	Committee Comments	Meets Criteria	
			Yes	No
1.	The CVW Renewal Petition provides evidence of a sound education program.	As is noted in the subsections, below, CVW's Renewal Petition contains a complete description of a sound educational program, including application of the Local Control Funding Formula and corresponding Local Control Accountability Plan (LCAP). Provision is made within the Renewal Petition for addressing the academic needs of all students, including but not limited to students at-risk of low achievement, English Learners, and students with disabilities. CVW utilizes a personalized learning approach to meeting the educational needs of students. The target student population consists primarily of students who enroll deficient of grade-level credit requirements. The personalized instructional model includes a supervising teacher who coordinates the instructional program, and specific subject matter teachers that contribute to each student's core instructional program. Additionally, CVW utilizes credentialed teachers to provide small group instruction and targeted intervention. The instructional program operates in an exclusive partnership with Workforce Innovation Opportunity Act (WIOA). The partnership allows students to access employment readiness curriculum and resources. Along with employment readiness and a core instructional program, CVW students are able to explore career pathways through relationships with United Healthcare (healthcare) and UPS (logistics), among others.	X	



	Criteria	Committee Comments	Meets Criteria	
			Yes	No
2.	The petitioners are demonstrably likely to successfully implement the program set forth in the Renewal petition.	<p><u>Leadership</u>                      The CVW leadership team works in a collaborative manner to support students between its four campuses. Shellie Hanes, the lead petitioner, serves as Area Superintendent for CVW and other Learn4Life brand charters. Sarah Luna serves as the Principal of both the Manchester Center and Clovis campuses. Gagendee Gill serves as the Principal at the Sunnyside CVW Campus. Rafael Aguilar serves as the Principal of the Mendota CVW campus. Ide Rodriguez-Tarango serves as Assistant Principal supporting operations at the Clovis CVW campus.</p> <p><u>Academic Achievement</u>                      CVW academic progress demonstrated through state and local assessment, along with adopted local outcomes (graduation, retention, and matriculation) serves as evidence of the benefit of their education program to the population served. Student state and local performance outcomes are located in the renewal petition on pages 10-24.                      See Section IV below</p> <p><u>Fiscal Management:</u>                      CVW has maintained a stable fiscal position up to and throughout the current charter term. Budget projections can be found in Tab T of Binder 2 of the petition. The budget provided in the petition does not reflect deferrals recently announced by the California Department of Education. State deferrals in response to the COVID pandemic were announced after the petition was complete. The committee requested and received revised budget projections to reflect deferrals (Attachment C).</p> <p>The charter committee, per the MOU Required Materials submissions, reviews CVW's annual independent audit. The most recent audit report received was from the 2018-2019 school year.</p>	X	

	Criteria	Committee Comments	Meets Criteria	
			Yes	No
		Audit reports have reported no findings associated with CVW student attendance reporting, record keeping, and fiscal operations. Additionally, as a part of site visits, committee members routinely review student files for Independent Study compliance.		
3.	The Petition contains the number of signatures required by subdivision (a).	This is not required for renewals. California Code of Regulations (CCR) 11966.4(a)(2)(A) states: <i>The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.</i>	N/A	
4.	The Renewal Petition contains an affirmation of each of the conditions described in EC section 47605(e)	Signed affirmations can be found on pages 6-9 of the petition. The petition contains all required affirmations.	X	
5.	<b>The Renewal Petition contains reasonably comprehensive descriptions of all of the following Elements:</b>			
	<p>A. (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.</p> <p>(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils</p>	The description of the educational program contains the required components as noted in EC section 47605(c)(5) as well as addresses annual goals and associated actions related to the eight state priorities associated with the Local Control Funding Formula and Common Core State Standards. A comprehensive description of the educational program can be found within the renewal petition on pages 48-112.	X	

	Criteria	Committee Comments	Meets Criteria	
			Yes	No
	<p>identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.</p> <p>(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet</p>			

	Criteria	Committee Comments	Meets Criteria	
			Yes	No
	college entrance requirements.			
	B. The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.	Pupil outcomes aligned with the eight state priorities are found in Element B of the renewal petition on pages 113-117. Additionally, as a Dashboard Alternative School Status (DASS) program, the CVW petition includes local metrics agreed upon between the charter and FCSS charter committee.	X	
	C. The method by which pupil progress in meeting those pupil outcomes is to be measured.	Element C of the renewal petition identifies the methods by which pupil progress will be measured. This description includes both the method and frequency of assessment methods. The petition also describes the methods the charter will use to review and respond to assessment data in an effort to meet the educational needs of all students. The petition also states that pursuant to EC 47606.5 CVW will produce a Local Control Accountability Plan,	X	

	Criteria	Committee Comments	Meets Criteria	
			Yes	No
		which shall update the goals and annual actions to achieve the goals in alignment with the State Priorities, on the approved LCAP template. During the COVID pandemic, CVW developed a Learning Continuity and Attendance Plan (LCP). <i>Pages 118-121</i>		
	D. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.	<p>Element D of the petition describes the organization structure, leadership structure, leadership duties, parent involvement, and compliance with the Brown Act. During the site visit, the petitioners reiterated the intentional efforts made to engage students and parents in school decision making. Annually, CVW describes the role of students and parents in the development of their annual Local Control Accountability Plan (LCAP). Governing Board meetings are held at the Manchester (1901 E. Shields Ave., Fresno) campus of CVW with remote access available for participants. Board agendas, minutes, and supporting documents are submitted to the Director of Charter Schools as a part of the MOU Required Documents.</p> <p>The Sole Statutory Member of CVW Inc. is Educational Advancement Corporation (EAC). EAC recruits, appoints, and removes board members to CVW's governing board. In discussion with the petitioner, board members are selected that believe in the mission and vision of CVW and are familiar with operations. <i>Pages 122-127</i></p>	X	
	E. The qualifications to be met by individuals to be employed by the school.	Element E of the petition describes the qualifications to be met by employees of CVW. An organizational chart is included on page 129 of the petition. Staff resumes and copies of teacher credentials can be found in Tab 5 of Binder 1 of the petition. Additional specific requirements for teachers, administration, and other employees are included in the Renewal Petition. CVW contracts with Lifelong Learning Administration Corporation (LLC) for services that contribute to recruitment and identification of qualified staff. In addition to Human	X	

	Criteria	Committee Comments	Meets Criteria	
			Yes	No
		Resources, LLC provides support to the CVW governing board and school leaders in the areas of finance, facilities, school development, staff professional development, educational program development, and student services. More specific descriptions of services CVW receives in its contract with LLC is discussed throughout the petition. A copy of the contract between CVW and LLC can be found in Exhibit W of the petition submission. <i>Pages 128-172</i>		
	F. The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following: (i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.  (ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.  (iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.	Element F of the renewal petition includes detailed procedures for maintaining a safe and healthy environment for pupils and staff. <i>Pages 173-178</i>	X	
	G. The means by which the charter school will achieve a balance of racial and ethnic pupils,	The petition describes a student recruitment strategy that attempts to achieve a balance in student demographics reflective of students residing within the territorial jurisdiction of Fresno	X	

	Criteria	Committee Comments	Meets Criteria	
			Yes	No
	special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.	County and the districts within which CVW campuses are located. CVW student demographics are generally proportional to districts they serve. <i>Pages 179-181</i>		
	H. Admission requirements, if applicable.	Element H of the renewal petition describes CVW's non-discrimination statutes, open enrollment process, admission and enrollment procedures, and public random lottery process should it become necessary. <i>Pages 182-184</i>	X	
	I. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.	Element I of the renewal petition describes the process CVW applies for conducting a financial audit annually. The petition describes the qualifications of the auditor and the timeline for completing and submitting the audit report to the County Superintendent.  CVW submits copies of completed internal audits to the County Superintendent's office each year. <i>Page 185</i>	X	
	J. The procedures by which pupils can be suspended or expelled.	Element J of the renewal petition describes the procedures by which pupils can be suspended or expelled from CVW for disciplinary reasons or otherwise involuntarily removed from CVW for any reason as required by EC 47605(c)(5)(J). <i>Pages 186-207</i>	X	
	K. The manner by which staff members of the charter schools will be covered by the State	Element K of the renewal petition describes the manner by which staff members of the charter school will be covered by the State teachers'	X	

	Criteria	Committee Comments	Meets Criteria	
			Yes	No
	Teachers' Retirement System (STRS), the Public Employees' Retirement System (PERS), or federal social security.	Retirement System, the Public Employees Retirement System, or federal social security.  Based on Element K of the petition, all employees at CVW participate in the federal social security system. Additionally, CVW offers a 403(b) Retirement Savings Plan. CVW does not offer PERS or STRS benefits to employees. CVW informs all applicants for positions within CVW of the Retirement Savings Plan options for employees of CVW. The Area Superintendent or designee is responsible for ensuring that mandatory deductions and contributions are made for all employees. <i>Page 208</i>		
L.	The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.	Element L of the renewal petition describes public school attendance alternatives for students residing within the school district who choose not to attend the charter school. <i>Page 209</i>	X	
M.	A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.	Element M of the renewal petition states that no employee of the County Superintendent or school district shall be required to work at CVW. Additionally, employees who leave the County Superintendent's office or a district to work for CVS have no guaranteed return rights to the County Superintendent's office or school district. <i>Page 210</i>	X	
N.	The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.	The renewal petition describes the procedures to be followed by the charter school and charter authorizer to resolve disputes relating to the provisions of the charter. <i>Pages 211-212</i>	X	
O.	A description of the procedures to be used if the charter school closes. The procedures shall	The petition includes a description of the procedures to be used if the charter school closes. <i>Pages 213-214</i>	X	



	Criteria	Committee Comments	Meets Criteria	
			Yes	No
	ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.			
6.	A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.	The petition includes a signed affirmation that Crescent View West Public Charter, Inc. declares that it shall be deemed the exclusive public school employer of the employees of CVWPCS for the purposes of the Educational Employment Relations Act. <i>Page 6 of the petition</i>	X	
7.	Has met academic performance requirements specified in EC section 47607(c)(7).	In considering the charter school's performance on the state and local indicators included in the evaluation rubrics adopted pursuant to subdivision (c) of Section 52064.5, and the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served, the charter review team has determined that the academic performance of the charter school meets the requirement for renewal. <i>See Section IV Below</i>	X	

#### IV. CHARTER SCHOOL ENROLLMENT AND ACADEMIC PERFORMANCE

##### CHARTER SCHOOL ENROLLMENT (CALPADS Census Data)

	<b>Crescent View West 17-18</b>	<b>Crescent View West 18-19</b>	<b>Crescent View West 19-20</b>	<b>Fresno USD 19-20</b>	<b>Clovis USD 19-20</b>	<b>Mendota USD 19-20</b>
<b>Total Enrollment</b>	1,518	1,600	1,720	73,381	43,654	73,455
<b>% SED</b>	88.7%	88.1%	(90%)	87.8%	44.4%	88.10%
<b>% EL</b>	11.2%	13.3%	16.8%	17.9%	4.5%	20.2%
<b>% SWD</b>	9.9%	11.4%	11.6%	11.3%	8.2%	10.26%

SED-Socio-economically Disadvantaged

EL-English Learner

SWD-Students with Disabilities

<b>Academic Year</b>	<b>Total</b>	<b>African American</b>	<b>Asian</b>	<b>Hispanic or Latino</b>	<b>White</b>	<b>Two or More Races</b>	<b>Not Reported</b>
<b>2019-20</b>	1,720	6.5%	2.2%	68.4%	17%	2.9%	1.9%
<b>2018-19</b>	1,600	5.8%	2.3%	66.9%	17.3%	3.1%	3.3%
<b>2017-18</b>	1,518	5.9%	2.7%	69.4%	16.1%	3.4%	0.9%
<b>2016-17</b>	927	5.2%	2.0%	73.2%	13.8%	2.4%	0.2%

##### STUDENT ACADEMIC PERFORMANCE AND CHARTER OUTCOMES

###### English-Language Arts-SBAC-Percent of Students that Meet/Exceed Standard

<b>SBAC Grade 11</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Schoolwide</b>	<b>15.00%</b>	<b>16.48%</b>	<b>17.41%</b>	<b>32.36%</b>
Socio-Economically Disadvantaged	13%	16.36%	17.45%	30.47%
Students with Disabilities	NA	NA	4.36%	11.90%
English Learners	0%	0%	0%	7.69%
Reclassified Fluent English Proficient (RFEP)	19%	14.64%	15.19%	34.34%
Ever-ELs	NA	9.67%	10.72%	26.81%
Black or African American	NA	NA	12.0%	32.14%
Hispanic or Latino	14%	15.75%	15.29%	29.70%
White	20%	15.79%	26.53%	43.75%

CVW student outcomes for the Grade 11 SBAC ELA exam increased consistently over the current charter term. Scores increased significantly between the 2018 and 2019 test administrations.

**Math-SBAC-Percent of Students that Meet/Exceed Standard**

<b>SBAC Grade 11</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Schoolwide</b>	<b>0%</b>	<b>0%</b>	<b>1.93%</b>	<b>2.70%</b>
Socio-Economically Disadvantaged	0%	0%	1.87%	2.79%
Students with Disabilities	NA	NA	4.35%	11.90%
English Learners	0%	0%	0%	0%
Reclassified Fluent English Proficient (RFEP)	0%	0%	2.53%	2.02%
Ever ELs	NA	0%	1.79%	1.45%
Black or African American	NA	NA	0%	10.71%
Hispanic or Latino	0%	0%	1.18%	1.14%
White	0%	0%	6.0%	6.33%

CVW student outcomes for the Grade 11 SBAC Mathematics exam increased slightly between the 2017 to 2019 test administrations. Student outcomes for Students with Disabilities and Black/African-American students increased significantly between the 2018 and 2019 test administrations.

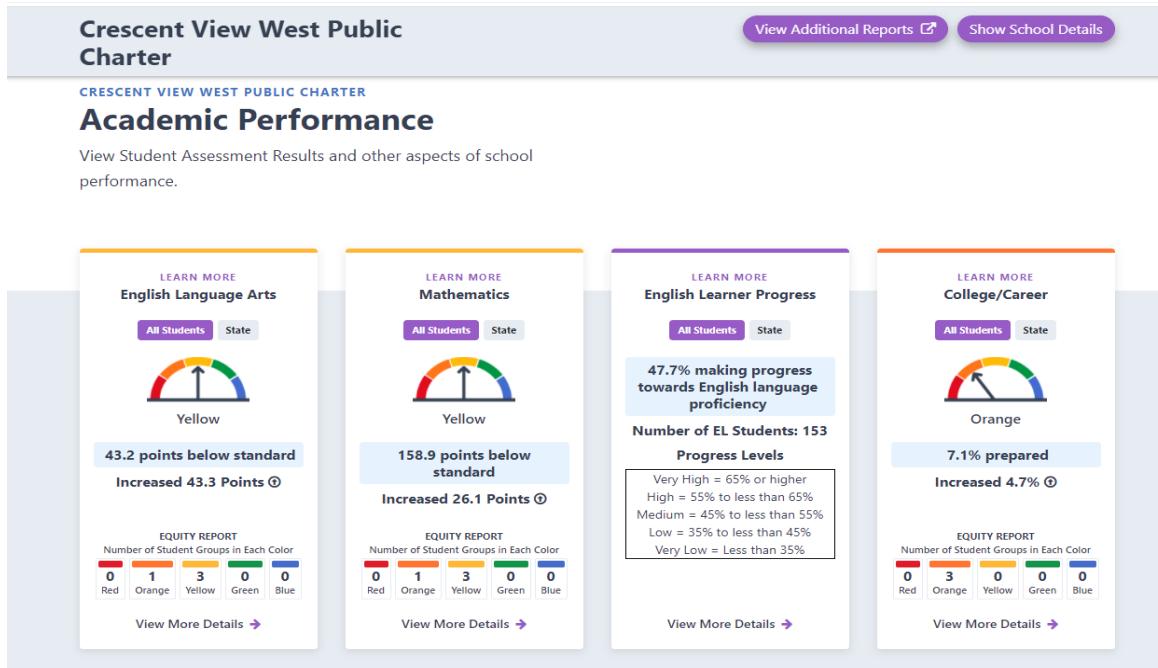
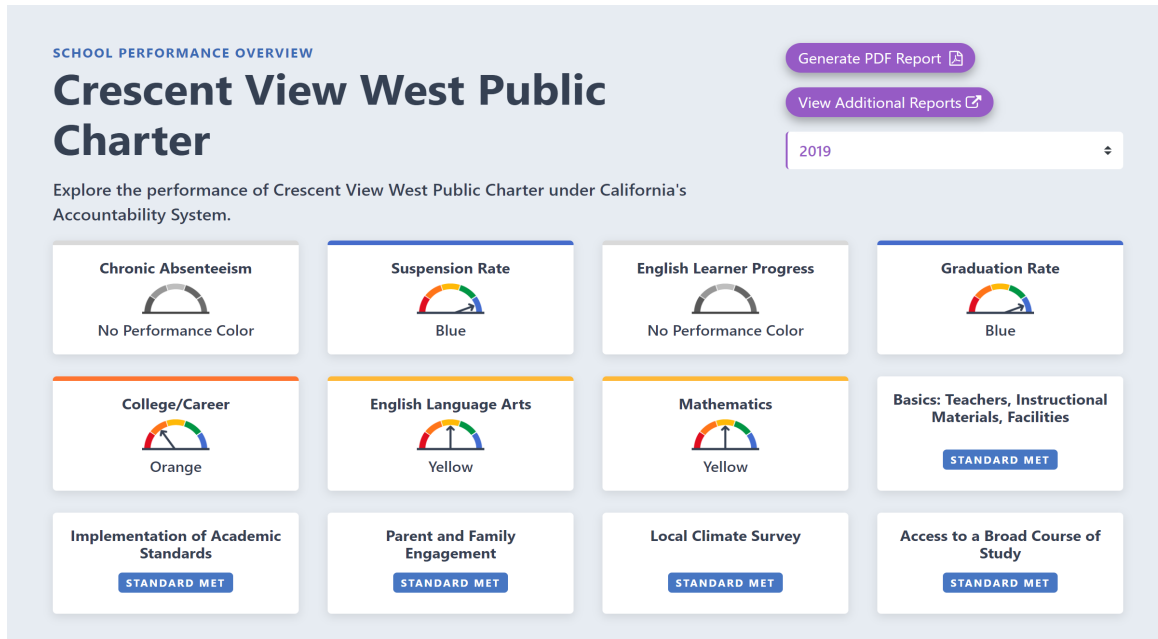
**English-Language Arts-SBAC-Percent of Students that Meet/Exceed Standard  
 Similar Schools Comparison**

<b>SBAC Grade 11</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Crescent View West</b>	<b>15.00%</b>	<b>16.48%</b>	<b>17.41%</b>	<b>32.36%</b>
Gateway Continuation	10%	23%	27.4%	31.9%
DeWolf Continuation	NA	NA	0%	1.72%
Kings River High	0%	0%	3.13%	4.88%
Pershing Continuation	0%	0%	0%	0%
Cambridge Continuation	0%	0%	0%	0%

**Mathematics-SBAC-Percent of Students that Meet/Exceed Standard  
 Similar Schools Comparison**

<b>SBAC Grade 11</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Crescent View West</b>	<b>0%</b>	<b>0%</b>	<b>1.93%</b>	<b>2.70%</b>
Gateway Continuation	1%	0.99%	0%	4.29%
DeWolf Continuation	NA	NA	0%	1.72%
Kings River High	0%	0%	3.13%	4.88%
Pershing Continuation	0%	0%	0%	0%
Cambridge Continuation	0%	0%	0%	0%

## 2019 California Accountability Dashboard



Based on the 2019 California Accountability Dashboard, CVW increased their average ELA performance by 43.3 points from 2018. CVW increased their average Mathematics

performance by 26.1 points from 2018. The ELA and Mathematics indicator moved from Red to Yellow between 2018 and 2019.

#### **Graduation Rate\***

	<b>2018</b>	<b>2019</b>
Schoolwide	67.7%	88.7%
African-American	64.7%	93.3%
Asian	61.5%	*
Hispanic or Latino	67%	90%
White	74.1%	85%
Two or More Races	63.6%	*

#### **\*California Accountability Dashboard**

The graduation rate of DASS public schools reported on the California Accountability Dashboard is calculated by dividing the number of Grade 12 students who complete their high school diploma by the number of Grade 12 students enrolled. The CDE implemented this calculation for DASS schools during the 2017-2018 school year as DASS schools did not receive a dashboard in 2016. This calculation differs from the 4-Year Cohort graduation rate calculated on CDE's DataQuest portal.

### **V. CHARTER PETITION REVIEW COMMITTEE FINDINGS**

The Charter Committee performed an extensive review of the CVW petition and supporting documents, audit reports, the California Accountability Dashboard, and CDE's DataQuest reporting system. A Public Hearing before the FCBE on the provisions of the CVW charter petition renewal was conducted on Thursday, September 17, 2020. Subsequent to the testimony in the public hearing, the committee scheduled an additional conversation with CVW on Monday, September 21, 2020 to review the concerns raised by Clare Crawford of *In the Public Interest*.

Additional documents reviewed include a CVW staff roster (FCSS Attachment 'A'), CVW updated budget projections (FCSS Attachment 'B'), the Evaluation of Reasonableness of Education and Administrative Services Fees between CVW and LLA (FCSS Attachment 'C'), the response from CVW to FCSS in reply to Ms. Crawford's public hearing testimony (Attachment 'D') and CVW's Learning and Continuity Plan. Based on the provisions of EC 47607(e), Governance and Fiscal considerations can only be grounds to deny a charter renewal if there is prior notice and an opportunity to cure the governance or fiscal concern, which has not occurred in this case. Further analysis and intervention, if deemed necessary, may occur at any time during a charter's term.

The Charter Committee has determined that the Renewal Petition meets the Education Code and California Code of Regulations requirements for charter renewal and recommends that the Fresno County Board of Education **approve** Crescent View West Public Charter, Inc.'s Petition renewal for a five-year period.

# FCSS Attachment 'A'

## CVW - Teacher List

Employee_Name	Position	Area of Instruction
BENNETT, DENINE M	Art Teacher	Art
DEBBAS, BRIANNE J	Literacy Teacher	Literacy
SIMS, SHELLY R	Literacy Teacher	Literacy
MENDOZA-LOOZA, CARLOS	Paraprofessional	Special Education
STAVROPOULOS, ALEXANDRA M	Paraprofessional	Paraprofessional
CISNEROS, BRENDA E	Small Group Instructor	Mathematics
LARIMER, JERIANN	Special Education Program Specialist	Special Education - Mild/Moderate
ARREGUIN, PAMELA	Special Education Teacher	Special Education
BORJAS, ROSALIE M	Special Education Teacher	Special Education
ELDRED, GERIANNE M	Special Education Teacher	Special Education
ENSALACO, NICOLE L	Special Education Teacher	Special Education
GARCIA, VENISSIA	Special Education Teacher	Special Education
HAY, SUE	Special Education Teacher	Special Education
MASON, RICHARD T	Special Education Teacher	Special Education
MITCHELL, SHERYL L	Special Education Teacher	Special Education
RAYMUNDO, CHRISTA L	Special Education Teacher	Special Education
ROSANDICH, ANGELA M	Special Education Teacher	Special Education
SERRATO, JEFFREY D	Special Education Teacher	Mathematics
VANG, TOU F	Special Education Teacher	Mathematics
ZUBIRI, JACOB R	Special Education Teacher	Special Education
ADANALIAN, ZOVIG	Teacher	English
ALVARADO, ANDRIA J	Teacher	Mathematics
ARNDT, HEATHER L	Teacher	Science
BRICE, RHONDA	Teacher	Electives
BUDZIK, DAVID	Teacher	Social Science
CID, JOSEFINA	Teacher	Spanish
CORDES, ANNA B	Teacher	Science
CULVER, CHRISTOPHER D	Teacher	English
DIEDRICH, TALITHIA R	Teacher	Mathematics
DRILLING, RICHARD	Teacher	Social Science
DUMRAUF, ROBERT	Teacher	Mathematics
GONZALEZ, DIANA G	Teacher	English
GREENLAW, KIRSTEN E	Teacher	Social Science
HALL, AUSTIN	Teacher	English
HARRIS, DAMEON M	Teacher	Mathematics
HERMANN, BRAD M	Teacher	Mathematics
HILL, BRYNN	Teacher	Science
HOLEMAN, TARA L	Teacher	Art
JONES, ALEXANDRA M	Teacher	English
KANTOR, ZACCARIAH P	Teacher	Social Science
KIRBY, TYLER E	Teacher	Social Science
LEONG, GINA H	Teacher	Mathematics
LEWIS, JOSEPH W	Teacher	Mathematics
LIEVRE, MATTHEW	Teacher	English
LUNA, DANIEL J	Teacher	English
MARES-RODRIGUEZ, KARINA M	Teacher	Mathematics
MARTIN, AMY	Teacher	Mathematics
MILES, CHRISTOPHER R	Teacher	Science
MITCHELL, ANDREW T	Teacher	English
MO, KEO	Teacher	Mathematics
MONTELEONE, NICOLE R	Teacher	Science
MOUA, MAI	Teacher	English, Mathematics, Social Science
NEGRETE, LISA D	Teacher	Social Science
RASMUSSEN, ROBBI A	Teacher	Science
REYNA, SUSANA	Teacher	English
RIGBY, BRENDA SUE	Teacher	Science
ROS, CHHIV L	Teacher	English

## CVW - Teacher List

<b>Employee_Name</b>	<b>Position</b>	<b>Area of Instruction</b>
SEMPER, MELANIE L	Teacher	Science
SERVANTES, LUKE P	Teacher	Social Science
SHARKEY, PETER M	Teacher	Mathematics
SIMMONS, GARY	Teacher	English, Mathematics, Science, Social Science
SIMS, VICKY J	Teacher	Science
STERNIERI, DAWN	Teacher	Science
TACCHINO, KENDALL J	Teacher	Social Science
TARANGO, ENRIQUE F	Teacher	Social Science
TESSLER, BRIAN M	Teacher	Science
TRAN, THAN T	Teacher	Mathematics
TREBISKY, KELLY P	Teacher	Mathematics
VIDRIO, LAUREN P	Teacher	Social Science
WANI, JENIFER	Teacher	English
WOSKOSKI, KRYSTAL J	Teacher	English
LONG, AMBER	Substitute Teacher	All
CHANG, BAO	Tutor	All
DEPEW, GABRIELLA	Tutor	All
HIGNOJOZ, BREANNE L	Tutor	All
REDWINE, BRITTANY M	Tutor	All
ROS, NGUYEN T	Tutor	All
VANG, CATHERINE M	Tutor	All



# FCSS Attachment 'B'

20-21 Original Budget - Cash Flow - CVW

2020-2021

CVW - Cash Flow

REVENUE	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	YE Accruals	TOTAL
BEGINNING BALANCE	1,916,726.00													
Principal Apportionments - 8010-8019														
8011 - GP/Principal Apportionment		940,434.00	940,434.00	1,692,781.00	1,692,781.00	1,692,781.00	1,692,781.00	1,692,781.00	934,353.00	934,353.00			3,593,402.00	15,806,881.00
8012 - EPA				873,145.00			873,145.00			664,869.00			826,765.00	3,237,924.00
Subtotal	-	940,434.00	940,434.00	2,565,926.00	1,692,781.00	1,692,781.00	2,565,926.00	1,692,781.00	934,353.00	1,599,222.00	-	-	4,420,167.00	19,044,805.00
Property Tax - 8020-8079														
8096 - IN LIEU													1,369,866.00	1,369,866.00
Subtotal	-	-	-	-	-	-	-	-	-	-	-	-	1,369,866.00	1,369,866.00
Federal Revenue - 8100-8299														
8181 - Federal IDEA - SPED													219,425.00	219,425.00
8290 - Other Federal Revenue													-	-
Subtotal	-	-	-	-	-	-	-	-	-	-	-	-	219,425.00	219,425.00
Other State Revenue - 8300-8599														
8311 - SPED State		48,061.00	48,061.00	86,509.00	86,509.00	86,509.00	86,509.00	86,509.00	65,350.00	65,350.00			241,072.00	900,439.00
8550 - Mandated Cost Reimbursement						86,754.00							-	86,754.00
8560 - State Lottery							84,363.00			84,363.00			168,726.00	337,452.00
8590 - Other State													-	-
Subtotal	-	48,061.00	48,061.00	86,509.00	86,509.00	173,263.00	170,872.00	86,509.00	65,350.00	149,713.00	-	-	409,798.00	1,324,645.00
Other Local Revenue - 8600-8799														
8660 - Interest													-	-
8699 - All Other Local Revenue													-	-
8781 - All Other Transfers from CS													-	-
Subtotal	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL REVENUE</b>	-	988,495.00	988,495.00	2,652,435.00	1,779,290.00	1,866,044.00	2,736,798.00	1,779,290.00	999,703.00	1,748,935.00	-	-	6,419,256.00	21,958,741.00
<b>EXPENSES</b>														
Days	31	31	30	31	30	31	31	28	31	30	31	30		365
Expense														0.32
Certificated Salaries	598,417.00	598,417.00	598,416.00	598,417.00	598,417.00	598,416.00	598,417.00	598,417.00	598,416.00	598,417.00	598,417.00	598,416.00	-	7,181,000.00
Classified Salaries	188,417.00	188,416.00	188,417.00	188,417.00	188,416.00	188,417.00	188,417.00	188,416.00	188,417.00	188,417.00	188,416.00	188,417.00	-	2,261,000.00
Benefits	190,783.00	190,783.00	190,783.00	347,181.00	190,783.00	190,783.00	347,182.00	190,783.00	190,783.00	347,181.00	190,783.00	190,783.00	156,399.00	2,914,990.00
Books and Supplies	135,189.00	135,188.00	135,188.00	135,189.00	135,188.00	135,188.00	135,189.00	135,188.00	135,188.00	135,189.00	135,188.00	135,188.00	-	1,622,260.00
Services & Operating Expense	566,139.00	566,139.00	566,139.00	566,139.00	566,139.00	566,139.00	566,138.00	566,139.00	566,139.00	566,139.00	566,139.00	566,139.00	-	6,793,667.00
Capital Outlay														259,750.00
Other Outgo	-	-	-	-	-	11,402.00	1,900.00	1,900.00	1,900.00	1,900.00	1,900.00	1,900.00	204,150.00	226,952.00
<b>TOTAL EXPENSES</b>	1,678,945.00	1,678,943.00	1,678,943.00	1,835,343.00	1,678,943.00	1,690,345.00	1,837,243.00	1,680,843.00	1,680,843.00	1,837,243.00	1,680,843.00	1,680,843.00	360,549.00	21,259,619.00
Excess of Revenue Over Expense	(1,678,945.00)	(690,448.00)	(690,448.00)	817,092.00	100,347.00	175,699.00	899,555.00	98,447.00	(681,140.00)	(88,308.00)	(1,680,843.00)	(1,680,843.00)	6,058,707.00	699,122.00
<b>OTHER INFLOWS</b>														
Accts Receivable	1,251,445.00	4,729,069.00	-	134,979.00	-	-	-	-	-	-	-	-	-	-
Prepaid Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-	-
S/T LOAN FROM	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Other Inflows</b>	1,251,445.00	4,729,069.00	-	134,979.00	-	-	-	-	-	-	-	-	-	-
<b>OTHER OUTFLOWS</b>														
Accts Payable	382,839.00	-	1,291,800.00	-	-	-	-	-	-	-	-	-	-	-
S/T LOAN TO	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Other Outflows</b>	382,839.00	-	1,291,800.00	-	-	-	-	-	-	-	-	-	-	-
<b>CASH BALANCE</b>	1,106,387.00	5,145,008.00	3,162,760.00	4,114,831.00	4,215,178.00	4,390,877.00	5,290,432.00	5,388,879.00	4,707,739.00	4,619,431.00	2,938,588.00	1,257,745.00	7,316,452.00	

# FCSS Attachment 'C'

*Phone:* (424) 239-3404

*Fax:* (424) 239-3392

*Email:* [gbordo@blankrome.com](mailto:gbordo@blankrome.com)

September 23, 2020

Board of Directors  
Crescent View West Public Charter 1901  
E. Shields Avenue Street, R105  
Fresno, CA 93726

Re: Evaluation of Reasonableness of Education and Administrative Services Fees.

Dear Directors:

As you know, Crescent View West Public Charter School (“CVW”) currently contracts for educational services from Scholastic Educational Resources (“SER”) and for administrative services from Sequoia Administrative Resources (“SAR”). In exchange for the administrative services provided by SAR, CVW pays 5% of its revenue collected from most sources. In exchange for the educational services provided by SER, CVW pays 10% of its revenue collected from most sources.

Since late 2015 and continuing to the present, we have monitored the fees charged to charter schools by educational and administrative services providers throughout the country in order to provide assurances that the fees paid to SAR and SER are consistent with or less than those charged by similar providers in the marketplace.

As a threshold matter, it's useful to bear in mind why many charter schools use outside vendors for educational and administrative services. When multiple separate schools operate within a network, the costs of each school employing its own full-time administrative employees (for *e.g.*, accounts receivable, accounts payable, human resources, facilities management, etc.) can be prohibitively inefficient. By using an outside vendor, the schools are essentially sharing these administrative costs. Moreover, the vendor is able to coordinate the purchasing of supplies, employee benefits and other aspects of required infrastructure in “bulk” reducing the costs for each individual school. With respect to educational services, the same economies of scale are achieved (bulk curriculum purchase, for. *e.g.*) while at the same time ensuring educational consistency in quality and delivery across the network. This can also lead to better services for lower costs, all of which inures to the financial benefit of the schools.

In order to generate a reliable analysis and conclusion, we have reviewed a tremendous amount of data, nearly 3000 pages of information, informing us of the fees charged by other providers, the terms of the contracts between the providers and their charter school clients and the scopes of services provided.

It is important to acknowledge that the comparisons are never, by their nature, exact. For example, the language describing the types of services provided varies from agreement to agreement. However, the nature of the industry is such that various conclusions can be reached about the differences in scopes of services and related pricing from vendor to vendor that are sufficient for us to render an opinion to CVW that the fees paid to SAR and SER are reasonable and in line with the broader marketplace.

The information reviewed by us includes, without limitation, the following:

- Educational and administrative agreements available from public records including agreements submitted to charter boards for approval in those jurisdictions where board meetings and the materials discussed thereat are open to the public.
- SB740 funding determination filings. As you know, independent study programs in California receive funding under a rather unique regime of regulations and processes. These include regular submissions of financial forms stating how the schools spend their funds in order to meet certain criteria to qualify for ongoing funding. These forms include disclosures of relationships with services providers and the fees paid for the services. These financial submissions are available for public review.
- Charter schools in California from time to time find themselves subject to audit. On some occasions these audits are performed by California's Fiscal Crisis Management & Assistance Team ("FCMAT"). Upon completion of audits, FCMAT publishes its audit reports which become publicly available and which sometimes contain information regarding the fees paid by the audited schools for educational and administrative services.
- Finally, we have, for 30 years, worked with charter schools and charter management companies and have regularly assisted them in the negotiation and drafting of services agreements. We, therefore, have substantial anecdotal information regarding the fees charged by educational and administrative services providers and the scopes of services provided.

Attached hereto as Attachment “A” is a summary of the services provided by SAR and SER to CVW. We used this summary to provide a baseline of the scopes of SAR and SER services for comparisons with other educational and administrative services providers.

The following is a historical summary of the market analyses performed for schools within the Learn4Life Network including schools operated by Crescent View West Public Charter, Inc., the parent corporation of CVW.

## 2015

- Reviewed 37 SB 740 Funding Determination filings.
- Reviewed multiple charter management organization and back office service provider websites and agreements.

## January 2017

- Added reviews of services agreements for four (4) large charter management organizations.
- Reviewed scopes of services provided and fees charged by 8 County Offices of Education providing administrative services to schools.

## December 2017

- Further supplementation of analysis by reviewing similar information but added more micro-assessment of the sizes of the charter schools using such services to better refine our understanding of actual costs for services.

## January 2020

- Updated review to include analysis of scopes of serves and fees charged nationally and locally by charter management organizations and educational management organizations.
- Identified with greater precision California independent study charter schools using vendors for administrative and educational services.
- Updated analysis to take into account the nature of the Learn4Life educational

model and the necessary educational and administrative support for its unique programming. For example, to address the needs to Learn4Life's at-risk student population a variety of educational programming and related administrative support is needed in the areas of trauma, community support partnerships, intervention support, and job training. While very few other vendors in the marketplace provide support and services in these areas to the charter schools they serve, SAR and SER do so, while charging comparable or lower fees than those charged by other vendors whose services are more limited in scope and are not as effectively tailored to the Learn4Life educational model.

- Updated analysis based upon information available from:
  - 18 schools using outside vendors for administrative and educational services.
  - 4 County Offices of Education providing back-office services.
  - 4 public school districts providing back-offices services.
  - Review of recent FCMAT audit reports containing discussions of the audited schools' uses of outside vendors for administrative and educational services.
  - Other more recent publicly available information and adjusted analysis to incorporate reputation and longevity of vendors to ensure robust and reliable comparability.

Attached hereto is a comparative summary of the most comparable vendors, a listing of the key services provided by each and the fees charged. As you can see, not only is the combined fee of SAR and SER consistent with fees charged by the other listed providers but, also, the services provided by SAR and SER are more comprehensive.

We look forward to discussing the foregoing and any questions the board members may have at the upcoming board meeting.

Very truly yours,

*Gregory M. Bordo*  
Gregory M. Bordo

## ATTACHMENT "A"



## **SAR Administrative Support Services – 5%**

Administrative services that will maximize the performance and operational efficiency of **Charter School**

### **1. General Administrative Services.**

As described below and also include offsite services, web-based systems to provide support and services and also provide an annual reports indicating the services **SAR** has provided to **Charter School**

### **2. Public Relations and IP.**

**SAR** shall provide public relations services to advance the shared mission, use of Learn4Life marks or other L4L intellectual property, consultation with the **Charter School**, **SAR** shall act as **Charter School's** representative on all matters relating to public relations and public information, including, without limitation, preparing press releases on topics relating to the shared mission of **SAR** and **CharterSchool**.

### **3. Financial Services (Accounting, Bookkeeping, Payroll, Procurement, and other Financial Functions).**

**The Charter School** shall retain sole control over decision-making, expenditures, tax reporting and all other financial matters as it is not the intent of this Agreement that such responsibility be delegated to **SAR**. **SAR** shall provide the financial services listed below to **Charter School**;

- Preparation and submission of financial reports including all required **State** financial reporting including but not limited to annual audited financial reports, annual budgets, 1<sup>st</sup> and 2<sup>nd</sup> Interims, unaudited actual reportings, P1 and P2 reportings, non-classroom based funding determinations when applicable, annual LCAP spending reporting and monthly financial statements to **Charter School**;
  - Coordination and processing of payments of Charter School's expenditures;
  - Advice and monitoring regarding management of cash balances to cover **Charter School's** payroll and payments to vendors;
  - Coordination of and payment of **Charter School's Board** stipends as described in Section 5 below;
  - Coordination and processing of **Charter School's** payroll and tax reporting and other filings in accordance with the specific directives, procedures and guidelines as designated and updated from time to time by **Charter School** personnel;
  - Coordination of and other assistance with the annual independent audit of **Charter School's** financial statements. The cost of the audit will be the sole expense of **Charter School**;
  - Assistance with Western Association of Schools and Colleges (WASC) financial reviews, when applicable;
-

- Coordination and management of all equipment leasing;
- Advice and monitoring regarding spending and general administration of grant funding in compliance with specific terms and conditions of said grants and participation in any audits related thereto; and
- Advice and recommendations regarding acquisition and management of external financing as needed.

#### **4. Facilities.**

**SAR** shall assist **Charter School** with the following tasks and in locating, identifying and acquiring (through lease or purchase) learning centers and other required space for **Charter School**, including without limitation, coordination of construction and planning associated with the development or redevelopment of learning centers and other facilities:

**SAR** will coordinate with all city or local ordinances for the health and safety of **Charter School** staff and students; and

**SAR** will assist in meeting the state and local safety standards during initial acquisition and will provide assistance to **Charter School's** safety and security of each **Charter School** facility. **SAR** will assist in the negotiation of all new and renewal facility leases.

#### **5. Board Facilitation.**

**SAR** shall assist with the scheduling of and documentation of meetings of the **Board**, including, at the direction of **Charter School**, the preparation of meeting agendas and minutes. At the request of **Charter School**, **SAR** will coordinate annual **Board** member training to include training in **Charter School** protocols, best practices and legal updates. All training will be for the purpose of supporting **Charter School's** educational mission and other related official school business.

#### **6. Strategic Planning and Implementation.**

**SAR** will assist **Charter School** in the development of key long term goals for **Charter School** in meeting its academic, funding, reporting, accountability, growth requirements and in analyzing the political and legislative educational climate. **SAR** will assist in setting priorities, focusing resources, strengthening operations, insuring that employees at all levels are working toward common goals, establishing consensus around intended results, and assessing and adjusting the organizational direction in response to its changing environment.

#### **7. Charter School Policies.**

**SAR** may make reasonable recommendations to **Charter School** concerning its calendar, policies, rules, regulations, procedures, personnel, and budget, as appropriate and consistent with the shared mission of the **Parties** as set forth in the above recitals. For the avoidance of doubt, **Charter School** retains sole and complete control over the foregoing policies.

#### **8. Human Capital.**

- **SAR** shall assist in recruiting, screening and recommending certificated and non-certificated individuals for employment by **Charter School**;
  - **SAR** shall also provide pre-employment screening services, verify, check and monitor credentials for certificated staff;
-

- **SAR** shall coordinate and administer health, life and retirement benefits for **Charter School** employees, including certificated and non-certificated staff. **Charter School** shall be solely responsible for the costs of these benefits;
- **SAR** will develop and provide new hire employee orientation, training; onboarding (at the time of hiring) and off-boarding (upon termination). **SAR** will also provide all required **State** and federal mandated training to applicable **Charter School** employees. **SAR** and **Charter School** shall comply with all applicable federal and **State** laws, concerning employee welfare, safety and health;
- **SAR** will administer and track leave of absence benefits and monitor employee work related injuries;
- **SAR** will support **Charter School** with its **Authorizer**'s annual oversight visit.
- **SAR** shall assist **Charter School** in securing and maintaining insurance policies selected by **Charter School** which shall be in the amounts that are no less than the minimum levels required by **Charter School**, applicable law or both. Liability, casualty, and property insurance for any facility leased directly and/or managed by **Charter School** and any capital equipment or furniture leased directly and/or managed by **Charter School**, as well as Directors and Officer's Insurance in the amount required by **Charter School** or the **Authorizer**. All premiums and costs will be the responsibility of **Charter School**.

#### **9. Files and Records.**

At the request of **Charter School**, **SAR** shall maintain temporary custody (for the joint benefit of **Charter School** and **SAR** of all files and records relating to the Services. In addition, at the request of **Charter School** and in order to ensure that such files and records are maintained in a secure environment, **SAR** may maintain temporary custody of **Charter School's** personnel files. **SAR** acknowledges that all records, data, communications, and other property of **Charter School**, shall remain the property of **Charter School** and **SAR** agrees to return any such material to **Charter School** immediately upon request or the termination of this **Agreement**.

#### **10. Operations Support**

**SAR** will provide assistance to **Charter School** as requested by **Charter School** relating to operational services including without limitation: human capital, facilities, financial matters, and (as appropriate) legal representation. It shall be the responsibility of **Charter School** to recommend to **SAR** any actions deemed necessary or advisable with respect to operations support. All decisions and directives regarding same shall be the responsibility of the **Charter School**.

#### **11. Reporting Requirements to the Board.**

**SAR** shall, upon request, provide to the **Board** an annual "year-end report" regarding its activities undertaken pursuant to this agreement and shall otherwise report to the **Board** more frequently upon request by the **Board**.

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## **SER Educational Program: 10%**

**SER** will provide services to **Charter School** as necessary to assist **Charter School** with the development and implementation of **Charter School's** educational model **SER's** services will assist **Charter School** in effectuating any necessary changes in the educational program, recognizing that the essential principles of **Charter School's** educational program is its flexibility, adaptability and capacity to change in the interests of continuous improvement of efficiency, provided that such changes shall be consistent with the Mission and Purpose of **Charter School**.

### **A. Professional Development:**

**SER** will provide resources for use by **Charter School** staff to enhance their effectiveness to meet and exceed the educational standard established by the State of California or otherwise required by **Charter School**.

### **B. Testing and Assessments:**

**SER** will assist **Charter School** in the administration of all **State** required testing and other **State** mandated assessments, including a series of assessments designed to gauge the Student's mastery of core concepts and readiness for the State of California's standardize test or other **State** mandated testing.

### **C. Student Records Support:**

**SER** will provide assistance to **Charter School** regarding maintenance of **Charter School's Student Records** including digitization of permanent records in accordance with state, local and federal requirements.

### **D. Technology:**

**SER** will provide a comprehensive Computer Technology and IT infrastructure solution to **Charter School** learning centers, office space and employees which shall include procuring, imaging, delivering, repairing, replacing, warehousing and collection of such Computer Technology, as well as other related comprehensive logistical support services including providing support services to local IT technicians and overseeing school level technicians and other related support positions. In addition to the Service Fee (defined hereinafter), **Charter School** shall pay to **SER** all technology costs.

### **E. Services to Special Needs Students:**

**SER** will assist **Charter School** in the development of Special Education, English Language Learner, School Counseling, Student Retention Support, and Student Mentor Protocols. All service provider costs will be the sole responsibility of **Charter School**; and will provide consultative support to the operations of Student Services. **SER** will develop and oversee the academic counseling student support and other related services to the **Charter School** students.

### **F. Instructional Materials:**

**SER** shall assist in developing curriculum and coordinate the purchase of the curriculum and instructional materials to be used by **Charter School** in order to offer rigorous and relevant curricula for the purpose of allowing students to progress as quickly as their capabilities will allow. Materials shall be designed in a language and format that are readily accessible, and students will be allowed to complete course work at their own pace, as the program will be formulated based on an initial assessment of the student's skill

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levels in reading, math and other core courses. **Charter School** will be responsible for all curriculum and instructional material costs. **SER** shall retain all ownership and copyrights to any curricular material created by **SER** for the use by **Charter School**.

**G. Marketing/Branding/Student Outreach:**

**SER** will provide **Charter School** the design of all branded materials, including promo items, website design, collateral, wearables, print assets including tri-fold brochures, rack cards, newsletters, event fliers, graduation programs, and more. **SER** will establish brand and communication strategies across all channels and promote the brand. **SER** will maintain the **Charter School** public website that will contain any information required by **Charter School** and applicable state law. **SER** will review and provide a report of all social media properties, which may include Facebook, Twitter, Instagram, and LinkedIn and provide refinements to increase traffic. **SER** will coordinate and manage all third party vendors on behalf of **Charter School**. **Charter School** will be solely responsible for those third party vendor costs. **SER** shall provide a “call-center” to assist in parent student enrollment inquiries and to facilitate parent/student appointments at resource centers.

**H. Community Partnerships:**

**SER** shall coordinate **Charter School’s** community relationships, including with local non-profits, governmental agencies, local businesses and higher education institutions.

**I. Learning Center Furnishings:**

**SER** will procure and oversee the installation of all necessary furnishing and equipment for each **Charter School** facility. **Charter School** will be solely responsible for the cost of furniture and equipment.

**J. Student Information:**

**SER** will serve as the liaison between **Charter School** and the student information system provider as well as various curricular, instructional and data warehousing/reporting software and resources; perform quality data tracking, including but not limited to student data such as attendance, performance, etc.; and, shall coordinate and manage school data as the technology system is developed and maintained. **SER** shall prepare and submit all required State reporting regarding student enrollment, demographics, etc. **SER** will provide periodic reports on student performance, and assessments of whether educational goals and measurements are being achieved.

**K. Athletics Program Development:**

**SER** will assist in developing, implementing and administering an athletics program to the **Charter School** to assist in student retention and engagement and provide additional opportunities for student involvement, interaction and personal growth.

**L. Operations:**

**SER** will provide support to **Charter School** in all educational operational areas including without limitation: special education, community relationships, instructional materials, marketing/branding, professional development and technology.

**M. School Calendar:**

**SER** will develop the annual multi-track school calendar to be used by **Charter School**.

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**Addendum Services (SER) – No additional cost**

SER shall not charge any fees for the services provided herein absent further written agreement of the Parties, it being the Parties' intent, at the present time, that said services shall be provided as part of the fees paid by School to SER under the existing ESA.

School shall select an Offered Program by submitting a program order, SER shall engage the Offered Program Providers on School's behalf. SER shall be responsible for administration of enrollment of School's students in Offered Programs, facilitate and process payments to Offered Program Providers on behalf of School, process any and all documentation necessary for and related to participation of School's students in Offered Programs and any educational credits associated therewith, supervise Offered Program Providers to ensure quality control and compliance, and all other services incidental to facilitation of School's participation in and delivery of Offered Programs to School's students.

Offered Programs. Upon request, SER shall provide to School the following experiential learning programs (the "Offered Programs"):

- Domestic and/or international student travel;
  - Organic farming – Sustainable living programs;
  - Ranch programs;
  - College tours, historic city tours (e.g., Washington D.C.) or service learning trips; and
  - Other experiential learning programming to be developed which may include, without limitation, seminars, workshops, outdoor activities, and other on or offsite programs.
-

## ATTACHMENT “B”

Organization								SB 740 Analysis	
	KIPP	Rocketship	Greendot	Yes PREP	Imagine	iLead	SER/SAR	COE or Districts	Admin Services Only
	Administrative Fee							3-9%	2-7%
Full Support Fee	12-13%	15.0%	14.5%	15.0%	12-13%	15.0%	15.0%		
Charter Development and Renewal Support	X	X	X	X	X	X	X		
Financial Administration Services	X	X	X	X	X	X	X	X	X
Personnel Resources	X	X	X	X	X	X	X	X	X
Risk Management	X	X	X	X	X	X	X	X	X
Trademark/License	X	X	X	X	X	X	X		
Marketing and Public Relations	X	X	X	X	X	X	X		
Facilities Development	X	X	X	X	X	X	X		
Security and Safety Coordination and Compliance (Facilities)		X	X	X	X	X	X		
Board Facilitation Assistance and Coordination		X	X	X	X	X	X		
Strategic Planning & Implementation	X	X	X	X	X	X	X		
Information Technology Support	X	X	X	X	X	X	X		
Purchasing Procurement Assistance and Support	X	X	X	X		X	X	X	X
Student Information Systems Support and Coordination		X	X	X	X	X	X		
Compliance Support		X	X	X	X	X	X		
Warehouse Operations Management		X	X	X		X	X		
Education Program and Development Assistance including Curriculum Implementation Support	X	X	X	X	X	X	X		
Assessment and Data Support Services	X	X	X	X	X	X	X		
Professional Development Support	X	X	X	X	X	X	X		
Sharing Best Practices Coordination	X	X	X	X	X	X	X		
Special Education Support Services		X	X	X		X	X		
Community Student and Staff Support Services and Coordination		X	X	X		X	X		



# FCSS Attachment 'D'



September 23, 2020

Sent via: Email

Dr. Jeffrey Hunt  
Director of Charter Schools  
Fresno County Superintendent of Schools  
1111 Van Ness Avenue  
Fresno, CA 93712

**Re: Crescent View West Public Charter School Response to Information**

Dear Dr. Hunt,

Crescent View West Public Charter School (Crescent View West) is appreciative of the support of the Fresno County Superintendent of Schools (FCSS) and Fresno County Board of Education (FCBE) over the last 10 years. Crescent View West remains fully committed to its continuing accountability and transparency as it pursues its mission to serve opportunity youth in Fresno County.

As promised during our call on Monday, September 21, 2020, below and enclosed are Crescent View West's responses to the requests for information directed to Crescent View West.

- 1. Detailed fee schedule from LLAC explaining what services are provided, what each service costs to Crescent View West, and what the fee is based on.**

**CVW Response:** Please refer to Attachment A.

- 2. The precise amount of the PPP, how it was spent, and how state funding for the same timeframe was spent.**

**CVW Response:** Crescent View West received \$2,276,562 in PPP loan funds from the Small Business Administration in response to the Coronavirus and the resulting impacts on the school's funding.

As required by the Small Business Administration guidelines, Crescent View West is using the PPP loan funds for Crescent View West staff salaries and benefits within a 24-week period starting in May 14, 2020. Crescent View West sought PPP loans as it continued to operate and serve students throughout the COVID-19 pandemic to protect the employment of its teachers, counselors, and tutors, and to keep its at-risk students engaged and prevent



them from falling backwards into the dropout cycle. Because of the PPP funds, Crescent View West has been able to retain all of its employees during the pandemic.

Because the PPP funds were earmarked to pay the salaries and benefits for Crescent View West, the school was able to use state LCFF funding that would have otherwise paid for the salaries and benefits to enhance student outreach, close the digital and learning gap by purchasing Chromebooks for students who would have otherwise been unable to connect, help those students who lack an internet connection, increase cleaning efforts to limit contamination, and to defray many other additional expenses that arose from the school site shutdown and transition to distance learning. Additionally, Crescent View West is working to help students obtain Coronavirus testing at no-charge and has purchased Wi-Fi hot spots for students in need. Therefore, LCFF state funds and PPP loan funds do not overlap as PPP funds were allocated to pay for payroll, and state funds were redirected to support remote learning and close the connectivity gap.

Senate Bill 98 forced Crescent View West to cut off its ADA reporting as of 2/29/2020, resulting in a reduction in ADA of 56.56 for FY19-20. Because of the current ADA funding cap under Senate Bill 820, Crescent View West's ADA has also been reduced by 56.56 for this year (FY20-21). The ADA reductions in both years will have a negative financial impact on Crescent View West of approximately \$1.4M. Also, Crescent View West was denied eligibility for full Learning Loss Mitigation Funding under Senate Bill 98, except the proportion of statewide LCFF entitlement, simply because Crescent View West is a non-classroom-based (NCB) charter school. As such, Crescent View West did not receive any special education funding under the CARES Act Coronavirus Relief (CR) Fund or Governor's Emergency Education Relief (GEER) funds, nor the CR proportion of statewide Supplemental and Concentration funding, which would have totaled nearly \$2M had the school been deemed eligible.

Additionally, the PPP loans will help to mitigate state budget shortfalls and LCFF funding deferrals starting with June 2020, and February through June of 2021, potential deferrals in 2022, and current and future uncertainties. Please note Crescent View West does not qualify for government loans such as TRANS loans with 0% interest for which public district schools qualify, and as noted above, Crescent View West is only eligible to receive the LCFF portion of the Learning Loss Mitigation Funds as a NCB charter school.

Crescent View West's cash flow projections include deferrals of state apportionments in fiscal years 2021-22 and 2022-23 (see Attachment B). This assumption is based on information shared during FCMAT meetings about the high probability of having deferrals in future years as the economic impact of the COVID-19 pandemic to the state, including reduction to state income, ending of federal emergency funding, and time to recover, will impact state payment of school funds. As a result, Crescent View West is taking a conservative approach in its cash flow projections to ensure the school's financial health during this period.

In anticipation of funding deferrals for upcoming fiscal years 2021-22 and 2022-23, Crescent View West will monitor cash flows on a weekly basis to plan all expenditures and necessary borrowing to meet cash needs. Crescent View West will secure additional funds to address any deficiencies resulting from expected and unexpected deferrals through a line of credit with Hanmi Bank and short-term borrowing from Lifelong Learning Administration Corporation, and will continue assessing the market for the lowest interest rate borrowing.

**3. What staff members for Crescent View West are shared staff with other schools? Does this include any teachers? If so, what contracts or written agreements exist to ensure administrators, teachers and other shared staff are allocated appropriately?**

**CVW Response:** The process for allocating compensation and benefits for shared staff follows a procedure that starts with the Area Superintendent informing the Human Resources Department of shared staff.

Upon request of the Area Superintendent or their designee, a Personnel Action Form (PAF) is submitted to the Human Resources Department to record any transactions related to new hire employment, terminations, changes in employment status, changes to compensation of an individual employee, etc. The PAF is used each time there is an action that should be recorded in the individual's personnel file or that requires payroll action. According to Human Resources Department procedure, allocation of staff compensation may be allocated across multiple locations as long as they all fall under the employee's primary charter, i.e., Site A - 50%, Site B – 25%, Site C – 25%.

If the allocation of employee compensation requires a partial allocation outside of the employee's primary charter, the Area Superintendent directs the Finance Department to allocate the compensation during period-end closing based upon the anticipated allocation of the employee's time devoted to each charter. At the conclusion of the fiscal year, a "true-up" process is undertaken to ensure that the final allocations are consistent with actual time devoted by the employee to the charters.

**4. Bylaws, board minutes, audits and budgets for LLAC**

**CVW Response:** LLAC is a third party vendor providing services to Crescent View West pursuant to services contracts. Accordingly, Crescent View West does not have access to the requested documents.

**5. What is LLAC's role in hiring, training, and evaluating administrators and teachers?**

**CVW Response:** LLAC assists Crescent View West with a dedicated professional team of recruiters who utilize fully integrated software solutions to build talent pools, nurture

candidate/new hire/employee relationships, and support the complete employee life cycle. LLAC services include assistance in recruiting, screening of new employees, pre-employment screening services, verify, check and monitor credentials for certificated staff, coordinate new hire orientation, collaborate with charter school leader of new teacher training and onboarding, and staff evaluation procedures. The Crescent View West Area Superintendent and school leadership maintain full responsibility for the hiring, training and evaluation of school staff.

**6. Are any services provided competitively bid and, if so, who manages the process and makes final decisions?**

**CVW Response:** Contracts are competitively bid. Crescent View West's board-approved accounting manual requires the school to obtain three quotes for any purchase of \$25,000 or more. When quotes are received, they are evaluated based on price, functionality, warranty, repair and maintenance issues, reliability, and other factors. The CFO or designee reviews the bids and forwards their recommendations to the CEO or designee for final review and decision. For example, Crescent View West's 2020-2021 networking cable vendor contract and network equipment vendor contracts were competitively bid. Construction work (i.e., learning center improvements) are also competitively bid. For school purchases, Crescent View West uses a procurement system that it believes more efficiently identifies qualified vendors and optimal pricing. Across the country, group purchasing organizations (GPO) are used to leverage bulk purchasing strategies while vetting vendors on behalf of the participating organizations. Crescent View West's purchases are administered through the GPO, CHAMPS Group Purchasing (CHAMPS). In addition to fully vetting the vendors, CHAMPS engages a competitive bidding process and negotiates significant discounts achieved in part by leveraging purchases through 14,000 participating organizations. Through this system, Crescent View West's purchases are made in a manner that achieves the same or better results than what would otherwise be a narrower and substantially more time consuming and expensive procurement process.

**7. Listing of teachers with specific class roster, and whether any teachers are teaching for more than one Learn 4 Life school.**

**CVW Response:** Teachers employed by Crescent View West may hold secondary part-time employment with district(s) or other charter schools so long as doing so does not interfere with their primary obligations to Crescent View West. Please refer to Attachment C for the school's current teacher list.

- 8. Information about significant contracts. For example, Crescent View West contracted with Choice Educational Services for \$115,000 in the year ending in June of 2017, and \$165,000 in the year ending in June 2018 according to organizational 990s. What service does this entity provide, and can Crescent View West provide contracts with this vendor?**

**CVW Response:** In 2016-2017, Crescent View West paid Choice Educational Services (CES) \$2,500 for professional development courses (\$2,500) and for a nutrition program for the school's students (\$112,500).

In 2017-2018, Crescent View West paid CES for a nutrition program for the school's students (\$112,500), professional development courses (\$2,500), and for a "Quarterbacks for Life" program (\$50,000). The Quarterbacks for Life program is a nationally acclaimed student success and leadership program available through the Beating the Odds Foundation. The program teaches students how to apply what they learn in school to create and sustain a caring school community and to achieve success in life, school and career.

- 9. Is the contract with LLAC competitively bid? If not, what criteria is used for the school to determine who to contract with for curriculum and support services and whether the contract with LLAC continues to be in the best interest of the local school?**

**CVW Response:** No, the contract is not competitively bid. However, regular evaluations are made to ensure that the fees paid for LLAC services and the scope of services provided for such fees are consistent with or better than the market generally. Provided herewith in Attachment A is a report prepared by independent legal counsel summarizing a years-long process of conducting and updating studies of educational and administrative services providers' fees and scopes of services to charter schools in the marketplace.

- 10. Is it in the best interest of the local school to continue to allow EAC to be the sole statutory member of Crescent View West, given they have appointed board members that serve on multiple other Learn 4 Life boards?**

**CVW Response:** Yes. EAC plays the important role of ensuring that all of the charters of which it is the sole member are governed by board members who believe in the Learn4Life mission and share a common dedication to serving at-risk and opportunity youth through the Learn4Life personalized education model. Students in the Learn4Life network are highly migratory often moving from one Learn4Life school to another due to socio-economic challenges. Ensuring operational consistency among the charter ensures that these students do not relinquish educational progress due to their moves.



We are grateful for the successful partnership with FCSS and FCBE and look forward to continuing this partnership. Should you have any questions or require additional information, please contact me directly.

Sincerely,

A handwritten signature in cursive script that reads "Shellie Hanes".

Shellie Hanes  
Area Superintendent

Enclosures

cc: Arthur Renney, Board President, Crescent View West Public Charter  
Dr. Kathryn Catania, Deputy Superintendent of Education, Fresno County Superintendent  
of Schools  
Dr. Corey Greenlaw, Accountability, Compliance, and Grants, Fresno County  
Superintendent of Schools

## **ACTION**

- TOPIC:** COURT & COMMUNITY SCHOOLS' NEW CURRICULUM ADOPTION  
2020-21
- ISSUE:** Adoption of the new curriculum used in the Court and Community  
School programs.
- BACKGROUND:** As the Court and Community Schools administrator, the proposed  
adoption meets grade level standards for each content area.
- PRESENTER:** Jim A. Yovino, Superintendent, Fresno County Superintendent of  
Schools, (559) 265-3010  
Dr. Kathryn Catania, Deputy Superintendent Educational Services,  
(559) 265-3090
- RESOURCE:** Pam Coronado, Executive Director Court Schools, 600-4950
- RECOMMENDATION:** The Administration recommends the Board join the County  
Superintendent of schools to approve the 2020-21 new curriculum  
adoption for the Court and Community Schools.



**Core Curriculum New Adoption List for  
Court and Community Schools 2020-21**

Grade Level	Content Area	Publisher	Title
7 <sup>th</sup> – 12 <sup>th</sup>	<i>English/Language Arts</i>	<i>Ace Curriculum 2020 CBL Curriculum 2020</i>	<b>Core:</b> <i>Chapter Books Skin I'm In</i>
6 <sup>th</sup> – 8 <sup>th</sup>	<i>Science</i>	<i>McGraw Hill Inspire Science, 2019</i>	<b>Core (Pilot):</b> <i>McGraw Hill Inspire Science</i>
9 <sup>th</sup> -12 <sup>th</sup>	<i>Biology</i>	<i>Biozone, 2018</i>	<b>Core:</b> <i>The Living Earth, NGSS integrating Biology and Earth Science</i>

## ACTION

- TOPIC:** **Adopt Resolution No. 2020-14 Actual Appropriations Limit for 2019-20 and the Estimated Appropriations Limit for 2020-21 Fiscal Year**
- ISSUE:** Approval of **Resolution No. 2020-14** for adoption of the 2019-20 Actual and Establishing the 2020-21 Estimated Appropriations (Gann) Limits
- BACKGROUND:** Proposition 4 of 1979 added Article XIII B to the State Constitution. It was authored by Paul Gann, co-author of Proposition 13 of 1978, as part of the “taxpayers’ revolt” movement. Popularly known as the Gann Amendment or Gann Limit, it limits the growth in appropriations that may be made by the State of California and local governments, cities, counties, special districts, school districts, and county offices of education. This initiative did not require cuts in government spending, but rather limited the growth in government spending to be no faster than the growth in population and inflation.
- School agencies are required to perform annual Gann Limit calculations and bring them to their governing boards for public disclosure and adoption. In addition, the State of California utilizes these calculations to determine their own Gann Limit comparison. (The difference between our Gann Limit and appropriations subject to the Limit, plus all state aid for categorical programs, counts toward the State’s Gann Limit.)
- The attached schedule represents the calculations of the appropriations limits for the Fresno County Superintendent of Schools for both the previous and current year. The prior year’s Gann limit was increased for inflation (based on per capita income changes) and population (based on ADA). The schedule compares the calculated limit for 2019-20 to the actual appropriations (local taxes) that count toward the limit. The Office of the Fresno County Superintendent of Schools does not exceed its appropriation limit.
- PRESENTER:** Kevin Otto, Deputy Superintendent  
Business Services  
(559) 265-3083
- RESOURCE:** Dominico Johnston, Senior Director  
Internal Business Services  
(559) 265-3022
- RECOMMENDATION:** The Administration recommends approval of **Resolution No. 2020-14** adopting this agency's 2019-20 appropriations limit and establishing the estimated limit for the 2020-21 fiscal year.

KO/kr  
10/15/20



Superintendent  
Jim A. Yovino

Trustee Area 1  
Kimberly Tapscott-Munson

Trustee Area 2  
Mike Robinson

Trustee Area 3  
Daren A. Miller

Trustee Area 4  
Dr. Marcy Masumoto

Trustee Area 5  
Dr. Allen Clyde

BEFORE THE FRESNO COUNTY BOARD OF EDUCATION  
AND THE FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY, CALIFORNIA

In the Matter Regarding Appropriations  
Limit for 2019-20 and 2020-21

Resolution No. 2020 - 14 (FCBE)  
Resolution No. 2020 - 35 (FCSS)

Pursuant to Article XIII B of the California  
State Constitution

WHEREAS, Article XIII B of the Constitution of the State of California, as approved by the voters in November, 1979, requires the establishment of appropriations limits on proceeds of tax revenues for public agencies, beginning with the 1980-81 fiscal year; and

WHEREAS, each public agency is required to determine and adopt the actual appropriations limit for the previous year 2019-20; and

WHEREAS, to determine and adopt the estimated appropriations limit for the current 2020-21 fiscal year; and

WHEREAS, the appropriations limits for the Office of the Fresno County Superintendent of Schools have been calculated in accordance with Article XIII B of the State Constitution and Division 9 of Title I of the Government Code

NOW, THEREFORE, BE IT RESOLVED that the Fresno County Board of Education and the Fresno County Superintendent of Schools for the purposes of Article XIII B, hereby established this agency's appropriations limits of **\$62,262,442** for the 2019-20 fiscal year and **\$69,575,164** for the 2020-21 fiscal year.

This Resolution is adopted by the Fresno County Board of Education at its meeting of October 15, 2020 by the following votes:

Member Dr. Allen Clyde:	Yes ___	No ___	Abstain ___	Absent ___
President Mike Robinson:	Yes ___	No ___	Abstain ___	Absent ___
Vice President Marcy Masumoto:	Yes ___	No ___	Abstain ___	Absent ___
Member Daren A. Miller:	Yes ___	No ___	Abstain ___	Absent ___
Member Kimberly Tapscott-Munson:	Yes ___	No ___	Abstain ___	Absent ___

\_\_\_\_\_  
Mike Robinson, President

This Resolution is adopted by the Fresno County Superintendent of Schools as of the date immediately stated below as evident by his signature hereunder:

\_\_\_\_\_  
Jim A. Yovino, Superintendent

Date: \_\_\_\_\_

CERTIFICATION

I am the Ex-Officio Secretary and Executive Officer of the Fresno County Board of Education and hereby certify that the foregoing resolution is the full, true, and correct resolution duly passed and adopted by the Fresno County Board of Education on the date stated above.

By: \_\_\_\_\_  
Jim A. Yovino, Fresno County Superintendent of Schools  
Ex-Officio Secretary and Executive Officer of the  
Fresno County Board of Education

Date: \_\_\_\_\_

	2019-20 Calculations			2020-21 Calculations		
	Extracted Data	Adjustments*	Entered Data/Totals	Extracted Data	Adjustments*	Entered Data/Totals
<b>A. PRIOR YEAR DATA</b>	<b>2018-19 Actual</b>			<b>2019-20 Actual</b>		
(2018-19 Actual Appropriations Limit and Gann ADA are from county's prior year Gann data reported to the CDE. LCFF data are from the 2018 annual LCFF Target Entitlement Exhibit.)						
<b>PRIOR YEAR APPROPRIATIONS LIMIT</b>						
1. Program Portion of Prior Year Appropriations Limit (A3 times [A6 divided by (A6 plus A7)], not to exceed A6) Excess is added to Other Services portion.	5,577,797.00		5,577,797.00			5,577,797.00
2. Other Services Portion of Prior Year Appropriations Limit (A3 minus A1)	56,684,645.05		56,684,645.05			63,997,366.80
3. TOTAL PRIOR YEAR APPROPRIATIONS LIMIT (Preload/Line D17, PY column)	62,262,442.05		62,262,442.05			69,575,163.80
<b>PRIOR YEAR GANN ADA</b>						
4. Program ADA (Preload/Line B3, PY column)	307.06		307.06			323.60
5. Other ADA (Preload/Line B4, PY column)	183,985.96		183,985.96			198,380.67
<b>PRIOR YEAR LCFF</b>						
6. LCFF Alternative Education Grant (Preload/Line A28, Alternative Education Grant, 2018-19 Annual County LCFF Calculation)	5,577,797.00		5,577,797.00			5,577,797.00
7. LCFF Operations Grant, (Preload/Line A1, Operations Grant, 2018-19 Annual County LCFF Calculation)	15,207,235.00		15,207,235.00			15,207,235.00
<b>ADJUSTMENTS TO PRIOR YEAR LIMIT AND ADA</b>	<b>Adjustments to 2018-19</b>			<b>Adjustments to 2019-20</b>		
<b>ADJUSTMENTS TO PRIOR YEAR LIMIT</b>						
8. Reorganizations and Other Transfers						
9. Temporary Voter Approved Increases						
10. Less: Lapses of Voter Approved Increases						
11. TOTAL ADJUSTMENTS TO PRIOR YEAR LIMIT (Lines A8 plus A9 minus A10)			0.00			0.00
12. Adjustments to Program Portion ([Lines A1 divided by A3] times Line A11)	0.00		0.00	0.00		0.00
13. Adjustments to Other Services Portion (Lines A11 minus A12)			0.00			0.00
<b>ADJUSTMENTS TO PRIOR YEAR ADA</b> (Only for reorganizations and other transfers, and only if adjustments to the appropriations limit amounts are entered in Line A8 or A12 above)						
14. Adjustments to Program ADA						
15. Adjustments to Other ADA						
<b>B. CURRENT YEAR GANN ADA</b>	<b>2019-20 Annual Report</b>			<b>2020-21 Annual Estimate</b>		
<b>CURRENT YEAR PROGRAM ADA</b> (2019-20 data should tie to Principal Apportionment Software Attendance reports and include ADA for charter schools reporting with the COE)						
1. Total County Program ADA (Form A, Line B1d)	323.60	0.00	323.60	323.60	0.00	323.60
2. Total Charter Schools ADA (Form A, Line C2d plus C6d)	0.00	0.00	0.00	0.00	0.00	0.00
3. Total Current Year ADA (Lines B1 through B2)	323.60	0.00	323.60	323.60	0.00	323.60
	<b>2019-20 P2 Report</b>			<b>2020-21 P2 Estimate</b>		
<b>CURRENT YEAR DISTRICT ADA</b>						
4. Total District Gann ADA (District Form GANN, Line B3)			198,380.67			198,380.67
<b>C. CURRENT YEAR LOCAL PROCEEDS OF TAXES/STATE AID RECEIVED</b>	<b>2019-20 Actual</b>			<b>2020-21 Budget</b>		
<b>TAXES AND SUBVENTIONS (Funds 01, 09, and 62)</b>						
1. Homeowners' Exemption (Object 8021)	473.12		473.12	215,148.00		215,148.00
2. Timber Yield Tax (Object 8022)	0.00		0.00	691.00		691.00
3. Other Subventions/In-Lieu Taxes (Object 8029)	110,570.06		110,570.06	2,318.00		2,318.00
4. Secured Roll Taxes (Object 8041)	25,422,624.80		25,422,624.80	23,043,317.00		23,043,317.00
5. Unsecured Roll Taxes (Object 8042)	1,054,716.36		1,054,716.36	1,087,710.00		1,087,710.00
6. Prior Years' Taxes (Object 8043)	71,319.72		71,319.72	88,853.00		88,853.00
7. Supplemental Taxes (Object 8044)	766,684.16		766,684.16	556,987.00		556,987.00
8. Ed. Rev. Augmentation Fund (ERAF) (Object 8045)	0.00		0.00	0.00		0.00
9. Penalties and Int. from Delinquent Taxes (Object 8048)	0.00		0.00	0.00		0.00
10. Receipts from County Bd. of Supervisors (Object 8070)	0.00		0.00	0.00		0.00
11. Other In-Lieu Taxes (Object 8082)	0.00		0.00	0.00		0.00
12. Comm. Redevelopment Funds (Objects 8047 & 8625)	1,927,979.42		1,927,979.42	1,512,495.00		1,512,495.00
13. Parcel Taxes (Object 8621)	0.00		0.00	0.00		0.00
14. Other Non-Ad Valorem Taxes (Object 8622) (Taxes only)	0.00		0.00	0.00		0.00
15. Penalties and Int. from Delinquent Non-LCFF Taxes (Object 8629) (Only those for the above taxes)	0.00		0.00	0.00		0.00

	2019-20 Calculations			2020-21 Calculations		
	Extracted Data	Adjustments*	Entered Data/Totals	Extracted Data	Adjustments*	Entered Data/Totals
16. Transfers to Charter Schools in Lieu of Property Taxes (Object 8096)						
17. TOTAL TAXES AND SUBVENTIONS (Lines C1 through C16)	29,354,367.64	0.00	29,354,367.64	26,507,519.00	0.00	26,507,519.00
OTHER LOCAL REVENUES (Funds 01, 09, and 62)						
18. To General Fund from Bond Interest and Redemption Fund (Excess debt service taxes) (Object 8914)						
19. TOTAL LOCAL PROCEEDS OF TAXES (Lines C17 plus C18)	29,354,367.64	0.00	29,354,367.64	26,507,519.00	0.00	26,507,519.00
<b>EXCLUDED APPROPRIATIONS</b>						
20. Medicare (Enter federally mandated amounts only from objs. 3301 and 3302; do not include negotiated amounts)			1,038,718.62			1,166,982.00
OTHER EXCLUSIONS						
21. Americans with Disabilities Act						
22. Unreimbursed Court Mandated Desegregation Costs						
23. Other Unfunded Court-ordered or Federal Mandates						
24. TOTAL EXCLUSIONS (Lines C20 through C23)			1,038,718.62			1,166,982.00
<b>STATE AID RECEIVED (Funds 01, 09, and 62)</b>						
25. LCFF - CY (objects 8011 and 8012)	18,586,199.00		18,586,199.00	20,022,252.00		20,022,252.00
26. LCFF/Revenue Limit State Aid - Prior Years (Object 8019)	64,304.00		64,304.00	468,422.00		468,422.00
27. TOTAL STATE AID RECEIVED (Line C25 plus C26)	18,650,503.00	0.00	18,650,503.00	20,490,674.00	0.00	20,490,674.00
<b>DATA FOR INTEREST CALCULATION</b>						
28. Total Revenues (Funds 01, 09 & 62, objects 8000-8799)	156,531,578.45		156,531,578.45	185,391,713.00		185,391,713.00
29. Total Interest and Return on Investments (Funds 01, 09, and 62, objects 8660 and 8662)	728,909.08		728,909.08	400,000.00		400,000.00
<b>D. APPROPRIATIONS LIMIT CALCULATIONS</b>						
<b>PRELIMINARY APPROPRIATIONS LIMIT</b>						
1. Revised Prior Year Program Limit (Lines A1 plus A12)			5,577,797.00			5,577,797.00
2. Inflation Adjustment			1.0385			1.0373
3. Program Population Adjustment (Lines B3 divided by [A4 plus A14]) (Round to four decimal places)			1.0539			1.0000
4. PRELIMINARY PROGRAM LIMIT (Lines D1 times D2 times D3)			6,104,760.21			5,785,848.83
5. Revised Prior Year Other Services Limit (Lines A2 plus A13)			56,684,645.05			63,997,366.80
6. Inflation Adjustment			1.0385			1.0373
7. Other Services Population Adj. (Lines B4 divided by [A5 plus A15]) (Round to four decimal places)			1.0782			1.0000
8. PRELIMINARY OTHER SERVICES LIMIT (Lines D5 times D6 times D7)			63,470,403.59			66,384,468.58
9. PRELIMINARY TOTAL APPROPRIATIONS LIMIT (Lines D4 plus D8)			69,575,163.80			72,170,317.41
<b>APPROPRIATIONS SUBJECT TO THE LIMIT</b>						
10. Local Revenues Excluding Interest (Line C19)			29,354,367.64			26,507,519.00
11. Preliminary State Aid Calculation						
a. Maximum State Aid in Local Limit (Lesser of Line C27 or [Lines D9 minus D10 plus C24]; if negative, then zero)			18,650,503.00			20,490,674.00
12. Local Revenues in Proceeds of Taxes						
a. Interest Counting in Local Limit (Lines C29 divided by [C28 minus C29] times [D10 plus D11a])			224,586.56			101,622.27
b. Total Local Proceeds of Taxes (Lines D10 plus D12a)			29,578,954.20			26,609,141.27
13. State Aid in Proceeds of Taxes (lesser of Line D11a or [Lines D9 minus D12b plus C24]; if negative, then zero)			18,650,503.00			20,490,674.00
14. Total Appropriations Subject to the Limit						
a. Local Revenues (Line D12b)			29,578,954.20			
b. State Subventions (Line D13)			18,650,503.00			
c. Less: Excluded Appropriations (Line C24)			1,038,718.62			
d. TOTAL APPROPRIATIONS SUBJECT TO THE LIMIT (Lines D14a plus D14b minus D14c)			47,190,738.58			

	2019-20 Calculations			2020-21 Calculations		
	Extracted Data	Adjustments*	Entered Data/Totals	Extracted Data	Adjustments*	Entered Data/Totals
<b>15. Adjustments to the Limit Per Government Code Section 7902.1</b> (Line D14d minus D9; if negative, then zero)  If not zero report amount to: Keely Bosler, Director State Department of Finance Attention: School Gann Limits State Capitol, Room 1145 Sacramento, CA 95814			0.00			
<b>SUMMARY</b>	<b>2019-20 Actual</b>			<b>2020-21 Budget</b>		
<b>16. Adjusted Appropriations Limit</b> (Lines D9 plus D15)			69,575,163.80			72,170,317.41
<b>17. Appropriations Subject to the Limit</b> (Line D14d)			47,190,738.58			

\* Please provide below an explanation for each entry in the adjustments column.

Dominico Johnston  
 Gann Contact Person

559-265-3022 ext3351  
 Contact Phone Number

## ACTION

- TOPIC:** **ADOPT RESOLUTION NO. 2020-15 FOR EXCEPTION TO THE 180-DAY WAIT PERIOD** (Government Code Section 7522.56)
- ISSUE:** Government Code Section 7522.56 requires that a retired person shall not be eligible to be employed for a period of 180 days following the date of retirement unless the employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days has passed and the appointment has been approved by the governing body of the employer in a public meeting.
- BACKGROUND:** In compliance with Government Code section 7522.56, the Fresno County Board of Education, must provide CalPERS a certification resolution when hiring a retiree before 180 days has passed since his or her retirement date.
- Mr. Vicente Ortega retired from Clovis Unified School District in the position of School Bus Driver II, effective June 5, 2020.
- Clovis Unified School District considers it necessary to fill the critically needed position of School Bus Driver II for the Clovis Unified School District by approximately September 21, 2020.
- Because of the lack of qualified school bus drivers in California, Clovis Unified School District is hiring Vicente Ortega as an extra help retired annuitant to perform the duties of the position of School Bus Driver II.
- PRESENTER:** Kevin Otto  
Deputy Superintendent/CFO  
Business Services  
(559) 365-3083
- RESOURCE:** Kevin Otto  
Deputy Superintendent/CFO  
Business Services  
(559) 365-3083
- RECOMMENDATION:** The Administration recommends that the Board of Education approve **Resolution No. 2020-15** certifying the nature of the appointment of Mr. Vicente Ortega as detailed in the resolution and employment document.





# fresno county board of education

Trustee Area 1  
Kimberly Tapscott-Munson

Trustee Area 2  
Mike Robinson

Trustee Area 3  
Daren A. Miller

Trustee Area 4  
Dr. Marcy Masumoto

Trustee Area 5  
Dr. Allen Clyde

## BEFORE THE FRESNO COUNTY BOARD OF EDUCATION FRESNO COUNTY, CALIFORNIA

In the Matter Regarding Resolution for  
Exception to the 180-Day Wait Period  
Government Code Section 7522.56

RESOLUTION NO. 2020 - 15

WHEREAS, in compliance with Government Code section 7522.56 the Clovis Unified School District must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Vicente Ortega, CalPERS ID 5289213451, retired from the Clovis Unified School District in the position of School Bus Driver II, effective June 5, 2020; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is December 2, 2020 without the certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Fresno County Board of Education, the Clovis Unified School District Governing Board, the Clovis Unified School District and Vicente Ortega certify that Vicente Ortega has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Clovis Unified School District hereby appoints Vicente Ortega as an extra help retired annuitant to perform the duties of School Bus Driver II for the Clovis Unified School District under Government Code section 21224, effective approximately September 21, 2020; and

WHEREAS, the entire employment agreement, contract or appointment document between Vicente Ortega and the Clovis Unified School district has been reviewed by this body; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$3,572.82 (monthly) and the hourly equivalent is \$23.14 (hourly), and the minimum base salary for this position is \$2,941.32 (monthly), and the hourly equivalent is \$19.05 (hourly); and

WHEREAS, the hourly rate paid to Vicente Ortega will be \$23.14; and

WHEREAS, Vicente Ortega has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

NOW, THEREFORE, BE IT RESOLVED that the Fresno County Board of Education hereby certifies the nature of the appointment of Vicente Ortega as described herein and detailed in the attached employment agreement/contract or appointment document and that this appointment is necessary to fill the critically needed position of School Bus Driver II for the Clovis Unified School District by approximately September 21, 2020 because of the lack of qualified school bus drivers in the State of California.

This Resolution is adopted by the Fresno County Board of Education at its meeting of October 15, 2020 by the following votes:

Member Dr. Allen Clyde:	Yes ___	No ___	Abstain ___	Absent ___
President Mike Robinson:	Yes ___	No ___	Abstain ___	Absent ___
Vice President Marcy Masumoto:	Yes ___	No ___	Abstain ___	Absent ___
Member Daren A. Miller:	Yes ___	No ___	Abstain ___	Absent ___
Member Kimberly Tapscott-Munson:	Yes ___	No ___	Abstain ___	Absent ___

\_\_\_\_\_  
Mike Robinson, President

#### CERTIFICATION

I am the Ex-Officio Secretary and Executive Officer of the Fresno County Board of Education and hereby certify that the foregoing resolution is the full, true, and correct resolution duly passed and adopted by the Fresno County Board of Education on the date stated above.

By: \_\_\_\_\_  
Jim A. Yovino, Fresno County Superintendent of Schools  
Ex-Officio Secretary and Executive Officer of the  
Fresno County Board of Education

Date: \_\_\_\_\_



**Title:** Resolution No. 3780 - 180-Day Wait Period Exception

**CONTACT PERSON:** Michael Johnston

**FOR INFORMATION:** August 12, 2020

**FOR ACTION:** August 26, 2020

**RECOMMENDATION:**

Adopt Resolution No. 3780 authorizing the District to hire a CalPERS retiree prior to the 180-day post-retirement waiting period.

**DISCUSSION:**

A retiree can return to work for a school district employer without reinstating into active service and without an impact on their pension benefit if they return to work for one of the following reasons (Government Code Section 7522.56):

- An emergency to prevent stoppage of public business
- The retiree has skills needed to perform work of limited duration

A public agency retiree cannot return to work for at least 180 days after retirement unless the following conditions are met (Government Code 7522.56):

- The employer certifies that the appointment is necessary to fill a critically needed position before 180 days have passed.
- The appointment has been approved by the governing body of the employer in a public meeting.

The District finds the appointment of retiree, Vicente Ortega, is necessary to fill the critically needed position of School Bus Driver II for the District. Due to the impact of the COVID-19 pandemic the District has a need for qualified school bus drivers. The employment for the retiree shall be limited to 960 hours per fiscal year.

**FISCAL IMPACT/FUNDING SOURCE:**

No fiscal impact.

**ATTACHMENTS:**

Description	Upload Date	Type
Resolution No. 3780	8/19/2020	Backup Material

**REVISIONS:**

**RESOLUTION NO. 3780  
BEFORE THE GOVERNING BOARD  
OF THE CLOVIS UNIFIED SCHOOL DISTRICT  
FRESNO COUNTY, CALIFORNIA**

**RESOLUTION FOR APPROVING THE 180-DAY WAIT PERIOD EXCEPTION  
G.C. sections 7522.56 & 21229**

**WHEREAS**, in compliance with Government Code section 7522.56 the Clovis Unified School District's Governing Board must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

**WHEREAS**, Vicente Ortega retired from Clovis Unified School District in the position of School Bus Driver II, effective June 5, 2020; and

**WHEREAS**, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is December 2, 2020 without this certification resolution; and

**WHEREAS**, section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

**WHEREAS**, the Clovis Unified School District's Governing Board, the Clovis Unified School District and Vicente Ortega certify that Vicente Ortega has not and will not receive a Golden Handshake or any other retirement-related incentive; and

**WHEREAS**, the Clovis Unified School District's Governing Board hereby appoints Vicente Ortega as extra help retired annuitant to perform the duties of the School Bus Driver II for the Clovis Unified School District under Government Code section 21229 effective September 21, 2020; and

**WHEREAS**, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

**WHEREAS**, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

**WHEREAS**, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

**WHEREAS**, the maximum base salary for this position is \$3,572.82 and the hourly equivalent is \$23.14, and the minimum base salary for this position is \$2,941.32 and the hourly equivalent is \$19.05; and

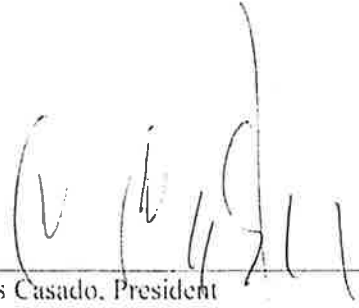
**WHEREAS**, the hourly rate paid to Vicente Ortega will be \$23.14; and

**WHEREAS**, Vicente Ortega has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

**THEREFORE, BE IT RESOLVED** that the Clovis Unified School District's Governing Board hereby certifies the nature of the appointment of Vicente Ortega as described herein and detailed in the employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of School Bus Driver II for the Clovis Unified School District by September 21, 2020 because of the lack of qualified school bus drivers in the State of California.

**THE FOREGOING RESOLUTION** was adopted by the Governing Board of the Clovis Unified School District, County of Fresno, State of California, at a meeting of said Board held on the 26<sup>th</sup> day of August, 2020, by the following vote:

AYES: 8  
NOES: 0  
ABSENT: 1  
ABSTAIN: 0



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Chris Casado, President  
Governing Board  
Clovis Unified School District  
Fresno County, California

I, Susan K. Hatmaker, Clerk of the Governing Board of the Clovis Unified School District, County of Fresno, State of California, do hereby certify that the foregoing is a true copy of the resolution adopted by said Board at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is on file in the office of said Board.



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Susan K. Hatmaker, Clerk  
Governing Board  
Clovis Unified School District  
Fresno County, California



Request Type: Misc/Sub

**EMPLOYEE INFORMATION**

Employee ID: 121391  
 Last Name: ORTEGA First Name: VICENTE

**JOB INFORMATION (1)**



Job Type: Substitute  
 Start Date: 10/01/2020 End Date: 06/04/2021  
 Site: 676 - TRANSPORTATION Job Title: Sub Bus Driver 2  
 Hours per Week: 0.00 Rate: \$23.14  
 Physical Work Location: \_\_\_\_\_ Step: 0

**Funding % and Account**

1:	100.000	220050-676-0000-0676-3600-0000-0-60001-	-01	2:	0.000	
		SUB TRANS HOME TO SCHOOL				

**COMMENTS**

CalPERS retiree to return to work to cover LOAs as needed. To be paid at regular rate prior to retirement; step 12. Not to exceed 960 hours per year.

 9/10/2020  
 Site Administrator Date  
 \_\_\_\_\_  
 Categorical Funds Authorization Date  
 9.10.20  
 Assistant Superintendent Date  
 \_\_\_\_\_  
 Associate Superintendent Date  
 \_\_\_\_\_  
 Deputy Superintendent Date  
 \_\_\_\_\_  
 Human Resources Authorization Date

**SALARY INFORMATION FOR HUMAN RESOURCES USE ONLY**

Certificated			Classified		
Range: _____	Step: _____	Pay Type: _____	Grade: _____	Step: _____	Pay Type: _____
Annual \$: _____	Hourly \$: _____	Job Class: _____	Hourly \$: _____	Job Class: _____	
Stipend Amount \$: _____	Months Paid: _____		Stipend Amount \$: _____	Months Paid: _____	

\_\_\_\_\_  
 Employee Signature Date Superintendent Date

HR  
 Data Entry  
 BB

Fiscal Contact: Trudy Hiebert

## CLOVIS UNIFIED SCHOOL DISTRICT

### Classified Salary Schedule 2020-2021 Schematic List of Classes and Salary Ranges

#### OPERATIONS UNIT

CAMPUS CATERING SERIES	Grade
Campus Catering Assistant Supervisor	513
Cook/Baker, SOS	513
Cook/Baker II	512
Cook/Baker I	511
Food Service Utility Worker SOS	510
Campus Catering Specialist, Senior	509
Snack Bar Operator	508
Campus Catering Specialist	506
Campus Catering Assistant, Senior	505
Campus Catering Assistant	504

CUSTODIAL SERIES	Grade
Small Engine Equipment Mechanic	513
Custodial Utility Worker	511
Custodian SOS	510
Custodian II	510
Athletic Equipment Attendant	509
Custodian I	509
Locker Room Attendant	509

GROUNDS SERIES	Grade
Environmental Safety Specialist	517
Grounds Structural Specialist	517
Skilled Groundskeeper Senior	516
Skilled Groundskeeper Mechanic	515
Skilled Groundskeeper	514
Groundskeeper II	513
Groundskeeper I	511

MAINTENANCE SERIES	Grade
Building Maintenance Mechanic II	521
Electronic Systems Technician, Senior	521
Electronic Systems Technician	520
Building Maintenance Mechanic I	519
Building Maintenance Worker II	516
CAD Drafter	516
Building Maintenance Worker I	514
Maintenance Procurement Clerk	514
Pool Maintenance Worker II	513

TRANSPORTATION SERIES	Grade
Vehicle Mechanic II	520
Vehicle Mechanic I	518
School Bus Driver II	513
School Bus Driver I	511
Transportation Parts Clerk	508
Vehicle Service Worker I	513

WAREHOUSE SERIES	Grade
Delivery Driver/Warehouse Worker	513
Shipping & Receiving Clerk II	512
Shipping & Receiving Clerk I	508

<b>DOCTORATE STIPEND (Board Policy No. 6104)</b>	\$2,076.00
<b>MASTER STIPEND (Board Policy No. 6405)</b>	\$1,500.00
<b>LONGEVITY (Board Policy 6405)</b>	
15 Year Increment	\$1,098.00
20 Year Increment	\$2,197.00
25+ Year Increment	\$4,393.00
<b>PROFESSIONAL GROWTH (Board Policy No. 6101)</b>	
1 <sup>st</sup> Professional Growth	\$830.00
2 <sup>nd</sup> Professional Growth	\$1,661.00
3 <sup>rd</sup> Professional Growth	\$2,491.00
4 <sup>th</sup> Professional Growth	\$3,321.00
5 <sup>th</sup> Professional Growth	\$4,151.00
6 <sup>th</sup> Professional Growth	\$4,982.00

Amended: 1/18/07  
 Amended: 11/14/07  
 Amended: 6/5/08  
 Amended: 8/12/08  
 Amended: 9/29/08  
 Amended: 4/17/09 (Yr Only)  
 Amended: 8/10/09  
 Amended: 6/1/10  
 Amended: 9/22/10  
 Amended: 1/5/11  
 Amended: 7/14/11  
 Amended: 7/1/12  
 Amended: 7/1/14  
 Amended: 7/1/15  
 Amended: 10/30/15  
 Amended: 5/3/16  
 Amended: 7/1/16

Amended: 8/31/16  
 Amended: 4/12/17  
 Amended: 6/22/17  
 Amended: 7/1/17  
 Amended: 9/14/17  
 Amended: 12/6/17  
 Amended: 5/7/18  
 Amended: 7/1/18  
 Amended: 7/1/19  
 Amended: 8/26/19  
 Amended: 10/30/19  
 Amended: 12/19/19  
 Amended: 4/15/20  
 Amended: 6/16/20  
 Amended: 7/1/20  
 Amended: 7/22/20



## CLOVIS UNIFIED SCHOOL DISTRICT

### Classified Operations Unit 2020-2021 Salary Schedule

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.
503				\$11.56	\$11.79	\$12.07	\$12.37	\$12.69	\$12.97	\$13.31	\$13.62	\$13.97
504				\$12.13	\$12.40	\$12.72	\$13.03	\$13.34	\$13.67	\$14.01	\$14.35	\$14.71
505				\$12.73	\$13.04	\$13.35	\$13.68	\$14.03	\$14.36	\$14.73	\$15.08	\$15.45
506				\$13.38	\$13.70	\$14.05	\$14.39	\$14.75	\$15.11	\$15.47	\$15.85	\$16.24
507				\$14.05	\$14.39	\$14.75	\$15.11	\$15.47	\$15.85	\$16.24	\$16.65	\$17.06
508				\$14.78	\$15.14	\$15.51	\$15.88	\$16.29	\$16.69	\$17.11	\$17.51	\$17.94
509				\$15.57	\$15.94	\$16.34	\$16.75	\$17.16	\$17.57	\$17.99	\$18.44	\$18.91
510				\$16.38	\$16.78	\$17.19	\$17.61	\$18.02	\$18.48	\$18.95	\$19.40	\$19.87
511				\$17.21	\$17.63	\$18.05	\$18.51	\$18.97	\$19.44	\$19.91	\$20.39	\$20.89
512				\$18.09	\$18.54	\$19.00	\$19.47	\$19.94	\$20.43	\$20.92	\$21.44	\$21.97
513				\$19.05	\$19.52	\$20.01	\$20.51	\$21.01	\$21.51	\$22.04	\$22.60	\$23.14
514				\$20.06	\$20.56	\$21.07	\$21.58	\$22.10	\$22.65	\$23.19	\$23.77	\$24.38
515				\$21.13	\$21.65	\$22.19	\$22.74	\$23.31	\$23.87	\$24.45	\$25.03	\$25.66
516				\$22.26	\$22.80	\$23.37	\$23.93	\$24.51	\$25.12	\$25.72	\$26.36	\$27.01
517				\$23.41	\$23.97	\$24.56	\$25.17	\$25.79	\$26.42	\$27.06	\$27.74	\$28.42
518				\$24.63	\$25.25	\$25.86	\$26.49	\$27.13	\$27.82	\$28.50	\$29.19	\$29.91
519				\$25.96	\$26.59	\$27.25	\$27.92	\$28.60	\$29.30	\$30.03	\$30.76	\$31.51
520				\$27.33	\$28.01	\$28.67	\$29.38	\$30.11	\$30.84	\$31.60	\$32.37	\$33.19
521				\$28.63	\$29.34	\$30.07	\$30.79	\$31.54	\$32.32	\$33.12	\$33.95	\$34.77
522				\$30.55	\$31.30	\$32.08	\$32.86	\$33.66	\$34.52	\$35.35	\$36.21	\$37.10
523				\$32.90	\$33.69	\$34.54	\$35.38	\$36.25	\$37.13	\$38.06	\$38.97	\$39.93
524				\$35.34	\$36.20	\$37.09	\$38.01	\$38.93	\$39.88	\$40.88	\$41.87	\$42.89

\*Any salary listed that falls below CA minimum wage will be paid at the current CA minimum wage.

<b>LONGEVITY (YEARS OF SERVICE WITH CLOVIS UNIFIED SCHOOL DISTRICT ONLY)</b> Note: Years of credited service for anniversary increment purposes shall mean years of service with CUSD and will be paid commencing with the 15 <sup>th</sup> - 19 <sup>th</sup> years, 20 <sup>th</sup> - 24 <sup>th</sup> years, 25 <sup>th</sup> and thereafter. (Board Policy No. 6405)	Classified	15 Years	\$1,098.00
	Non-Management	20 Years	\$2,197.00
		25+ Years	\$4,393.00

Adopted: 7/1/01  
 Amended: 11/1/01  
 Amended: 7/1/04  
 Amended: 10/26/05  
 Amended: 10/11/06  
 Amended: 8/29/08 (fiscal year)

Amended: 6/1/10  
 Amended: 7/14/11  
 Amended: 4/11/12  
 Amended: 7/1/13  
 Amended: 7/1/14  
 Amended: 7/1/15

Amended: 7/1/16  
 Amended: 1/1/17  
 Amended: 7/1/17  
 Amended: 1/1/18  
 Amended: 7/1/18  
 Amended: 7/1/19  
 Amended: 7/1/20

## ACTION

- TOPIC:** **ADOPT RESOLUTION NO. 2020-16 FOR EXCEPTION TO THE 180-DAY WAIT PERIOD** (Government Code Section 7522.56)
- ISSUE:** Government Code Section 7522.56 requires that a retired person shall not be eligible to be employed for a period of 180 days following the date of retirement unless the employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days has passed and the appointment has been approved by the governing body of the employer in a public meeting.
- BACKGROUND:** In compliance with Government Code section 7522.56, the Fresno County Board of Education, must provide CalPERS a certification resolution when hiring a retiree before 180 days has passed since his or her retirement date.
- Mr. Richard Thaxton retired from Clovis Unified School District in the position of School Bus Driver II, effective June 5, 2020.
- Clovis Unified School District considers it necessary to fill the critically needed position of School Bus Driver II for the Clovis Unified School District by approximately September 21, 2020.
- Because of the lack of qualified school bus drivers in California, Clovis Unified School District is hiring Richard Thaxton as an extra help retired annuitant to perform the duties of the position of School Bus Driver II.
- PRESENTER:** Kevin Otto  
Deputy Superintendent/CFO  
Business Services  
(559) 365-3083
- RESOURCE:** Kevin Otto  
Deputy Superintendent/CFO  
Business Services  
(559) 365-3083
- RECOMMENDATION:** The Administration recommends that the Board of Education approve **Resolution No. 2020-16** certifying the nature of the appointment of Mr. Richard Thaxton as detailed in the resolution and employment document.



# fresno county board of education

Trustee Area 1  
Kimberly Tapscott-Munson

Trustee Area 2  
Mike Robinson

Trustee Area 3  
Daren A. Miller

Trustee Area 4  
Dr. Marcy Masumoto

Trustee Area 5  
Dr. Allen Clyde

## BEFORE THE FRESNO COUNTY BOARD OF EDUCATION FRESNO COUNTY, CALIFORNIA

In the Matter Regarding Resolution for  
Exception to the 180-Day Wait Period  
Government Code Section 7522.56

RESOLUTION NO. 2020 - 16

WHEREAS, in compliance with Government Code section 7522.56 the Clovis Unified School District must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Richard Thaxton, CalPERS ID 5866079257, retired from the Clovis Unified School District in the position of School Bus Driver II, effective June 5, 2020; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is December 2, 2020 without the certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Fresno County Board of Education, the Clovis Unified School District Governing Board, the Clovis Unified School District and Richard Thaxton certify that Richard Thaxton has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Clovis Unified School District hereby appoints Richard Thaxton as an extra help retired annuitant to perform the duties of School Bus Driver II for the Clovis Unified School District under Government Code section 21224, effective approximately September 21, 2020; and

WHEREAS, the entire employment agreement, contract or appointment document between Richard Thaxton and the Clovis Unified School district has been reviewed by this body; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$3,572.82 (monthly) and the hourly equivalent is \$23.14 (hourly), and the minimum base salary for this position is \$2,941.32 (monthly), and the hourly equivalent is \$19.05 (hourly); and

WHEREAS, the hourly rate paid to Richard Thaxton will be \$22.04 and

WHEREAS, Richard Thaxton has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

NOW, THEREFORE, BE IT RESOLVED that the Fresno County Board of Education hereby certifies the nature of the appointment of Richard Thaxton as described herein and detailed in the attached employment agreement/contract or appointment document and that this appointment is necessary to fill the critically needed position of School Bus Driver II for the Clovis Unified School District by approximately September 21, 2020 because of the lack of qualified school bus drivers in the State of California.

This Resolution is adopted by the Fresno County Board of Education at its meeting of October 15, 2020 by the following votes:

Member Dr. Allen Clyde:	Yes ___	No ___	Abstain ___	Absent ___
President Mike Robinson:	Yes ___	No ___	Abstain ___	Absent ___
Vice President Marcy Masumoto:	Yes ___	No ___	Abstain ___	Absent ___
Member Daren A. Miller:	Yes ___	No ___	Abstain ___	Absent ___
Member Kimberly Tapscott-Munson:	Yes ___	No ___	Abstain ___	Absent ___

\_\_\_\_\_  
Mike Robinson, President

CERTIFICATION

I am the Ex-Officio Secretary and Executive Officer of the Fresno County Board of Education and hereby certify that the foregoing resolution is the full, true, and correct resolution duly passed and adopted by the Fresno County Board of Education on the date stated above.

By: \_\_\_\_\_  
Jim A. Yovino, Fresno County Superintendent of Schools  
Ex-Officio Secretary and Executive Officer of the  
Fresno County Board of Education

Date: \_\_\_\_\_



Board Agenda Item

Title: Resolution No. 3775 - 180-Day Wait Period Exception

**CONTACT PERSON:** Michael Johnston

**FOR INFORMATION:** July 15, 2020

**FOR ACTION:** August 12, 2020

**RECOMMENDATION:**

Adopt Resolution No. 3775 authorizing the District to hire a CalPERS retiree prior to the 180-day post-retirement waiting period.

**DISCUSSION:**

A retiree can return to work for a school district employer without reinstating into active service and without an impact on their pension benefit if they return to work for one of the following reasons (Government Code Section 7522.56):

- An emergency to prevent stoppage of public business
- The retiree has skills needed to perform work of limited duration

A public agency retiree cannot return to work for at least 180 days after retirement unless the following conditions are met (Government Code 7522.56):

- The employer certifies that the appointment is necessary to fill a critically needed position before 180 days have passed.
- The appointment has been approved by the governing body of the employer in a public meeting.

The District finds the appointment of retiree, Richard Thaxton, is necessary to fill the critically needed position of School Bus Driver II for the District. Due to the impact of the COVID-19 pandemic the District has a need for qualified school bus drivers. The employment for the retiree shall be limited to 960 hours per fiscal year.

**FISCAL IMPACT/FUNDING SOURCE:**

No fiscal impact.

**ATTACHMENTS:**

Description	Upload Date	Type
Resolution No. 3775	7/30/2020	Backup Material

**REVISIONS:**

**RESOLUTION NO. 3775  
BEFORE THE GOVERNING BOARD  
OF THE CLOVIS UNIFIED SCHOOL DISTRICT  
FRESNO COUNTY, CALIFORNIA**

**RESOLUTION FOR APPROVING THE 180-DAY WAIT PERIOD EXCEPTION  
G.C. sections 7522.56 & 21229**

**WHEREAS**, in compliance with Government Code section 7522.56 the Clovis Unified School District's Governing Board must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

**WHEREAS**, Richard Thaxton retired from Clovis Unified School District in the position of School Bus Driver II, effective June 5, 2020; and

**WHEREAS**, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is December 2, 2020 without this certification resolution; and

**WHEREAS**, section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

**WHEREAS**, the Clovis Unified School District's Governing Board, the Clovis Unified School District and Richard Thaxton certify that Richard Thaxton has not and will not receive a Golden Handshake or any other retirement-related incentive; and

**WHEREAS**, the Clovis Unified School District's Governing Board hereby appoints Richard Thaxton as extra help retired annuitant to perform the duties of the School Bus Driver II for the Clovis Unified School District under Government Code section 21229 effective September 21, 2020; and

**WHEREAS**, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

**WHEREAS**, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

**WHEREAS**, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

**WHEREAS**, the maximum base salary for this position is \$3,572.82 and the hourly equivalent is \$23.14, and the minimum base salary for this position is \$2,941.32 and the hourly equivalent is \$19.05; and

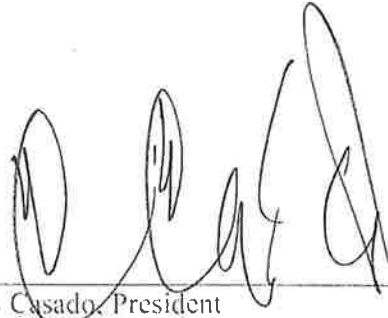
**WHEREAS**, the hourly rate paid to Richard Thaxton will be \$22.04; and

**WHEREAS**, Richard Thaxton has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

**THEREFORE, BE IT RESOLVED** that the Clovis Unified School District's Governing Board hereby certifies the nature of the appointment of Richard Thaxton as described herein and detailed in the employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of School Bus Driver II for the Clovis Unified School District by September 21, 2020 because of the lack of qualified school bus drivers in the State of California.

**THE FOREGOING RESOLUTION** was adopted by the Governing Board of the Clovis Unified School District, County of Fresno, State of California, at a meeting of said Board held on the 12<sup>th</sup> day of August 2020, by the following vote:

AYES: 7  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0



Chris Casado, President  
Governing Board  
Clovis Unified School District  
Fresno County, California

I, Susan K. Hatmaker, Clerk of the Governing Board of the Clovis Unified School District, County of Fresno, State of California, do hereby certify that the foregoing is a true copy of the resolution adopted by said Board at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is on file in the office of said Board.



Susan K. Hatmaker, Clerk  
Governing Board  
Clovis Unified School District  
Fresno County, California





Request Type: Misc/Sub

**EMPLOYEE INFORMATION**

Employee ID: **217416**  
 Last Name: **THAXTON** First Name: **RICHARD**

**JOB INFORMATION (1)**

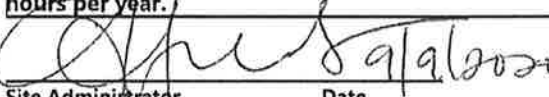

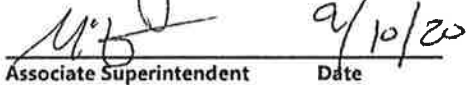
Job Type: Substitute  
 Start Date: 10/01/2020 End Date: 06/04/2021  
 Site: 676 - TRANSPORTATION Job Title: Sub Bus Driver 2  
 Hours per Week: 0.00 Rate: \$22.04  
 Physical Work Location: Step: 10

**Fundina % and Account**

1: 100.000	220050-676-0000-0676-3600-0000-0-60001-	-01	2: 0.000	
	SUB TRANS HOME TO SCHOOL			

**COMMENTS**

CalPERS retiree to return to work to cover LOAs as needed. To be paid at regular rate prior to retirement; step 10. Not to exceed 960 hours per year.

 9/9/2020  
 Site Administrator Date  
 Categorical Funds Authorization Date  
 9.10.20  
 Assistant Superintendent Date  
 9/10/20  
 Associate Superintendent Date  
 Deputy Superintendent Date  
 Human Resources Authorization Date

**SALARY INFORMATION FOR HUMAN RESOURCES USE ONLY**

Certificated			Classified		
Range: _____	Step: _____	Pay Type: _____	Grade: _____	Step: _____	Pay Type: _____
Annual \$: _____	Hourly \$: _____	Job Class: _____	Hourly \$: _____	Job Class: _____	
Stipend Amount \$: _____	Months Paid: _____		Stipend Amount \$: _____	Months Paid: _____	

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Superintendent \_\_\_\_\_ Date \_\_\_\_\_

HR  
 Data Entry  
 BB

Fiscal Contact: Trudy Hiebert

## CLOVIS UNIFIED SCHOOL DISTRICT

### Classified Salary Schedule 2020-2021 Schematic List of Classes and Salary Ranges

#### OPERATIONS UNIT

<b>CAMPUS CATERING SERIES</b>	<b>Grade</b>
Campus Catering Assistant Supervisor	513
Cook/Baker, SOS	513
Cook/Baker II	512
Cook/Baker I	511
Food Service Utility Worker SOS	510
Campus Catering Specialist, Senior	509
Snack Bar Operator	508
Campus Catering Specialist	506
Campus Catering Assistant, Senior	505
Campus Catering Assistant	504

<b>CUSTODIAL SERIES</b>	<b>Grade</b>
Small Engine Equipment Mechanic	513
Custodial Utility Worker	511
Custodian SOS	510
Custodian II	510
Athletic Equipment Attendant	509
Custodian I	509
Locker Room Attendant	509

<b>GROUNDS SERIES</b>	<b>Grade</b>
Environmental Safety Specialist	517
Grounds Structural Specialist	517
Skilled Groundskeeper Senior	516
Skilled Groundskeeper Mechanic	515
Skilled Groundskeeper	514
Groundskeeper II	513
Groundskeeper I	511

<b>MAINTENANCE SERIES</b>	<b>Grade</b>
Building Maintenance Mechanic II	521
Electronic Systems Technician, Senior	521
Electronic Systems Technician	520
Building Maintenance Mechanic I	519
Building Maintenance Worker II	516
CAD Drafter	516
Building Maintenance Worker I	514
Maintenance Procurement Clerk	514
Pool Maintenance Worker II	513

<b>TRANSPORTATION SERIES</b>	<b>Grade</b>
Vehicle Mechanic II	520
Vehicle Mechanic I	518
School Bus Driver II	513
School Bus Driver I	511
Transportation Parts Clerk	508
Vehicle Service Worker I	513

<b>WAREHOUSE SERIES</b>	<b>Grade</b>
Delivery Driver/Warehouse Worker	513
Shipping & Receiving Clerk II	512
Shipping & Receiving Clerk I	508

<b>DOCTORATE STIPEND (Board Policy No. 6104)</b>	\$2,076.00
<b>MASTER STIPEND (Board Policy No. 6405)</b>	\$1,500.00
<b>LONGEVITY (Board Policy 6405)</b>	
15 Year Increment	\$1,098.00
20 Year Increment	\$2,197.00
25+ Year Increment	\$4,393.00
<b>PROFESSIONAL GROWTH (Board Policy No. 6101)</b>	
1 <sup>st</sup> Professional Growth	\$830.00
2 <sup>nd</sup> Professional Growth	\$1,661.00
3 <sup>rd</sup> Professional Growth	\$2,491.00
4 <sup>th</sup> Professional Growth	\$3,321.00
5 <sup>th</sup> Professional Growth	\$4,151.00
6 <sup>th</sup> Professional Growth	\$4,982.00

Amended: 1/18/07  
 Amended: 11/14/07  
 Amended: 6/5/08  
 Amended: 8/12/08  
 Amended: 9/29/08  
 Amended: 4/17/09 (Yr Only)  
 Amended: 8/10/09  
 Amended: 6/1/10  
 Amended: 9/22/10  
 Amended: 1/5/11  
 Amended: 7/14/11  
 Amended: 7/1/12  
 Amended: 7/1/14  
 Amended: 7/1/15  
 Amended: 10/30/15  
 Amended: 5/3/16  
 Amended: 7/1/16

Amended: 8/31/16  
 Amended: 4/12/17  
 Amended: 6/22/17  
 Amended: 7/1/17  
 Amended: 9/14/17  
 Amended: 12/6/17  
 Amended: 5/7/18  
 Amended: 7/1/18  
 Amended: 7/1/19  
 Amended: 8/26/19  
 Amended: 10/30/19  
 Amended: 12/19/19  
 Amended: 4/15/20  
 Amended: 6/16/20  
 Amended: 7/1/20  
 Amended: 7/22/20

## CLOVIS UNIFIED SCHOOL DISTRICT

### Classified Operations Unit 2020-2021 Salary Schedule

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.
503				\$11.56	\$11.79	\$12.07	\$12.37	\$12.69	\$12.97	\$13.31	\$13.62	\$13.97
504				\$12.13	\$12.40	\$12.72	\$13.03	\$13.34	\$13.67	\$14.01	\$14.35	\$14.71
505				\$12.73	\$13.04	\$13.35	\$13.68	\$14.03	\$14.36	\$14.73	\$15.08	\$15.45
506				\$13.38	\$13.70	\$14.05	\$14.39	\$14.75	\$15.11	\$15.47	\$15.85	\$16.24
507				\$14.05	\$14.39	\$14.75	\$15.11	\$15.47	\$15.85	\$16.24	\$16.65	\$17.06
508				\$14.78	\$15.14	\$15.51	\$15.88	\$16.29	\$16.69	\$17.11	\$17.51	\$17.94
509				\$15.57	\$15.94	\$16.34	\$16.75	\$17.16	\$17.57	\$17.99	\$18.44	\$18.91
510				\$16.38	\$16.78	\$17.19	\$17.61	\$18.02	\$18.48	\$18.95	\$19.40	\$19.87
511				\$17.21	\$17.63	\$18.05	\$18.51	\$18.97	\$19.44	\$19.91	\$20.39	\$20.89
512				\$18.09	\$18.54	\$19.00	\$19.47	\$19.94	\$20.43	\$20.92	\$21.44	\$21.97
513				\$19.05	\$19.52	\$20.01	\$20.51	\$21.01	\$21.51	\$22.04	\$22.60	\$23.14
514				\$20.06	\$20.56	\$21.07	\$21.58	\$22.10	\$22.65	\$23.19	\$23.77	\$24.38
515				\$21.13	\$21.65	\$22.19	\$22.74	\$23.31	\$23.87	\$24.45	\$25.03	\$25.66
516				\$22.26	\$22.80	\$23.37	\$23.93	\$24.51	\$25.12	\$25.72	\$26.36	\$27.01
517				\$23.41	\$23.97	\$24.56	\$25.17	\$25.79	\$26.42	\$27.06	\$27.74	\$28.42
518				\$24.63	\$25.25	\$25.86	\$26.49	\$27.13	\$27.82	\$28.50	\$29.19	\$29.91
519				\$25.96	\$26.59	\$27.25	\$27.92	\$28.60	\$29.30	\$30.03	\$30.76	\$31.51
520				\$27.33	\$28.01	\$28.67	\$29.38	\$30.11	\$30.84	\$31.60	\$32.37	\$33.19
521				\$28.63	\$29.34	\$30.07	\$30.79	\$31.54	\$32.32	\$33.12	\$33.95	\$34.77
522				\$30.55	\$31.30	\$32.08	\$32.86	\$33.66	\$34.52	\$35.35	\$36.21	\$37.10
523				\$32.90	\$33.69	\$34.54	\$35.38	\$36.25	\$37.13	\$38.06	\$38.97	\$39.93
524				\$35.34	\$36.20	\$37.09	\$38.01	\$38.93	\$39.88	\$40.88	\$41.87	\$42.89

\*Any salary listed that falls below CA minimum wage will be paid at the current CA minimum wage.

<u>LONGEVITY (YEARS OF SERVICE WITH CLOVIS UNIFIED SCHOOL DISTRICT ONLY)</u>		Classified	15 Years	\$1,098.00
Note: Years of credited service for anniversary increment purposes shall mean years of service with CUSD and will be paid commencing with the 15 <sup>th</sup> - 19 <sup>th</sup> years, 20 <sup>th</sup> - 24 <sup>th</sup> years, 25 <sup>th</sup> and thereafter. (Board Policy No. 6405)		Non-Management	20 Years	\$2,197.00
			25+ Years	\$4,393.00

Adopted: 7/1/01  
Amended: 11/1/01  
Amended: 7/1/04  
Amended: 10/26/05  
Amended: 10/11/06  
Amended: 8/29/08 (fiscal year)

Amended: 6/1/10  
Amended: 7/14/11  
Amended: 4/11/12  
Amended: 7/1/13  
Amended: 7/1/14  
Amended: 7/1/15

Amended: 7/1/16  
Amended: 1/1/17  
Amended: 7/1/17  
Amended: 1/1/18  
Amended: 7/1/18  
Amended: 7/1/19  
Amended: 7/1/20

## **ACTION**

- TOPIC:** Adopt Resolution No. 2020-19 "Anti-Bullying Toward Sikh Americans" Month.
- ISSUE:** Consider observing November as Anti-Bullying Toward Sikh Americans Month.
- BACKGROUND:**
1. High rates of Sikh American students are bully during their K-12 school experience.
  2. Education about the Sikh culture can help prevent bullying and may help prevent tragedies such as the Oak Creek Sikh Temple incident in August 2012.
  3. Designating the observance of "Anti-Bullying toward Sikh Americans" month encourages schools to learn about the peaceful nature of the Sikh American culture.
  4. Schools can consider the use of "Usborne Encyclopedia of World Religions" or 2015-16 History textbooks to teach about the Sikh culture and traditions.
- PRESENTER:** Jim A. Yovino  
Administration  
Superintendent  
(559) 265-3000
- RESOURCE:** Pamela McGee  
Curriculum & Instruction  
ELA/ELD/HSS Director  
(559) 265-3077
- RECOMMENDATION:** The administration recommends that the Board join the County Superintendent of Schools in adopting Resolution No. 2020-19 in observance of "Anti-Bullying toward Sikh Americans" month, thereby encouraging districts in Fresno County to plan appropriate activities.



Superintendent  
Jim A. Yovino

Trustee Area 1  
Kimberly Tapscott-Munson

Trustee Area 2  
Mike Robinson

Trustee Area 3  
Daren A. Miller

Trustee Area 4  
Dr. Marcy Masumoto

Trustee Area 5  
Dr. Allen Clyde

BEFORE THE FRESNO COUNTY BOARD OF EDUCATION  
AND THE FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY, CALIFORNIA

In the Matter Regarding Adopt Resolution  
No. 2020-19 "Anti-Bullying Toward Sikh  
Americans" Month

Resolution No. 2020 - 19 (FCBE)  
Resolution No. 2020 - 36 (FCSS)

WHEREAS, in a research survey approximately 50% of Sikh American students are bullied at school; and

WHEREAS, the negative consequences of bullying are significant, in extreme cases leading to suicide by young victims; and

WHEREAS, FCSS recognizes that bullying in school and among school age children is a serious problem throughout the country and often has serious lasting consequences; and

WHEREAS, FCSS supports evidence based anti-bullying initiatives;

NOW, THEREFORE, BE IT RESOLVED that the Fresno County Board of Education and the Fresno County Superintendent of Schools do hereby recognize the observance of "Anti-bullying Toward Sikh Americans" Month to educate students on the consequences of bullying and teach victims as well as perpetrators through positive anti-bullying intervention and encourage all Fresno County School Districts to participate with appropriate activities and curriculum on this day and throughout the year.

This Resolution is adopted by the Fresno County Board of Education at its meeting of October 15, 2020 by the following votes:

President Mike Robinson:	Yes ___	No ___	Abstain ___	Absent ___
Vice President Marcy Masumoto:	Yes ___	No ___	Abstain ___	Absent ___
Member Allen Clyde:	Yes ___	No ___	Abstain ___	Absent ___
Member Daren A. Miller:	Yes ___	No ___	Abstain ___	Absent ___
Member Kimberly Tapscott-Munson:	Yes ___	No ___	Abstain ___	Absent ___

\_\_\_\_\_  
Mike Robinson, President

This Resolution is adopted by the Fresno County Superintendent of Schools as of the date immediately stated below as evident by his signature hereunder:

\_\_\_\_\_  
Jim A. Yovino, Superintendent

Date: \_\_\_\_\_

CERTIFICATION

I am the Ex-Officio Secretary and Executive Officer of the Fresno County Board of Education and hereby certify that the foregoing resolution is the full, true, and correct resolution duly passed and adopted by the Fresno County Board of Education on the date stated above.

By: \_\_\_\_\_  
Jim A. Yovino, Fresno County Superintendent of Schools  
Ex-Officio Secretary and Executive Officer of the  
Fresno County Board of Education

Date: \_\_\_\_\_

## **ACTION**

- TOPIC:** Adopt Resolution No. 2020-20 "Sikh American Awareness and Appreciation" Month
- ISSUE:** Consider observing November as Sikh Awareness and Appreciation Month.
- BACKGROUND:**
1. Approximately 250,000 Sikh Americans currently reside in the State of California.
  2. By the observance of this resolution, students are given the opportunity to understand, recognize, and appreciate the rich history and shared principles of Sikh Americans.
  3. California Assembly Concurrent Resolution 97 recognizes significant contributions to the state of California made by Sikh Americans.
- PRESENTER:** Jim A. Yovino  
Administration  
Superintendent  
(559) 265-3000
- RESOURCE:** Pamela McGee  
Curriculum & Instruction  
ELA/ELD/HSS Director  
(559) 265-3077
- RECOMMENDATION:** The administration recommends that the Board join the County Superintendent of Schools in adopting Resolution No. 2020-20 in observance of "Sikh American Awareness and Appreciation" month, thereby encouraging districts in Fresno County to plan appropriate activities.



Superintendent  
Jim A. Yovino

Trustee Area 1  
Kimberly Tapscott-Munson

Trustee Area 2  
Mike Robinson

Trustee Area 3  
Daren A. Miller

Trustee Area 4  
Dr. Marcy Masumoto

Trustee Area 5  
Dr. Allen Clyde

BEFORE THE FRESNO COUNTY BOARD OF EDUCATION  
AND THE FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY, CALIFORNIA

In the Matter Regarding Adopt Resolution  
No. 2020-20 "Sikh American Awareness  
and Appreciation" Month

Resolution No. 2020 - 20 (FCBE)  
Resolution No. 2020 - 37 (FCSS)

WHEREAS, studies and activities pertaining to Sikh Awareness will help students to gain a better understanding of Sikh American culture and traditions; and

WHEREAS, California and our nation are at once blessed and enriched by the unparalleled diversity of our residents; and

WHEREAS, among this unprecedented diversity in California, there reside an estimated 250,000 Americans of Sikh origin, comprising nearly 40 percent of the nation's estimated Sikh population; and

WHEREAS, While Sikh Americans have distinguished themselves in numerous areas of endeavor, they have demonstrated particular success in the areas of agriculture, trucking, medicine, and in the creation of small, family-owned businesses; and

WHEREAS, The Sikh and Punjabi American communities of California continue to make important contributions to our state and nation; and

WHEREAS, Sikh Americans throughout California celebrate the coronation day of Sikh Scripture as Guru Gaddi Divas, along with parades in cities across California, including the second largest in Selma, California; and

WHEREAS, The Sikh Council of Central California, representing a dozen main Sikh temples in the Fresno County area, actively takes part in the Multifaith Exchange and Interfaith Alliance meetings and seminars to share their monotheistic religion and the tenets of their faith, and the important role that Sikh Americans play in furthering mutual understanding and respect among all peoples; and

WHEREAS, Assembly Concurrent Resolution 97, created "Sikh American Awareness and Appreciation" Month to afford all Californians the opportunity to understand, recognize, and appreciate the rich history and shared principles of Sikh Americans;

NOW, THEREFORE, BE IT RESOLVED that the Fresno County Board of Education and the Fresno County Superintendent of Schools do hereby recognize November as "Sikh American Awareness and Appreciation" Month and encourage all Fresno County School Districts to participate with appropriate activities and curriculum and encourage all Fresno County School Districts to participate with appropriate activities and curriculum on this day and throughout the year.



This Resolution is adopted by the Fresno County Board of Education at its meeting of October 15, 2020 by the following votes:

President Mike Robinson:	Yes ___	No ___	Abstain ___	Absent ___
Vice President Marcy Masumoto:	Yes ___	No ___	Abstain ___	Absent ___
Member Allen Clyde:	Yes ___	No ___	Abstain ___	Absent ___
Member Daren A. Miller:	Yes ___	No ___	Abstain ___	Absent ___
Member Kimberly Tapscott-Munson:	Yes ___	No ___	Abstain ___	Absent ___

\_\_\_\_\_  
Mike Robinson, President

This Resolution is adopted by the Fresno County Superintendent of Schools as of the date immediately stated below as evident by his signature hereunder:

\_\_\_\_\_  
Jim A. Yovino, Superintendent

Date: \_\_\_\_\_

#### CERTIFICATION

I am the Ex-Officio Secretary and Executive Officer of the Fresno County Board of Education and hereby certify that the foregoing resolution is the full, true, and correct resolution duly passed and adopted by the Fresno County Board of Education on the date stated above.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Jim A. Yovino, Fresno County Superintendent of Schools  
Ex-Officio Secretary and Executive Officer of the  
Fresno County Board of Education

## **ACTION**

- TOPIC:** Second Reading and Consideration of Adoption of New and Amended Superintendent and Board Policies: Classification - Students, 5000s
- ISSUE:** Board Policies
- BACKGROUND:** The board policies, listed on Exhibit A and attached thereto, were presented to the Board for first reading at its meeting on September 17, 2020 and are being presented at this meeting for second reading and adoption.
- PRESENTER:** Jason C. Parkin, General Counsel  
Legal Services  
(559) 265-3003
- RESOURCE:** Jason C. Parkin, General Counsel  
Legal Services  
(559) 265-3003
- RECOMMENDATION:** The Administration recommends that the Board conduct the second reading and adopt the Policies listed on Exhibit A and attached thereto.

EXHIBIT A

**Classification - Community Relations, 1000s**

Policy/AR No.	Subject	New	Amendment
5000 BP	Concepts and Roles		X
5020 BP	Parental Rights and Responsibilities		X
5021 BP	Non-Custodial Parents		X
5022 BP	Student and Family Privacy Rights		X
5030 BP	Student Wellness		X
5111 BP	Admission		X
5113 BP	Absences and Excuses		X
5113.1 BP	Chronic Absences and Truancy		X
5113.2 BP	Work Permits	X	
5121 BP	Grades/Evaluation of Student Achievement	X	
5123 BP	Promotion/Acceleration/Retention		X
5125 BP	Student Records		X
5125.1 BP	Release of Directory Information		X
5131 BP	Conduct		X
5131.1 BP	Bus Conduct		X
5131.2 BP	Bullying		X
5131.4 BP	Student Disturbances	X	
5131.5 BP	Vandalism and Graffiti		X
5131.6 BP	Alcohol and Other Drugs		X
5131.7 BP	Weapons and Dangerous Instruments		X
5132 BP	Dress and Grooming		X
5141 BP	Health Care and Emergencies		X
5141.21 BP	Administering Medication and Monitoring Health Conditions		X
5141.3 BP	Health Examinations		X
5141.31 BP	Immunizations	X	
5141.4 BP	Child Abuse Prevention and Reporting		X
5144 BP	Discipline		X
5144.1 BP	Suspension and Expulsion/Due Process		X
5144.3 BP	Student Expulsion Appeals		X
5145.12 BP	Search and Seizure	X	
5145.2 BP	Freedom of Speech/Expression	X	

5145.3 BP	Nondiscrimination/Harassment		X
5145.6 BP	Parental Notification		X
5145.7 BP	Sexual Harassment		X

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION****Students**  
**CONCEPTS AND ROLES**

The County Superintendent and County Board shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. The County Superintendent and County Board expect students to make good use of learning opportunities by demonstrating regular attendance, appropriate conduct and respect for others.

The County Superintendent and County Board are fully committed to providing equal educational opportunities and keeping the schools free from discriminatory practices. The County Superintendent and County Board shall not tolerate the intimidation or harassment of any student for any reason.

The County Superintendent or designee shall establish and keep parents/guardians and students well informed about rules and regulations related to attendance, health examinations, records, grades and student conduct.

Adopted: 04/16/1998  
Amended: ####/20##

**Legal Reference****EDUCATION CODE**

35160 Authority of governing boards  
35160.1 Broad authority of school districts  
35291-35291.5 Rules

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Students**  
**PARENT RIGHTS AND RESPONSIBILITIES**

The County Superintendent and County Board recognize that parents/guardians of students of County Superintendent/County Board schools have certain rights as well as responsibilities related to the education of their children.

The County Superintendent and County Board believe that the education of the students County Superintendent/County Board schools is a shared responsibility. The County 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 at each school site, 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)

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

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

The County 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)

Adopted: 12/08/2011  
Amended: ###/##/20##

**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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

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**

**WEBSITES**

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION****Students**  
**NONCUSTODIAL PARENTS**

The County Superintendent and County Board recognize the right of parents/guardians to be involved in the education of their children and desires to balance that right with the County Superintendent's need to ensure the safety of students while at school.

The parent/guardian who enrolls a child in a County Superintendent-operated school shall be presumed to be the child's custodial parent/guardian and shall be held responsible for the child's welfare.

School officials shall presume that both parents/guardians have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school. When a court order restricts access to the child or to his/her student information, a parent/guardian shall provide a copy of the certified court order to the lead site administrator or designee upon enrollment or upon a change in circumstances.

In the event of an attempted violation of a court order that restricts access to a student, the lead site administrator or designee shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties consent.

Adopted: 12/08/2011

Amended: ###/##/20##

**Legal Reference**Education Code

48204 Residency requirements  
49061 Definitions  
49069 Absolute right to access  
49091.10-49091.19 Parental review of curriculum and instruction  
49408 Emergency information  
56028 Definition, parent for special education  
51100-51102 Parent/guardian rights

Family Code

3002 Joint legal custody, definition  
3006 Sole legal custody, definition  
3025 Parental access to records  
6550-6552 Caregivers

Government Code

810-996.6 Government Claims Act  
6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking



FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Management Resources**

Websites

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

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

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

5021, 7/2009; Doc# 122632

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students  
STUDENT AND FAMILY PRIVACY RIGHTS**

The County Superintendent and County Board respect the rights of County Superintendent-operated school students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

The County 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:

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

(20 USC 1232h(c)(4)(A))

The County Superintendent or designee may collect, disclose, or use a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, or telephone number for the purpose of marketing or selling that information or providing the information to others for that purpose.

However, the County Superintendent shall not use surveys to collect social security numbers or the last four digits of social security numbers, or information or documents regarding citizenship or immigration status, of students or their families. (Education Code 234.7, 49076.7)

The County 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.

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

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.
  - c. Instruments used in the collection of personal information for the purpose of marketing or sale.
4. Any nonemergency physical examinations or screenings that the school may administer.

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

Adopted: 12/08/2011

Amended: ###/##/20##

### **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**

#### WEBSITES

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

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

U.S. Department of Education, Family Policy Compliance Office:  
<http://www.ed.gov/offices/OM/fpco>

5022, 3/2018; Doc#122636

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Student**  
**STUDENT WELLNESS**

The County Superintendent and County Board recognize the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for students of County Superintendent/County Board schools. The County Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education and activity, health services, nutrition services, psychological and behavioral counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

To encourage consistent health messages between the home and school environment, the County Superintendent or designee may disseminate health information and/or student wellness policy to parents/guardians through newsletters, handouts, parent/guardian meetings, web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

The County Superintendent or designee shall permit parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the student wellness policy.

Goals for Nutrition, Physical Activity, and Other Wellness Activities

The County Superintendent shall adopt goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness.

County Superintendent/County Board nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program. Nutrition education also may be offered through before- and after-school programs and summer learning programs.

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

The County Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness and may provide opportunities for regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

**Nutritional Guidelines for Foods Available at School**

For all foods available on each campus during the school day, the County Superintendent shall adopt nutrition guidelines which are consistent with 42 USC 1758, 1766, 1773 and 1779, and which support the objectives of promoting student health and reducing childhood obesity.

The County Superintendent and County Board believe that foods and beverages available to students at County Superintendent/County Board schools should support the health curriculum and promote optimal health. Nutrition standards adopted by the County Superintendent for foods and beverages provided to students, including foods and beverages provided through the food service program, student stores, vending machines, or other venues, shall meet or exceed state and federal nutritional standards.

To reinforce the nutrition education program, the County Superintendent prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages in County Superintendent/County Board facilities during the school day.

In order to maximize the ability to provide nutritious meals and snacks, the County Superintendent shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the County Superintendent may sponsor a summer meal program.

The County Superintendent shall provide access to free, potable water during meal times in the food service area in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and serving water in an appealing manner.

**Program Implementation and Evaluation**

The County Superintendent designates the Deputy Superintendent, Educational Services to ensure that each school site complies with this policy. The Deputy Superintendent can be reached at (559) 265-3090.

The Deputy Superintendent, Educational Services, shall assess the implementation and effectiveness of this policy at least once every three years.

The assessment shall include the extent to which County Superintendent/County Board schools are in compliance with this policy, the extent to which this policy compares to model wellness

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy.

The Deputy Superintendent, Educational Services shall invite feedback on County Superintendent program wellness activities from food service personnel, school administrators, the wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

The Deputy Superintendent, Educational Services, shall inform and update the public, including parents/guardians, students, and others in the community, about the contents and implementation of this policy. He/she shall periodically measure and make available to the public an assessment of the extent to which County Superintendent/County Board schools and programs are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy.

Posting Requirements

Each school site shall post a summary or complete copies of the County Superintendent/County Board policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Adopted: 12/08/2011

Amended: 01/21/2016, ##/##/2020

**Legal Reference**

EDUCATION CODE

- 33350-33354 CDE responsibilities re: physical education
- 49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
- 49490-49494 School breakfast and lunch programs
- 49500-49505 School meals
- 49510-49520 Nutrition
- 49530-49536 Child Nutrition Act
- 49540-49546 Child care food program
- 49547-49548.3 Comprehensive nutrition services
- 49550-49561 Meals for needy students
- 49565-49565.8 California Fresh Start pilot program
- 49570 National School Lunch Act
- 51210 Course of study, grades 1-6
- 51220 Course of study, grades 7-12
- 51222 Physical education
- 51223 Physical education, elementary schools
- 51795-51796.5 School instructional gardens
- 51880-51921 Comprehensive health education

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations  
15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program, especially:  
1758b Local wellness policy  
1771-1791 Child Nutrition Act, including:  
1773 School Breakfast Program  
1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program  
220.1-220.21 National School Breakfast Program

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

**Management Resources**

CSBA PUBLICATIONS

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009  
Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009  
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007  
Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007  
Physical Education and California Schools, Policy Brief, rev. October 2007  
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006  
School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009  
Healthy Children Ready to Learn: A White Paper on Health, Nutrition, and Physical Education, January 2005  
Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

**CENTER FOR COLLABORATIVE SOLUTIONS**

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, March 2010

**CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS**

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, 2005

**NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS**

Fit, Healthy and Ready to Learn, 2000

**U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS**

Dietary Guidelines for Americans, 2005

Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

**WEBSITES**

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

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

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

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):  
<http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

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

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

Dairy Council of California: <http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

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

School Nutrition Association: <http://www.schoolnutrition.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:  
<http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students  
ADMISSION**

The County Superintendent and County Board encourage the enrollment and appropriate placement of all school-aged children in school. The County Superintendent or designee shall inform parents/guardians of children seeking admission to a County Superintendent-operated school at any grade level about admission requirements and shall assist them with enrollment procedures.

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

The County Superintendent's enrollment application shall include information about the health care options and enrollment assistance available to families with students contemplating enrollment in County Superintendent-operated schools. The County Superintendent shall not discriminate against any child for not having health care coverage and shall not use any information relating to a child's health care coverage or interest in learning about health care coverage in any manner that would harm the child or the child's family. (Education Code 49452.9)

The County Superintendent shall not inquire into or request documentation of a student's social security number or the last four digits of the social security number or the citizenship or immigration status of the student or his/her family members. (Education Code 234.7, 49076.7)

However, such information may be collected when required by state or federal law or to comply with requirements for special state or federal programs. In any such situation, the information shall be collected separately from the school enrollment process and the County Superintendent or designee shall explain the limited purpose for which the information is collected. Enrollment in a County Superintendent-operated school shall not be denied on the basis of any such information of the student or his/her parents/guardians obtained by the County Superintendent, or the student's or parent/guardian's refusal to provide such information to the County Superintendent.

The County Superintendent or designee shall immediately enroll a homeless student, foster youth, student who has had contact with the juvenile justice system, or a child of a military family regardless of outstanding fees or fines owed to the student's last school, lack of clothing normally required by the school, such as school uniforms, or his/her inability to produce previous academic, medical, or other records normally required for enrollment. (Education Code 48645.5, 48850, 48852.7, 48853.5, 49701; 42 USC 11432)

Adopted: 07/15/1982

Amended: 12/08/2011, ##/##/2020

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

**Legal Reference**

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status  
46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten  
46600 Agreements for admission of students desiring interdistrict attendance  
48000 Minimum age of admission (kindergarten)  
48002 Evidence of minimum age required to enter kindergarten or first grade  
48010 Minimum age of admission (first grade)  
48011 Admission from kindergarten or other school; minimum age  
48050-48053 Nonresidents  
48200 Children between ages of 6 and 18 years (compulsory full-time education)  
48350-48361 Open Enrollment Act  
48645.5 Enrollment of former juvenile court school students  
48850-48859 Educational placement of homeless and foster youth  
49076 Access to records by persons without written consent or under judicial order  
49076.7 Student records; data privacy; social security numbers  
49408 Information of use in emergencies  
49452.9 Health care coverage options and enrollment assistance  
49700-49703 Education of children of military families

HEALTH AND SAFETY CODE

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

CODE OF REGULATIONS, TITLE 5

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

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 5

552a Note Refusal to disclose social security number

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

**Management Resources**

CSBA PUBLICATIONS

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

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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 JUSTICE CIVIL RIGHTS DIVISION AND U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS JOINT PUBLICATIONS

Dear Colleague Letter: School Enrollment Procedures, May 8, 2014

Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014

WEBSITES

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

California Department of Education, Health Care Coverage and Enrollment Assistance: <http://www.cde.ca.gov/ls/he/hc>

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

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

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

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Students**  
**ABSENCES AND EXCUSES**

The County Superintendent and County Board believe that regular attendance plays an important role in student achievement. The County Superintendent shall work with parents/guardians and students to ensure their compliance with all state attendance laws and may use appropriate legal means to correct problems of chronic absence or truancy.

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, County Superintendent policy, and administrative regulation. (Education Code 48205)

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulation. (Education Code 46014)

Inasmuch as school attendance and class participation are integral to students' learning experiences, parents/guardians and students shall be encouraged to schedule medical and other appointments during non-school hours.

Students shall not be absent from school without their parents/guardians' knowledge or consent, except in cases of medical emergency or, as authorized pursuant to Education Code 46010.1, for a confidential medical appointment.

The County Superintendent shall approve reasonable methods that may be used to verify student absences due to illness or quarantine. (5 CCR 421)

Adopted: undated  
Amended: ###/###/20##

**Legal Reference**

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)  
37201 School month  
37223 Weekend classes  
41601 Reports of average daily attendance  
42238-42250.1 Apportionments  
46000 Records (attendance)  
46010-46014 Absences  
46100-46119 Attendance in kindergarten and elementary schools  
46140-46147 Attendance in junior high and high schools  
48200-48208 Children ages 6-18 (compulsory full-time attendance)  
48210-48216 Exclusions from attendance  
48225.5 Work permit; excused absence; entertainment or allied industries  
48240-48246 Supervisors of attendance

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

48260-48273 Truants  
48292 Filing complaint against parent  
48320-48324 School attendance review boards  
48340-48341 Improvement of student attendance  
48980 Parental notifications  
49067 Unexcused absences as cause of failing grade  
49701 Provisions of the interstate compact on educational opportunities for military children

**ELECTIONS CODE**

12302 Student participation on precinct boards

**FAMILY CODE**

6920-6929 Consent by minor for medical treatment

**VEHICLE CODE**

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

**WELFARE AND INSTITUTIONS CODE**

601-601.4 Habitually truant minors  
11253.5 Compulsory school attendance

**CODE OF REGULATIONS, TITLE 5**

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

**ATTORNEY GENERAL OPINIONS**

87 Ops.Cal.Atty.Gen. 168 (2004)  
66 Ops.Cal.Atty.Gen. 244 (1983)

**COURT DECISIONS**

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

**Management Resources**

**CSBA PUBLICATIONS**

Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010

**WEBSITES**

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students  
CHRONIC ABSENCE AND TRUANCY**

The County Superintendent and County Board believe that absenteeism, whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The County Superintendent and County Board desire to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the County Superintendent.

The County Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence. The County Superintendent or designee shall provide the County Board with data on school attendance, chronic absence, and truancy rates for each school operated by the County Superintendent, and disaggregated for each numerically significant student subgroup as defined in Education Code 52052. Such data shall be used in the development of annual goals and specific actions for student attendance and engagement to be included in the County Superintendent's local control and accountability plan(s) and other applicable plans.

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

The County Superintendent or designee shall consult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy.

Interventions for students with serious attendance problems shall be designed to meet the specific needs of the student and may include, but are not limited to, health care referrals, transportation assistance, counseling for mental or emotional difficulties, academic supports, efforts to address school or community safety concerns, discussions with the student and parent/guardian about their attitudes regarding schooling, or other strategies to remove identified barriers to school attendance. The County Superintendent or designee may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, community-based organizations, and/or medical, mental health, and oral health care providers, to make alternative educational programs and support services available for students and families.

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

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

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

The County Superintendent or designee shall periodically analyze information regarding the County Superintendent's progress in improving student attendance rates for all students and for each numerically significant student population. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to make changes as needed. As appropriate, the County Superintendent or designee shall engage school staff in program evaluation and improvement and in the determination of how to best allocate available community resources.

Adopted: 02/19/1998

Amended: 10/16/2004, ###/###/2020

### **Legal Reference**

#### Education Code

1740-1742 Employment of personnel to supervise attendance (county superintendent)

37223 Weekend classes

46000 Records (attendance)

46010-46014 Absences

46110-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48225.5 Work permits, entertainment and allied industries

48240-48246 Supervisors of attendance

48260-48273 Truants

48290-48297 Failure to comply; complaints against parents

48320-48325 School attendance review boards

48340-48341 Improvement of student attendance

48400-48403 Compulsory continuation education

48900 Suspension and expulsion

49067 Unexcused absences as cause of failing grade

52052 Accountability; numerically significant student subgroups

60901 Chronic absence

#### Government Code

54950-54963 The Ralph M. Brown Act

#### Penal Code

270.1 Chronic truancy; parent/guardian misdemeanor

272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy

830.1 Peace officers



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

Vehicle Code

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

Welfare and Institutions Code

256-258 Juvenile hearing officer

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

Code of Regulations, Title 5

306 Explanation of absence

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

Court Decisions

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

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CSBA Publications

Attendance Awareness Month, Fact Sheet, September 2014

Attendance Works Publications

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

The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority  
Early Outreach for Positive Linkages and Engagement, 2014

California Department of Education Publications

School Attendance Review Board Handbook: A Road Map for Improved School Attendance  
and Behavior, 2015

School Attendance Improvement Handbook, 2000

Websites

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

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

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

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

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

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

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS****Students  
WORK PERMITS**

The County Superintendent recognizes that part-time employment can provide students with income as well as job experience that can help them develop appropriate workplace skills and attitudes. Upon obtaining an offer of employment, students who are minors shall obtain work permits from the County Superintendent or designee in accordance with law, regardless of whether the employment will occur when school is in session and/or not in session.

In determining whether to grant or continue a work permit, the County Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain a 2.0 grade point average and satisfactory school attendance. On a case-by-case basis, the County Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code 48230)

Work permits shall be limited to part-time employment as defined by law, except when the County Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes. A student age 14 or 15 who receives a permit to work full time shall also be enrolled in a work experience education program. (Education Code 49130, 49131, 49135)

Adopted: ###/##/20##

**Legal Reference**EDUCATION CODE

48230 Exemption from full-time school attendance for students with work permits

48231 Exemption from compulsory attendance for students entering attendance area near end of term

49100-49101 Compulsory attendance

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 Exceptions

49160-49165 Employment of minors; duties of employers

49180-49183 Violations

51760-51769.5 Work experience education

52300-52499.66 Career technical education

LABOR CODE

1285-1312 Employment of minors

1391-1394 Working hours for minors

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**

CODE OF REGULATIONS, TITLE 5

16023-16027 District records, retention and destruction

CODE OF REGULATIONS, TITLE 8

11701-11707 Prohibited and dangerous occupations for minors

11750-11763 Work permits and conditions, minor employed in entertainment industry

CODE OF FEDERAL REGULATIONS, TITLE 29

570.1-570.129 Child labor regulations

ATTORNEY GENERAL OPINIONS

18 Ops.Cal.Atty.Gen. 114 (1951)

**Management Resources**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Work Permit Handbook for California Schools: Laws and Regulations Governing the Employment of Minors, 2007

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Child Labor Laws, 2000

WEBSITES

California Department of Education, Work Experience Education:

<http://www.cde.ca.gov/ci/ct/we>

California Department of Education, Office of Regional Occupational Centers and Programs and Workforce Development: <http://www.cde.ca.gov/ci/ct/wd>

California Department of Industrial Relations: <http://www.dir.ca.gov>

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION****Students**  
**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

The County Superintendent and County Board believe that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's academic performance.

The County Superintendent or designee shall establish a uniform grading system that shall be applied to all students in that course and grade level. Teachers shall inform students and parents/guardians how academic performance will be evaluated in the classroom.

A teacher shall base a student's grades solely on the quality of the student's academic work and his/her mastery of course content based on County Superintendent standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods, including, but not limited to, tests, projects, portfolios, and/or class discussion as appropriate. Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately.

Whenever a student misses an assignment or assessment due to either an excused or unexcused absence, he/she shall be given full credit for subsequent satisfactory completion of the assignment or assessment.

At all grade levels, report cards may include reports of student progress on specific academic standards applicable to the course and grade level.

When reporting student performance to parents/guardians, teachers may add narrative descriptions, observational notes, and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

A grade assigned by the teacher shall not be changed by the County Superintendent or County Board except as provided by law, County Superintendent/County Board policy, or administrative regulation. (Education Code 49066)

The County Superintendent or designee shall determine the methodology to be used in calculating students' grade point average (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, International

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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Baccalaureate, honors, and/or concurrent postsecondary courses.

Adopted:    ###/###/20##

**Legal Reference**

EDUCATION CODE

48070 Promotion and retention  
48205 Excused absences  
48800-48802 Enrollment of gifted students in community college  
48904-48904.3 Withholding grades, diplomas, or transcripts  
49066 Grades; finalization; physical education class  
49067 Mandated regulations regarding student's achievement  
49069.5 Students in foster care, grades and credits  
51242 Exemption from physical education based on participation in interscholastic athletics  
69432.9 Cal Grant program; notification of grade point average  
76000-76002 Enrollment in community college

CODE OF REGULATIONS, TITLE 5

10060 Criteria for reporting physical education achievement, high schools  
30008 Definition of high school grade point average for student aid eligibility

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act (FERPA)

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

COURT DECISIONS

Owasso Independent School District v. Falvo, (2002) 534 U.S. 426  
Las Virgenes Educators Association v. Las Virgenes Unified School District, (2001) 86 Cal.App.4th 1  
Swany v. San Ramon Valley Unified School District, (1989) 720 F.Supp. 764  
Johnson v. Santa Monica-Malibu Unified School District Board of Education, (1986) 179 Cal.App.3d 593

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CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS CORRESPONDENCE

Report Cards and Transcripts for Students with Disabilities, October 17, 2008

WEBSITES

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

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

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

California Student Aid Commission: <http://www.csac.ca.gov>

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

5121, 7/2016; Doc#122827

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION****Students**  
**PROMOTION/ACCELERATION/RETENTION**

The County Superintendent and County Board expect students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student. (Education Code 48070)

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Students shall specifically be assessed at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by the results of state assessments administered pursuant to Education Code 60640-60649 and the minimum levels of proficiency recommended by the State Board of Education pursuant to Education Code 60648.

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

If a student does not have a single regular classroom teacher, the County Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

The teacher's decision to promote or retain a student may be appealed in accordance with County Superintendent Administrative Regulation 5123 - Promotion/Acceleration/Retention.

When any student in grades 2-9 is recommended for retention or is identified as being at risk for retention, the County Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. (Education Code 48070.5)

Adopted: undated

Amended: ###/##/20##

**Legal Reference**

EDUCATION CODE

46300 Method of computing average daily attendance

48010 Admittance to first grade

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

56345 Elements of individualized education program

60640-60649 California Assessment of Student Performance and Progress

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

**Management Resources**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs Promotion, Retention, and Grading (students with disabilities)

FAQs Pupil Promotion and Retention

Kindergarten Continuance Form

WEBSITES

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

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



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students  
STUDENT RECORDS**

The County Superintendent and County Board recognize the importance of keeping accurate, comprehensive student records as required by law. The County 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.

The County Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the County Superintendent's Cabinet level. At each school, the lead site administrator 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 the policy and administrative regulation regarding student records. (5 CCR 431)

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

The County Superintendent 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 County 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 Superintendent employee receives such a request, he/she shall immediately report the request to the County Superintendent. (Education Code 234.7)

The County 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 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)

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

The County 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.

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

Adopted: 12/08/2011  
Amended: ###/##/2020

**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  
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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

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

COURT DECISIONS

Owasso Indep. Sch. Dist. v. Falvo (2002) 534 U.S. 426, 432-33  
S.A. v. Tulare Co. Office of Ed. & California Dept. of Ed. (E.D. Cal., Sept. 24, 2009/Oct. 6, 2009,  
No. CV F 08-1215) 2009 WL 3126322/2009 WL 3296653

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

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**FRESNO COUNTY BOARD OF EDUCATION**

**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

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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

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

**Students  
RELEASE OF DIRECTORY INFORMATION**

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

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

The County 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)

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 County Superintendent and County Board 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)

Adopted: 11/17/2011

Amended: ###/##/20##

**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

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UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

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

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WEBSITES

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students  
CONDUCT**

The County Superintendent and County Board believe that all students have the right to be educated in a safe and positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using County Superintendent transportation.

The County Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with County Superintendent and County Board policies and administrative regulations. Students and parents/guardians shall be notified of school, and County Superintendent and County Board rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption to the school program
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the County Superintendent or County Board
6. Obscene acts or use of profane, vulgar, or abusive language
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited substances
8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the lead site administrator or designee (Penal Code 417.27)
9. Use of a cell phone, smart watch, pager, or other mobile communication device during instructional time or in an unauthorized manner in violation of County Superintendent or County Board policy
10. Plagiarism or dishonesty on school work or tests

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

- 11. Wearing of any attire that violates school, or County Superintendent or County Board dress codes, including gang-related apparel
- 12. Tardiness or unexcused absence from school
- 13. Failure to remain on school premises in accordance with school rules

Employees are expected to enforce standards of conduct and, when they observe or receive a report of a violation of these standards, to appropriately intervene or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the lead site administrator or designee.

When a school employee suspects that a search of a student or a student's belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with applicable written policy.

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, a County Superintendent employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the lead site administrator or designee, as appropriate.

Students who violate school, or County Superintendent or County Board rules and regulations may be subject to discipline. The County Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline, in accordance with law, County Superintendent and County Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or County Superintendent or County Board property, or substantially disrupts school activities.

Adopted: 04/16/1998  
Amended: ###/###/2020

**Legal Reference**

Education Code

- 200-262.4 Prohibition of discrimination
- 32280-32289 Comprehensive safety plan
- 35181 Governing board authority to set policy on responsibilities of students
- 35291-35291.5 Rules
- 44807 Duty concerning conduct of students
- 48900-48925 Suspension and expulsion
- 51512 Prohibition against electronic listening or recording device in classroom without permission



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
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Civil Code

1714.1 Liability of parents and guardians for willful misconduct of minor

Penal Code

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope or laser pointer

647 Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

Vehicle Code

23123-23124 Prohibitions against use of electronic devices while driving

Code of Regulations, Title 5

300-307 Duties of students

United States Code, Title 42

20 USC 1681-1688 Title IX, 1972 Education Act Amendments

Court Decisions

J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094

LaVine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415 (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675

New Jersey v. T.L.O. (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

**Management Resources**

CSBA Publications

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

California Department of Education Publications

Bullying at School, 2003

Website

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

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

Center for Safe and Responsible Internet Use:

<http://www.ewa.org/organization/center-safe-and-responsible-internet-use>

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

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

**Students  
BUS CONDUCT**

In order to help ensure the safety and well-being of students, bus drivers, and others, the County Superintendent and County Board expect students to exhibit appropriate and orderly conduct at all times when using school transportation, including while preparing to ride, riding, or leaving the bus.

The County Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. He/she shall make these rules available to parents/guardians, students, and other interested parties. (5 CCR 14103)

Students found to be in violation of the County Superintendent's bus conduct rules shall be subject to discipline in accordance with County Superintendent and County Board policy and administrative regulation.

The County Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver. (5 CCR 14103)

**Bus Surveillance Systems**

The County Superintendent and County Board believe that the use of surveillance systems on school buses may help to deter misconduct and improve discipline, ensure the safety of students and bus drivers, and prevent vandalism. Therefore, surveillance systems may be installed and used on school buses, or the County Superintendent may secure the use of buses with such systems, to monitor student behavior while traveling to and from school and school activities. Any video recorded may be used in student disciplinary proceedings or referred to local law enforcement, as appropriate.

Adopted: 04/16/1998  
Amended: 10/20/2011, ###/###/2020

**Legal Reference**

**EDUCATION CODE**

- 35160 Authority of governing boards
- 39800 Transportation
- 39839 Transportation of guide dogs, signal dogs, service dogs
- 44808 Duty to supervise conduct of students
- 48900 Grounds for suspension and expulsion
- 48918 Expulsion procedures
- 49060-49079 Student records
- 49073-49079 Privacy of student records

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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GOVERNMENT CODE

6253-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

**Management Resources**

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEBSITES

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

California Department of Education, Office of School Transportation: <http://www.cde.ca.gov/ls/tn>

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

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

**Students**  
**BULLYING**

The County Superintendent and County Board recognize the harmful effects of bullying on student well-being, student learning, and school attendance, and desire to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

The County Superintendent or designee shall develop strategies for addressing bullying in County Superintendent/County Board schools with the involvement of students, parents/guardians, and staff. As appropriate, the County Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable school plans.

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the County Superintendent's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the County Superintendent or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

Adopted: 03/21/2013  
Amended: ###/###/20##

**Legal Reference**

EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 32282 Comprehensive safety plan
- 32283.5 Bullying; online training
- 35181 Governing board policy on responsibilities of students
- 35291-35291.5 Rules
- 46600 Student transfers
- 48900-48925 Suspension or expulsion
- 48985 Translation of notices
- 52060-52077 Local control and accountability plan

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

**PENAL CODE**

422.55 Definition of hate crime

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

**CODE OF REGULATIONS, TITLE 5**

4600-4670 Uniform complaint procedures

**UNITED STATES CODE, TITLE 47**

254 Universal service discounts (e-rate)

**CODE OF FEDERAL REGULATIONS, TITLE 28**

35.107 Nondiscrimination on basis of disability; complaints

**CODE OF FEDERAL REGULATIONS, TITLE 34**

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

**COURT DECISIONS**

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

**Management Resources**

**CSBA PUBLICATIONS**

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

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

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Bullying Module

California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, 2018

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

**CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS**

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018**

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

**Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014**

**Guidance to America's Schools: Bullying of Students with Disabilities, October 2014**

**Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010**

**Dear Colleague Letter: Harassment and Bullying, October 2010**

**WEBSITES**

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

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

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

**Center on Great Teachers and Leaders: <http://gtlcenter.org>**

**Collaborative for Academic Social and Emotional Learning: <http://casel.org>**

**Common Sense Media: <http://www.common Sense Media.org>**

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

**Partnership for Children and Youth: <http://www.partnerforchildren.org>**

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**

**Students**  
**STUDENT DISTURBANCES**

The County Superintendent desires to provide orderly campuses that create a positive school environment and are conducive to learning. When students initiate or are involved in a campus disturbance that has the potential to threaten the safety of students or staff, if no other method of de-escalation is successful or is likely to be successful, the County Superintendent or designee may request law enforcement assistance.

The County Superintendent or designee and the lead site administrator or other site supervisor of each school shall establish a school disturbance response plan that is intended to curb disruptions which may lead to riots, violence, or vandalism at school or at school-sponsored events. In developing each school's plan, the County Superintendent or designee shall consult with community-based organizations and local law enforcement authorities to create guidelines for law enforcement support and intervention.

Staff are encouraged to be alert to conditions at school that may lead to a disturbance, such as racial or cultural conflict, student protests, or gang intimidation and confrontations. Staff who believe that a disturbance is imminent, or who see a disturbance occurring, shall immediately contact the lead site administrator or other site supervisor and invoke the school disturbance response plan.

Students who participate in a campus disturbance shall be subject to disciplinary action in accordance with County Superintendent/County Board policy and administrative regulations.

Adopted: ###/###/2020

**Legal Reference**

Education Code

- 32210 Willful disturbance of public school or meeting
- 32211 Threatened disruption or interference with classes
- 32280-32288 School safety plans
- 35160 Authority of governing boards
- 38000-38005 Security patrols
- 44810 Willful interference with classroom conduct
- 44811 Disruption of classwork or extracurricular activities
- 48900 Grounds for suspension or expulsion
- 48907 Student exercise of free expression
- 51512 Prohibited use of electronic listening or recording device

Penal Code

- 243.5 Assault or battery on school property
- 403-420 Crimes against the public peace, especially:
  - 415 Fighting; noise; offensive words
  - 415.5 Disturbance of peace of school
  - 416 Assembly to disturb peace; refusal to disperse

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**

626-626.10 Crimes on school grounds

627-627.7 Access to school premises

653b Loitering about schools or public places

**Management Resources**

U.S. Department of Education Publications

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

Websites

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

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

U.S. Department of Education, Emergency Planning:  
<http://www.ed.gov/admins/lead/safety/emergencyplan>

5131.4, 7/2006; Doc#122999



FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Students**  
**VANDALISM AND GRAFFITI**

The County Superintendent and County Board desire to enhance student learning by striving to provide an environment where students and staff can feel safe and secure and can take pride in their school. To that end, the County Superintendent or designee shall develop strategies for preventing graffiti and vandalism on school grounds, including collaborating with community-based organizations, local law enforcement and city and county officials, as appropriate, to help develop a coordinated response to graffiti and vandalism in the community.

Students and staff are encouraged to report any graffiti or vandalism to the lead site administrator or designee for investigation. The lead site administrator or designee shall determine whether the incident necessitates an investigation pursuant to the County Superintendent policies/procedures.

As appropriate, the lead site administrator or designee may contact local law enforcement in instances when the graffiti is repetitive, identifies particular targets or groups, identifies the perpetrator, and/or contains incitements to violence, threats, or intimidation. Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by County Superintendent or law enforcement and as evidence in any County Superintendent disciplinary proceedings.

The lead site administrator or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the school day.

A student who commits an act of vandalism or graffiti on school grounds shall be subject to disciplinary action in accordance with County Superintendent/County Board policy and administrative regulation. If reparation for damages is not made, the County Superintendent also may withhold the student's grades, diploma, and/or transcripts in accordance with law.

Adopted: 08/18/2011

Amended: ###/###/20##

**Legal Reference**Education Code

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury

Civil Code

51.7 Right to be free from violence

52.1 Discrimination liability

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

Government Code

53069.5 Reward for information

Penal Code

594.1 Aerosol containers of paint

594.2 Intent to commit vandalism or graffiti

594.6 Vandalism or graffiti, community service

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

Code of Regulations, Title5

305 Student responsible for care of property

**Management Resources**

Websites

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

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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Students****ALCOHOL AND OTHER DRUGS**

The County Superintendent and County Board believe 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 County Superintendent or designee shall develop comprehensive programs and activities to foster safe, healthy, and drug-free environments that support academic achievement.

The County Superintendent's 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 County Superintendent or designee may collaborate with 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.

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

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 Superintendent or designee shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

Intervention, Referral, and Student Assistance Programs

The County 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 County 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.

Enforcement/Discipline

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

The County 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 subject to discipline in accordance with County Superintendent/County Board policy. A student found to have committed another drug or alcohol offense, including possession or intoxication, may be referred to appropriate behavioral interventions or student assistance programs, and may be subject to discipline on a case-by-case basis in accordance with County Superintendent/County Board policy.

Program Evaluation

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

Adopted: undated

Amended: ###/###/20##

**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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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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  
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**

**WEBSITES**

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:  
<http://www.cde.ca.gov/ls/he/at>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

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

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

5131.6, 10/2017; Doc#123023

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Students****WEAPONS AND DANGEROUS INSTRUMENTS**

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

Possession of Weapons

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

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

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, County Superintendent/County Board policy, and administrative regulations.

The lead site administrator 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)

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 County Superintendent and County Board encourage 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.

The County 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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

records shall not identify the student who reported the possession. The County 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.

Adopted: 03/21/2013  
Amended: ###/##/20##

**Legal Reference**

Education Code

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

1001-9215 Every Student Succeeds Act, especially:  
4141 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 Communicaitons

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, November 2018



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
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Websites

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>

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Students**  
**DRESS AND GROOMING**

The County Superintendent and County Board believe that appropriate dress and grooming contribute to a productive learning environment. They expect students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or causes a substantial disruption to the educational program.

County Superintendent and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

In addition, the dress code shall not discriminate against students based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Education Code 212.1)

Each site administrator or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the dress code may result in disciplinary action.

Gang-Related Apparel

Site administrators, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the County Superintendent who shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan.

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**  
**FRESNO COUNTY BOARD OF EDUCATION**

Adopted: undated  
Amended: ###/###/20##

**Legal Reference**

EDUCATION CODE

212.1 Nondiscrimination based on race or ethnicity  
220 Nondiscrimination  
32281 School safety plans  
35183 School dress codes; uniforms  
35183.5 Sun-protective clothing  
48907 Student exercise of free expression  
49066 Grades; effect of physical education class apparel

COURT DECISIONS

Jacobs v. Clark County School District (2008) 26 F. 3d 419  
Harper v. Poway Unified School District (2006) 445 App. 3d 166  
Marvin H. Jeglin et al v. San Jacinto Unified School District et al (C.D. Cal. 1993)  
827 F.Supp. 1459  
Arcadia Unified School District v. California Department of Education (1992) 2 Cal. 4th 251  
Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562  
Hartzell v. Connell (1984) 35 Cal. 3d 899  
Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Students**  
**HEALTH CARE AND EMERGENCIES**

The County Superintendent and County Board recognize the importance of taking appropriate action whenever an emergency threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

The County Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention are provided as quickly as possible when accidents and injuries to students occur and that parents/guardians are notified as appropriate.

The County Superintendent or designee shall ask parents/guardians to provide emergency contact information in order to facilitate communication in the event of an accident or illness.

Program staff shall appropriately report and document student accidents.

"Do Not Resuscitate" Orders

The County Superintendent and County Board believe that staff members should not be placed in the position of determining whether or not to follow any parental or medical "do not resuscitate" orders. Staff shall not accept or follow any such orders except under the specific written direction of the County Superintendent or designee. The County Superintendent or designee may only direct a staff member to follow a "do not resuscitate" order if he/she has received a written parent/guardian authorization, with an authorized health care provider statement, and an order of an appropriate court.

The County Superintendent or designee shall ensure that parents/guardians who have submitted a "do not resuscitate" order are informed of this policy.

Automated External Defibrillators

The County Superintendent has placed automated external defibrillators (AEDs) at designated school sites and other County Superintendent facilities for use by County Superintendent employees in an emergency.

The County Superintendent or designee shall develop guidelines for employees regarding these devices and shall ensure that employees receive information that describes sudden cardiac arrest, the program's emergency response plan, and the proper use of an AED. The guidelines shall also specify the placement, security, and maintenance of the AED.

The authorization of AEDs in County Superintendent schools and facilities shall not be deemed to create a guarantee that an AED will be present or will be used in the case of an emergency, or that a trained employee will be present and/or able to use an AED in an emergency, or that the AED will operate properly.

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**FRESNO COUNTY BOARD OF EDUCATION**

Adopted: 6/1996  
Amended: 11/17/2005, ###/###/2020

**Legal Reference**

EDUCATION CODE

32040-32044 First aid equipment  
49300-49307 School safety patrols  
49407 Liability for treatment  
49408 Emergency information  
49409 Athletic events; physicians and surgeons; emergency medical care; immunity  
49417 Automated external defibrillators  
49470 Medical and hospital services for athletic program  
49471 Medical and hospital services not provided or available  
49472 Medical and hospital services for pupils  
49474 Ambulance services  
51202 Instruction in personal and public health and safety

CIVIL CODE

1714.21 Defibrillators; CPR; immunity from civil liability

FAMILY CODE

6550-6552 Caregivers

HEALTH AND SAFETY CODE

1797.196 Automated external defibrillators, immunity from civil liability  
1797.200 Emergency medical services agency  
1799.102 Personal liability immunity

CODE OF REGULATIONS, TITLE 8

5193 California Bloodborne Pathogens Standard

CODE OF REGULATIONS, TITLE 22

100031-100042 Automated external defibrillators

**Management Resources**

WEBSITES

American Heart Association: <http://www.americanheart.org>  
American Red Cross: <http://www.redcross.org>  
California Department of Health Care Services: <http://www.dhcs.ca.gov>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students****ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

The County Superintendent and County Board believe that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should be able to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

For the administration of medication to other students during school or school-related activities, the County Superintendent or designee shall develop protocols which shall include options for allowing parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the County Superintendent's permission for the student to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus or program security, minimizes instructional interruptions, and promotes student safety and privacy.

The County Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

The parent/guardian of a student who is a qualified patient pursuant to Health and Safety Code 11362.7-11362.85 may administer medicinal cannabis, excluding medicinal cannabis or cannabis products in a smokeable or vapeable form, to the student at a school or program site. County Superintendent personnel are not authorized to administer medicinal cannabis to a student. (Education Code 49414.1)

Before administering medicinal cannabis at a school or program site, the parent/guardian shall provide to the lead site administrator or designee a valid written medical recommendation for the student to be given medicinal cannabis, which shall be kept on file at the school or program's office. The parent/guardian shall sign in at the school or program site before administering the medication, and shall not administer the medication in a manner that disrupts the educational environment or exposes other students. After the parent/guardian administers the medication, the parent/guardian shall remove any remaining medicinal cannabis from the school or program site. (Education Code 49414.1)

The County Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

Administration of Medication by School or Program Personnel

When authorized by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated County Superintendent personnel with appropriate training. School nurses and other designated personnel shall administer medications to students in accordance with law, County Superintendent and County Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider.

The County Superintendent or designee shall ensure that personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

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

Adopted: 04/19/2012

Amended: ###/##/20##

**Legal Reference**

EDUCATION CODE

- 48980 Notification at beginning of term
- 49407 Liability for treatment
- 49408 Emergency information
- 49414 Emergency epinephrine auto-injectors
- 49414.3 Emergency medical assistance; administration of medication for opioid overdose
- 49414.5 Providing school personnel with voluntary emergency training
- 49422-49427 Employment of medical personnel, especially:
- 49423 Administration of prescribed medication for student
- 49423.1 Inhaled asthma medication
- 49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

- 2700-2837 Nursing, especially:
- 2726 Authority not conferred
- 2727 Exceptions in general
- 3501 Definitions
- 4119.2 Acquisition of epinephrine auto-injectors

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FRESNO COUNTY BOARD OF EDUCATION

4119.8 Acquisition of naloxone hydrochloride or another opioid antagonist

HEALTH AND SAFETY CODE

11362.7-11362.85 Medicinal cannabis

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 21

812 Schedules of controlled substances

844 Penalties for possession of controlled substance

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

COURT DECISIONS

American Nurses Association v. Torlakson, (2013) 57 Cal.4th 570

**Management Resources**

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

Program Advisory on Medication Administration, 2005

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

WEBSITES

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

American Diabetes Association: <http://www.diabetes.org>

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

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

**Students  
HEALTH EXAMINATIONS**

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

The County Superintendent or designee shall verify that students have complied with legal requirements for a comprehensive health screening, an oral health assessment, and immunizations at school entry. In addition, the County Superintendent and County Board shall administer tests for vision, hearing, and scoliosis as required by law.

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

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

Adopted: 04/19/2012  
Amended: ###/###/2020

**LEGAL REFERENCE**

Education Code

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

Health and Safety Code

- 1685-1686 Audiometrists
- 120325-120380 Immunization against communicable diseases
- 121475-121520 Tuberculosis tests for students
- 124025-124110 Child Health and Disability Prevention Program

Code of Regulations, Title 5

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

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Code of Regulations, Title 17

2950-2951 Hearing tests

United States Code, Title 20

1232g Family Educational Rights and Privacy Act

1232h Protection of student rights

**MANAGEMENT RESOURCES**

CSBA Publications

Expanding Access to School Health Services: Policy Considerations for Governing Boards, November 2008

Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, November 2008

California Department of Education Publications

Standards for Scoliosis Screening in California Public Schools, 2007

A Guide for Vision Testing in California Public Schools, 2005

California Department of Health Care Services Publications

Manual for the School Audiometrist

U.S. Department of Education Publications

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

Websites

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

California Department of Education, Health Services/School Nursing:

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

California Department of Education, Type 2 Diabetes Information:

<http://www.cde.ca.gov/ls/he/hn/type2diabetes.asp>

California Department of Health Care Services: <http://www.dhcs.ca.gov>

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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Students**  
**IMMUNIZATIONS**

To protect the health of all students and staff and to curtail the spread of infectious diseases, the County Superintendent and County Board shall cooperate with state and local public health agencies to encourage and facilitate immunization of all students in County Superintendent-operated schools against preventable diseases.

Each student enrolling for the first time in a County Superintendent-operated school, or child care and development program shall present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

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

Adopted: ###/###/2020

**LEGAL REFERENCE**Education Code

44871 Qualifications of supervisor of health  
46010 Total days of attendance  
48216 Immunization  
48853.5 Immediate enrollment of foster youth  
48980 Required notification of rights  
49403 Cooperation in control of communicable disease and immunizations  
49426 Duties of school nurses  
49701 Flexibility in enrollment of children of military families  
51745-51749.6 Independent study

Health and Safety Code

120325-120380 Immunization against communicable disease, especially:  
120335 Immunization requirement for admission  
120395 Information about meningococcal disease, including recommendation for vaccination  
120440 Disclosure of immunization information

Code of Regulations, Title 5

430 Student records

Code of Regulations, Title 17

6000-6075 School attendance immunization requirements

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United States Code, Title 20

1232g Family Educational Rights and Privacy Act

United States Code, Title 42

11432 Immediate enrollment of homeless children

Code of Federal Regulations, Title 34

99.1-99.67 Family Educational Rights and Privacy

**MANAGEMENT RESOURCES**

California Department of Public Health

California Immunization Handbook for Child Care Programs and Schools, August 2015

Guide to Immunizations Required for Child Care

Guide to Immunizations Required for School Entry

Parents' Guide to Immunizations Required for Child Care

Parents' Guide to Immunizations Required for School Entry

Education Audit Appeals Panel Publications

Guide for Annual Audits of Local Education Agencies and State Compliance Reporting, July 2015

U.S. Department of Education Guidance

Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009

Websites

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

California Department of Public Health, Immunization Branch:  
<http://www.cdph.ca.gov/programs/immunize>

California Department of Public Health, Shots for Schools: <http://shotsforschools.org>

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

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

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS****Students  
CHILD ABUSE PREVENTION AND REPORTING**Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)
3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of a student (Education Code 49001)
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)
6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors;

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administrators and employees of a licensed child day care facility; Head Start teachers; County Superintendent police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

**Reportable Offenses**

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

Any County Superintendent employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

**Responsibility for Reporting**

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency.

## FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

(Penal Code 11166)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a County Superintendent police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the appropriate agency, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**

Code 11167)

**3. Internal Reporting**

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the lead site administrator, or the County Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify their supervisor as soon as possible after the initial telephone report to the appropriate agency. When so notified, the supervisor shall inform the County Superintendent or designee.

The supervisor so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, County Superintendent/County Board policy, and administrative regulation. At the mandated reporter's request, the supervisor may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, lead site administrator, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

**Training**

Within the first six weeks of each school year, the County Superintendent or designee shall provide training on mandated reporting requirements to his/her employees and persons working on his/her behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The County Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

**Victim Interviews by Social Services**

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The County Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)



## FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the lead site administrator or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the County Superintendent or designee and/or lead site administrator shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

Parent/Guardian Complaints

Upon request, the County Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a County Superintendent employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS****Notifications**

The County Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The County Superintendent also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the County Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The County Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the County Superintendent for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166)

Adopted: 06/19/1995

Amended: 12/10/2009, \_\_/\_\_/2020

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students  
DISCIPLINE**

The County Superintendent and County Board are committed to providing a safe, supportive, and positive school environment which is conducive to student learning and achievement and desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The County Superintendent and County Board believe that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent/guardian involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

The County Superintendent or designee shall develop effective, age-appropriate, program appropriate strategies for maintaining a positive school climate and correcting student misbehavior. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of discipline policies and practices. County Superintendent staff shall use positive interventions and alternative disciplinary measures whenever possible to correct student misconduct. Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school shall be imposed only when required or permitted by law or when other means of correction have failed. (Education Code 48900.5)

County Superintendent personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. (Education Code 49557.5)

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to Education Code 49005.4. (Education Code 49005.2)

The administrative staff of school sites may develop disciplinary rules to meet the school's particular needs consistent with law, County Superintendent/County Board policy, and administrative regulations. The County Superintendent and County Board may review, at an open meeting, the approved site-level discipline rules for consistency with County Superintendent/County Board policy and state law. Site-level disciplinary rules shall be included in the County Superintendent/County Board comprehensive safety plan. (Education Code 32282, 35291.5)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

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When other means of correction have failed, students may be assigned to alternative programs, removed from school, or returned to their district of residence, in accordance with law, County Superintendent/County Board policy, and administrative regulation,

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the County Superintendent/County Board nondiscrimination policies.

The County Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively and equitably implement the disciplinary strategies, including, but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, and the tools to establish cooperative relationships with parents/guardians.

Adopted: 03/21/2013

Amended: ###/###/2020

**LEGAL REFERENCE**Education Code

32280-32289 School safety plans  
35146 Closed sessions  
35291 Rules  
35291.5-35291.7 School-adopted discipline rules  
37223 Weekend classes  
44807.5 Restriction from recess  
48900-48926 Suspension and expulsion  
48980-48985 Notification of parent/guardian  
49005-49006.4 Seclusion and restraint  
49330-49335 Injurious objects  
49550-49564.5 Meals for needy students  
52060-52077 Local control and accountability plan

Civil Code

1714.1 Parental liability for child's misconduct

Code of Regulations, Title 5

307 Participation in school activities until departure of bus  
353 Detention after school

United States Code, Title 20

1400-1482 Individuals with Disabilities Education Act

United States Code, Title 29

794 Section 504 of the Rehabilitation Act of 1973

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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United States Code, Title 42

1751-1769j School Lunch Program

1773 School Breakfast Program

**MANAGEMENT RESOURCES**

CSBA Publications

Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015

The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014

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

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

California Department of Education Program Advisories

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

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

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

Websites

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

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

Public Counsel: <http://www.fixschooldiscipline.org>

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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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**Students**  
**SUSPENSION AND EXPULSION/DUE PROCESS**

The County Superintendent and County Board desire to provide students of County Superintendent/County Board schools access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The County Superintendent or designee shall develop rules and regulations setting the standards of behavior expected of County Superintendent/County Board students and the disciplinary processes and procedures for addressing violations of those standards, including suspension, expulsion and return of students to their district(s) of residence.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the applicable administrative regulation(s).

County Superintendent staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with County Superintendent/County Board nondiscrimination policies.

Appropriate Use of Suspension Authority

Except as otherwise allowed under the law, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

Authority to Expel

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to the student or others.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be those specified in law and administrative regulation.

Due Process

Students shall be afforded their due process rights under the law. The County Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5)

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Expulsion Process and District of Residence

The County Superintendent or designee shall cooperate with the student's district of residence to address student behavior that involves expulsion violations committed while student was attending a County Superintendent/County Board school. Once the County Superintendent or designee refers a student back to the student's district of residence for expulsion violations, it is the district of residence's responsibility to ensure the student is afforded due process rights through the district of residence's expulsion process.

Maintenance and Monitoring of Outcome Data

At the end of each school year, the County Superintendent or designee shall complete a report regarding the use of suspension and/or expulsion in County Superintendent/County Board schools. The report shall include, but is not limited to, data and information which is required by law. Based on the data, the County Superintendent or designee shall address any identified disparities in the imposition of student discipline and shall determine whether and how the County Superintendent and County Board are meeting the goals for improving school climate as specified in the applicable local control and accountability plan.

Adopted: 04/16/1998, 03/21/2013

Amended: ###/###/2020

LEGAL REFERENCE

Education Code

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

8239.1 Prohibition against expulsion of preschool student

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

64000-64001 Consolidated application

Civil Code

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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47 Privileged communication

48.8 Defamation liability

Code of Civil Procedure

1985-1997 Subpoenas; means of production

Government Code

11455.20 Contempt

54950-54963 Ralph M. Brown Act

Health and Safety Code

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

Labor Code

230.7 Employee time off to appear in school on behalf of a child

Penal Code

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

Welfare and Institutions Code

729.6 Counseling

United States Code, Title 18



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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921 Definitions, firearm

United States Code, Title 20

1415(K) Placement in alternative educational setting

7961 Gun-free schools

United States Code, Title 42

11432-11435 Education of homeless children and youths

Court Decisions

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

Attorney General Opinions

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

**MANAGEMENT RESOURCES**

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

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

Websites

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

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

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

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

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Healthy Students:

<http://www2.ed.gov/about/offices/list/oese/osh>

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students****STUDENT EXPULSION ORDER APPEALS**

When expelled by the governing board of a school district that is within the jurisdiction of the Fresno County Board of Education ("County Board"), a student or the student's parent/guardian may appeal the expulsion to the County Board within 30 days of the district's action.

These rules of procedure are intended to serve as a guideline for all involved parties. The student and/or the parent or guardian who appeal an expulsion shall be referred to as "Appellant" and the expelling school board shall be referred to as "Respondent."

The following rules are to be liberally construed so as to allow the County Board a fair and impartial review of the proceedings conducted by the Respondent. However, these rules will remain within the scope of appropriate law.

The County Board shall hear and determine an appeal of an expulsion order issued against a student by a school district within the jurisdiction of the County Board.

Appellant must file an appeal of an expulsion to the County Board within 30 calendar days of the school district's action. The County Board lacks the jurisdiction to hear any appeal not filed within the 30 day period following the school district's decision.

**Prehearing Procedure**Notice of Appeal of Expulsion and Request for Transcript and Hearing

The expelled student of a school in Fresno County and/or the parent or guardian of that student may appeal the expulsion by the school board to the County Board by filing with the Fresno County Superintendent of Schools Legal Services Department ("Legal Services Department") a completed "Notice of Appeal of Expulsion and Request for Transcript and Hearing" form.

The "Notice of Appeal of Expulsion and Request for Transcript and Hearing" form will be provided to the Appellant upon request to the Legal Services Department. The appeal becomes official on the day the Legal Services Department receives a complete, timely filed "Notice of Appeal of Expulsion and Request for Transcript and Hearing" form. Failure to timely file a complete form shall foreclose the Appellant's right to appeal, and the Respondent's decision shall be the final decision.

The "Notice of Appeal of Expulsion and Request for Transcript and Hearing" shall be in writing and shall include the following information:

1. Name of the Appellant;
2. Contact address and telephone number of the Appellant and/or parent/guardian;
3. Name of Respondent;
4. Date of Respondent's action to expel student;
5. Ground(s) on which appeal is based; and
6. If the Respondent's order to expel shall be attached.

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At the same time that "Notice of Appeal of Expulsion and Request for Transcript and Hearing" is filed with the County Board, Appellant shall serve a copy of the "Notice of Appeal of Expulsion and Request for Transcript and Hearing" on the Respondent school district.

**Confirmation of Timely Filed Notice of Expulsion Appeal**

Upon a timely filing of the "Notice of Appeal of Expulsion and Request for Transcript and Hearing" with the County Board, the Legal Services Department shall within two (2) school days serve upon Appellant and Respondent, a "Notice of Filing of Expulsion Appeal" with a completed copy of the filed Notice of Appeal of Expulsion and Request for Transcript", a copy of the County Board's Policy No. 5144.3, and a copy of the relevant Education Code sections 48919 through 48925.

**Appellant's Duty to Deliver Transcript and Hearing Documents to County Board**

The Appellant shall submit to the County Board, a certified copy of the written transcripts and supporting documents of the proceedings before the school district. It shall be the responsibility of the Appellant to provide the Legal Services Department with the transcript of Respondent's hearing ten (10) days before the hearing date before the County Board.

Upon receipt of the expulsion records, the Legal Services Department will prepare and disperse copies of the appeal hearing file to appropriate persons. A copy of the appeal hearing file shall be available to the Appellant and Respondent on or before the expulsion appeal hearing.

**Notice of Hearing**

The County Board shall hold a hearing within twenty (20) school days of the filing of the appeal. (Education Code 48919)

No later than ten (10) days prior to the hearing, the Legal Services Department shall serve upon the Appellant and the Respondent, by certified mail, return receipt requested, a Notice of Hearing including details such as the date, time, and place of the hearing. The notice shall also contain a statement that the hearing shall be in closed session unless the County Board receives Appellant's request in writing at least five (5) days prior to the hearing, that the hearing be conducted in open session. If such request is made, the hearing shall be public unless another student's privacy rights would be violated. (Education Code 48920)

At least forty-eight (48) hours prior to the hearing, Appellant and Respondent shall each notify the Legal Services Department of the names of the persons known to them who intend to make presentations at the hearing. A written form will be sent to each party by the Legal Services Department.

Appellant and Respondent may each be accompanied by an attorney or representative advocate of choice, and the attorney or advocate shall be afforded an opportunity to speak on behalf of the client.

Either the Appellant or the Respondent may request a postponement of the hearing by submitting a written request, including the reason, to the County Superintendent or designee at least five (5) calendar days prior to the hearing. The request shall be acted upon by the County

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Superintendent within two (2) days after determining whether the request is based upon a showing of good cause. Any request for postponement made less than five (5) calendar days prior to the hearing will be considered by the County Board at the hearing. The request will be granted only upon a finding that a compelling reason or an emergency exists.

**Withdrawal of Expulsion Appeal**

Appellant may withdraw the appeal for any reason, including the parties having reached a satisfactory agreement before the hearing. The Legal Services Department will provide a form that Appellant must sign to officially withdraw the expulsion appeal. If Appellant does not withdraw the appeal, the County Board will hear the case as scheduled whether parties are present or not. Appellant may request withdrawal of appeal at the hearing.

**Conduct of Expulsion Hearing**Closed Session

Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the County Board shall hear an appeal of an expulsion order in closed session, unless the Appellant requests in writing at least five (5) days prior to the hearing that the hearing be conducted at a public meeting. Whether the expulsion hearing is held in closed or public session, the County Board may meet in closed session to deliberate on the appeal. If the County Board admits one of the parties or their representative(s) to the closed session, the other party or their representative(s) shall also be allowed to attend the closed session. (Education Code 48920)

Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48919)

Scope of Review

The County Board shall determine the appeal based on the record of the hearing before the Respondent and other applicable documentation and/or regulations. No evidence other than that contained in the record of proceedings of the Respondent shall be heard except in a de novo proceeding, granted pursuant to Education Code 48923. (Education Code 48921)

A de novo proceeding involves an independent determination by the County Board, of all the issues previously considered by the school district's governing board.

The County Board's review shall be limited to: (Education Code 48922)

1. Whether the governing board acted without or in excess of its jurisdiction, which includes, but is not limited to:
  - a. Expulsion hearing is not commenced within the legal time periods;

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- b. Expulsion order is not based on a violation of acts enumerated in Section 48900 et seq. of the Education Code; or
    - c. Expulsion is based on acts not related to school activity or attendance.
  2. Whether there was a fair hearing before the governing board.
  3. Whether there was a prejudicial abuse of discretion in the hearing. Abuse of discretion is established if:
    - a. School officials did not meet the procedural requirements of Education Code 48900-48926;
    - b. The decision to expel the student is not supported by the findings prescribed by Education Code 48915; or
    - c. The findings are not supported by the evidence
  4. Whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board.

The County Board may not reverse the decision of the Respondent to expel the Appellant based upon a finding of an abuse of discretion unless it also determines that the abuse of discretion was prejudicial. (Education Code 48932)

**Final Order of the County Board**

The County Board shall render its final decision within three (3) school days of the hearing unless the Appellant requests a postponement. (Education Code 48919) The County Board's decision shall be limited as follows: (Education Code 48923)

1. Where the County Board finds that relevant and material evidence exists which, in the exercise of reasonable diligence, could not have been produced, or which was improperly excluded at the hearing before the Respondent, the County Board may remand the matter to the Respondent for reconsideration or grant a hearing de novo.
2. Where the County Board determines that the Respondent's decision is not supported by findings required to be made by Education Code 48915, but evidence supporting such findings exists in the record of the proceedings, the County Board shall remand the matter to the Respondent for adoption and inclusion of the required findings.
3. In all other cases, the County Board shall either affirm or reverse the decision of the Respondent. If the County Board reverses the Respondent's decision, the County Board may direct the Respondent to expunge all references to the expulsion action

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from the Respondent and Appellant's records, and the expulsion shall be deemed not to have occurred.

The decision of the County Board shall be final and binding upon the Appellant and Respondent. The Appellant and Respondent shall be notified of the final order of the County Board, in writing, either by personal service or by certified mail. The order shall become final when rendered. (Education Code 48924)

**Preservation of Record**

A copy of the expulsion appeal records before the County Board will be kept with other County Board files. The minutes will state the names of those present at the hearing and the vote of each member.

The Legal Services Department will maintain expulsion appeal records until the Appellant's 21<sup>st</sup> birthday. At that time, the Legal Services Department may destroy these records with the exception of the County Board's decision. The written decision will be kept in such format as is permitted for the maintenance of permanent education records, e.g., hard copy, digital scan, microfiche.

Adopted: 04/16/1998

Amended: 12/10/2009, ###/###/2020

**Legal Reference****EDUCATION CODE**

1981 Enrollment of students

17292.5 Program for expelled students

35145 Public meetings

48900-48918.6 Suspension and expulsion

48919-48927 Expulsion appeals to county boards of education

49073-49079 Privacy of student records

**GOVERNMENT CODE**

11455.20 Contempt

54950-54962 Ralph M. Brown Act (re closed sessions)

**COURT DECISIONS**

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301, 308

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**FRESNO COUNTY BOARD OF EDUCATION**

**Management Resources**

**WEBSITES**

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

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

COE 5144.3, 01/2016; Doc# 7593.2

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Students**  
**SEARCH AND SEIZURE**

The County Superintendent and County Board are fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or County Superintendent property under their control and may seize illegal, unsafe, or otherwise prohibited items.

The County Superintendent and County Board urge that County Superintendent employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, policy, and administrative regulation.

The County Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the policy and administrative regulation and other legal issues, as appropriate.

Individual Searches

School officials may search any individual student, his/her property, or County Superintendent property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, policy, administrative regulation, or other rules of the County Superintendent or County Board, or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on school property, cellular phones, or other electronic communication devices.

Any search of a student, his/her property, or County Superintendent property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two County Superintendent employees.

The lead site administrator or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.



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Searches of Multiple Student Lockers/Desks

All student lockers and desks are the property of the County Superintendent. The lead site administrator or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Use of Metal Detectors

The County Superintendent and County Board believe that the presence of weapons in the schools threatens the ability to provide the safe and orderly learning environment to which students and County Superintendent staff are entitled. The County Superintendent and County Board also believe that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The County Superintendent or designee may use metal detectors at schools as necessary to help provide a safe learning environment. He/she shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

Adopted: ###/###/2020

LEGAL REFERENCE

Education Code

32280-32289 School safety plans  
35160 Authority of governing boards  
35160.1 Broad authority of school districts  
48900-48927 Suspension and expulsion  
49050-49051 Searches by school employees  
49330-49334 Injurious objects

Penal Code

626.9 Firearms  
626.10 Dirks, daggers, knives or razor

California Constitution

Article I, Section 28(c) Right to Safe Schools

Court Decisions

Redding v. Safford Unified School District, (9th Cir. 2008) 531 F.3d 1071  
B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260  
Jennings v. Joshua Independent School District, (5th Cir. 1989) 877 F.2d 313  
O'Connor v. Ortega, (1987) 480 U.S. 709  
New Jersey v. T.L.O., (1985) 469 U.S. 325  
Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

Attorney General Opinions

83 Ops.Cal.Atty.Gen. 257 (2001)

75 Ops.Cal.Atty.Gen. 155 (1992)

**MANAGEMENT RESOURCES**

National Institute of Justice Publications

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

Websites

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

California Attorney General's Office: <http://caag.state.ca.us>

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

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

5145.12, 11/2008; Doc# 123022

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Students**  
**FREEDOM OF SPEECH/EXPRESSION**

The County Superintendent and County Board believe that free inquiry and exchange of ideas are essential parts of a democratic education. The County Superintendent and County Board respect students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

On-Campus Expression

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications. (Education Code 48907)

Student expression on County Superintendent or school Internet web sites and online media shall generally be afforded the same protections as in print media.

Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation. (Education Code 48907)

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law. (Education Code 48907)

The County Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected. (Education Code 48950)

Off-Campus Expression

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other

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students, staff, or school property, or substantially disrupts the educational program. The County Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

Adopted:    **###/###/2020**

**LEGAL REFERENCE**

Education Code

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

51520 Prohibited solicitations on school premises

United States Code, Title 20

4071-4074 Equal Access Act

California Constitution

Article 1, Section 2 Freedom of speech and expression

U.S. Constitution

Amendment 1 Freedom of speech and expression

Court Decisions

Smith v. Novato Unified School District, (2007) 150 Cal.App.4th 1439

Lavine v. Blaine School District, (2001) 257 F.3d 981

Emmett v. Kirkland School District No. 415, (2000) 92 F.Supp. 2d 1088

J.S. v. Bethlehem Area School District, (2000) 757 A.2d 412 (Pa. Commw. 2000)

Beussink v. Woodland R-IV School District, (1998) 30 F.Supp. 2d 1175

Muller v. Jefferson Lighthouse School, (1996) 98 F.3d 1530

Lovell v. Poway Unified School District, (1996) 90 F.3d 367

Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562

Leeb v. DeLong, (1988) 198 Cal.App.3d 47

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

**MANAGEMENT RESOURCES**

Websites

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

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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students****NONDISCRIMINATION/HARASSMENT**

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a County Superintendent-operated school or program, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

The County Superintendent and County Board desire to provide a safe school environment that allows all students equal access to and opportunities in the County Superintendent's academic, extracurricular, and other educational support programs, services, and activities. The County Superintendent and County Board prohibit, at any County Superintendent-operated school, program or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The County Superintendent and County Board also prohibit any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The County Superintendent or designee shall facilitate students' access to the educational program by publicizing the County Superintendent's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the County Superintendent or designee shall post the FCSS' policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the County Superintendent's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

The County Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The County Superintendent or designee shall regularly review the implementation of the nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the County Superintendent's educational programs.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, County Superintendent and County Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

**Record-Keeping**

The County Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the County Superintendent to monitor, address, and prevent repetitive prohibited behavior in County Superintendent-operated schools and programs.

Adopted: 03/21/2013

Amended: ###/###/2020

**LEGAL REFERENCE****Education Code**

- 200-262.4 Prohibition of discrimination
- 48900.3 Suspension or expulsion for act of hate violence
- 48900.4 Suspension or expulsion for threats or harassment
- 48904 Liability of parent/guardian for willful student misconduct
- 48907 Student exercise of free expression
- 48950 Freedom of speech
- 48985 Translation of notices
- 49020-49023 Athletic programs
- 49060-49079 Student records
- 51500 Prohibited instruction or activity
- 51501 Prohibited means of instruction
- 60044 Prohibited instructional materials

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

Civil Code

1714.1 Liability of parents/guardians for willful misconduct of minor

Government Code

11135 Nondiscrimination in programs or activities funded by state

Penal Code

422.55 Definition of hate crime

422.6 Crimes, harassment

Code of Regulations, Title 5

432 Student record

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

United States Code, Title 20

1681-1688 Title IX of the Education Amendments of 1972

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

12101-12213 Title II equal opportunity for individuals with disabilities

Code of Federal Regulations, Title 28

35.107 Nondiscrimination on basis of disability; complaints

Code of Federal Regulations, Title 34

99.31 Disclosure of personally identifiable information

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

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Prohibition of discrimination based on age

Court Decisions

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

**MANAGEMENT RESOURCES**

CSBA Publications

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

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

First Amendment Center Publications

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

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

Resolution Agreement Between the Arcadia Unified School District, U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, (2013) OCR 09-12-1020, DOJ 169-12C-70

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, Fact Sheet, August 2010

U.S. Department of Health and Human Services Publications

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2003

Websites

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

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

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

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

First Amendment Center: <http://www.firstamendmentcenter.org>

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



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students  
PARENTAL NOTIFICATIONS**

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

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

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

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

Whenever a student enrolls in a County Superintendent/County Board school during the school year, his/her parents/guardians shall be given all required parental notifications at that time.

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

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

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

Adopted: 03/21/2013

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

Amended: ####/2020

**LEGAL REFERENCE****Education Code**

221.5 Prohibited sex discrimination

231.5 Sexual harassment policy

234.7 Student protections relating to immigration and citizenship status

262.3 Appeals for discrimination complaints; information regarding availability of civil remedies

310 Language acquisition programs

313 Reclassification of English learners, parental consultation

313.2 Long-term English learner, notification

440 English language proficiency assessment; instruction in English language development

8483 Before/after school program; enrollment priorities

17288 Building standards for university campuses

17611.5-17612 Notification of pesticide use

32221.5 Insurance for athletic team members

32255-32255.6 Right to refuse harmful or destructive use of animals

32390 Fingerprint program; contracts; funding; consent of parent/guardian

33479.3 The Eric Paredes Sudden Cardiac Arrest Prevention Act

35160.5 Extracurricular and cocurricular activities

35178.4 Notice of accreditation status

35182.5 Advertising in the classroom

35183 School dress codes; uniforms

35186 Complaints concerning deficiencies in instructional materials and facilities

35211 Driver training; district insurance, parent/guardian liability

35256 School Accountability Report Card

35258 School Accountability Report Card

35291 Rules for student discipline

37616 Consultation regarding year-round schedule

39831.5 School bus rider rules and information

44050 Employee codes of conduct, employee interactions with students

44808.5 Permission to leave school grounds

46010.1 Notice regarding excuse to obtain confidential medical services

46014 Regulations regarding absences for religious purposes

46600-46611 Interdistrict attendance agreements

48000 Minimum age of admission

48070.5 Promotion or retention of students

48204 Residency requirements

48205 Absence for personal reasons

48206.3 Students with temporary disabilities; individual instruction; definitions

48207-48208 Students with temporary disabilities in hospitals

48213 Prior notice of exclusion from attendance

48216 Immunization

48260.5 Notice regarding truancy

48262 Need for parent conference regarding truancy

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

- 48263 Referral to school attendance review board or probation department
- 48301 Interdistrict transfers
- 48350-48361 Open Enrollment Act
- 48354 Option to transfer from school identified under Open Enrollment Act
- 48357 Status of application for transfer from school identified under Open Enrollment Act
- 48412 Certificate of proficiency
- 48432.3 Voluntary enrollment in continuation education
- 48432.5 Involuntary transfers of students
- 48850-48859 Education of foster youth and homeless students
- 48900.1 Parental attendance required after suspension
- 48904 Liability of parent/guardian for willful student misconduct
- 48904.3 Withholding grades, diplomas, or transcripts
- 48906 Notification of release of student to peace officer
- 48911 Notification in case of suspension
- 48911.1 Assignment to supervised suspension classroom
- 48912 Closed sessions; consideration of suspension
- 48915.1 Expelled students; enrollment in another district
- 48916 Readmission procedures
- 48918 Rules governing expulsion procedures
- 48929 Transfer of student convicted of violent felony or misdemeanor
- 48980 Required notification at beginning of term
- 48980.3 Notification of pesticide use
- 48981 Time and means of notification
- 48982 Parent signature acknowledging receipt of notice
- 48983 Contents of notice
- 48984 Activities prohibited unless notice given
- 48985 Notices to parents in language other than English
- 48987 Child abuse information
- 49013 Use of uniform complaint procedures for complaints regarding student fees
- 49063 Notification of parental rights
- 49067 Student evaluation; student in danger of failing course
- 49068 Transfer of permanent enrollment and scholarship record
- 49069 Absolute right to access
- 49070 Challenging content of student record
- 49073 Release of directory information
- 49073.6 Student records, social media
- 49076 Access to student records
- 49077 Access to information concerning a student in compliance with court order
- 49403 Cooperation in control of communicable disease and immunization
- 49423 Administration of prescribed medication for student
- 49451 Physical examinations: parent's refusal to consent
- 49452.5 Screening for scoliosis
- 49452.7 Information on type 2 diabetes
- 49452.8 Oral health assessment
- 49456 Results of vision or hearing test
- 49471-49472 Insurance

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

- 49475 Student athletes; concussions and head injuries
- 49480 Continuing medication regimen for nonepisodic conditions
- 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
- 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
- 51225.1 Exemption from district graduation requirements
- 51225.2 Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students
- 51225.3 Graduation requirements; courses that satisfy college entrance criteria
- 51229 Course of study for grades 7-12
- 51513 Personal beliefs; privacy
- 51938 HIV/AIDS and sexual health instruction
- 52164 Language census
- 52164.1 Census-taking methods; determination of primary language; assessment of language skills
- 52164.3 Reassessment of English learners; notification of results
- 54444.2 Migrant education programs; parent involvement
- 56301 Child-find system; policies regarding written notification rights
- 56321 Special education: proposed assessment plan
- 56321.5-56321.6 Notice of parent rights pertaining to special education
- 56329 Written notice of right to findings; independent assessment
- 56341.1 Development of individualized education program; right to audio record meeting
- 56341.5 Individualized education program team meetings
- 56343.5 Individualized education program meetings
- 56521.1 Behavioral intervention
- 58501 Alternative schools; notice required prior to establishment
- 60615 Exemption from state assessment
- 60641 California Assessment of Student Performance and Progress
- 69432.9 Submission of grade point average to Cal Grant program

**Civil Code**

- 1798.29 District records, breach of security

**Health and Safety Code**

- 1596.857 Right to enter child care facility
- 104420 Tobacco use prevention
- 104855 Availability of topical fluoride treatment
- 116277 Lead testing of school drinking water
- 120365-120375 Immunizations
- 120440 Sharing immunization information
- 124100-124105 Health screening and immunizations

**Penal Code**

- 626.81 Notice of permission granted to sex offender to volunteer on campus
- 627.5 Hearing request following denial or revocation of registration

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

Code of Regulations, Title 5

- 852 Exemptions from state assessments
- 863 Reports of state assessment results
- 3052 Behavioral intervention
- 4622 Notification of uniform complaint procedures
- 4631 Uniform complaint procedures; notification of decision and right to appeal
- 4702 Student transfer from school identified under Open Enrollment Act
- 4917 Notification of sexual harassment policy
- 11303 Reclassification of English learners
- 11511.5 English language proficiency assessment; test results
- 11523 Notice of proficiency examinations
- 18066 Child care policies regarding excused and unexcused absences
- 18094-18095 Notice of Action; child care services
- 18114 Notice of delinquent fees; child care services
- 18118-18119 Notice of Action; child care services

Code of Regulations, Title 17

- 2951 Hearing tests
- 6040 Time period to obtain needed immunizations

United States Code, Title 20

- 1232g Family Educational and Privacy Rights Act
- 1232h Privacy rights
- 1415 Procedural safeguards
- 6311 State plan
- 6312 Local educational agency plans
- 6318 Parent and family engagement
- 7908 Armed forces recruiter access to students

United States Code, Title 42

- 1758 Child nutrition programs
- 11431-11435 McKinney-Vento Homeless Assistance Act

Code of Federal Regulations, Title 7

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

Code of Federal Regulations, Title 34

- 99.7 Student records, annual notification
- 99.30 Disclosure of personally identifiable information
- 99.34 Student records, disclosure to other educational agencies
- 99.37 Disclosure of directory information
- 104.32 District responsibility to provide free appropriate public education
- 104.36 Procedural safeguards
- 104.8 Nondiscrimination
- 106.9 Dissemination of policy, nondiscrimination on basis of sex

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

200.48 Teacher qualifications

300.300 Parent consent for special education evaluation

300.322 Parent participation in IEP team meetings

300.502 Independent educational evaluation of student with disability

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

300.504 Procedural safeguards notice for students with disabilities

300.508 Due process complaint

300.530 Discipline procedures

Code of Federal Regulations, Title 40

763.84 Asbestos inspections, response actions and post-response actions

763.93 Asbestos management plans

**MANAGEMENT RESOURCES**

U.S. Department of Agriculture Publications

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

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

Websites

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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

Students

**SEXUAL HARASSMENT**

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

The County Superintendent and County Board strongly encourage students who feel that they are being or have been sexually harassed on school or program grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the lead site administrator, the County Superintendent's Title IX Coordinator, or any other available school or program employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant.

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

Instruction/Information

The County Superintendent or designee shall ensure that all students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the County Superintendent's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect

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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

the manner in which the sexual harassment complaint will be received, investigated, or resolved

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the County Superintendent's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the County Superintendent's investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the County Superintendent will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

#### Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

#### Record-Keeping

In accordance with law, the County Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the County Superintendent to monitor, address, and prevent repetitive harassing behavior in County Superintendent-operated schools and programs.

Adopted: 03/21/2013

Amended: ###/###/2020

#### LEGAL REFERENCE

##### Education Code

200-262.4 Prohibition of discrimination on the basis of sex



**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

- 48900 Grounds for suspension or expulsion
- 48900.2 Additional grounds for suspension or expulsion; sexual harassment
- 48904 Liability of parent/guardian for willful student misconduct
- 48980 Notice at beginning of term
- 48985 Notices, report, statements and records in primary language

Civil Code

- 51.9 Liability for sexual harassment; business, service and professional relationships
- 1714.1 Liability of parents/guardians for willful misconduct of minor

Government Code

- 12950.1 Sexual harassment training

Code of Regulations, Title 5

- 4600-4670 Uniform complaint procedures
- 4900-4965 Nondiscrimination in elementary and secondary education programs

United States Code, Title 20

- 1092 Definition of sexual assault
- 1221 Application of laws
- 1232g Family Educational Rights and Privacy Act
- 1681-1688 Title IX of the Education Amendments of 1972

United States Code, Title 34

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

United States Code, Title 42

- 1983 Civil action for deprivation of rights
- 2000d-2000d-7 Title VI, Civil Rights Act of 1964
- 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

Code of Federal Regulation, Title 34

- 99.1-99.67 Family Educational Rights and Privacy
- 106.1-106.82 Nondiscrimination on the basis of sex in education programs

Court Decisions

- Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
- Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
- Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736
- Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
- Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
- Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
- Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

**MANAGEMENT RESOURCES**

CSBA Publications

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**

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

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

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

Q&A on Campus Sexual Misconduct, September 2017

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

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

Websites

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

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

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

## **ACTION**

- TOPIC:** Consider Repeal of Specified Board Policies: Classification - Students, 5000s
- ISSUE:** Superintendent and Board Policies
- BACKGROUND:** As part of the ongoing updating of policies of the Fresno County Board of Education (Board) and the Fresno County Superintendent of Schools (County Superintendent), certain policies may need to be repealed because their subject matters are addressed in other policies or such policies are no longer needed due to changes in the law or other reasons.
- The policies listed on Exhibit A and attached thereto are being presented for the Board's consideration and repeal for the reasons stated on Exhibit A.
- PRESENTER** Jason C. Parkin, General Counsel  
Legal Services  
(559) 265-3003
- RESOURCE:** Jason C. Parkin, General Counsel  
Legal Services  
(559) 265-3003
- RECOMMENDATION:** The Administration recommends that the Board repeal the Policies that are listed on Exhibit A and attached thereto.

EXHIBIT A

REPEAL OF POLICIES – 5000s

Policy No.	Subject	Reason for Repeal
5112.1 BP	Exemptions from Regular Attendance	This policy is outdated and the subject matter of this policy is addressed in SP/BP 5113.
5112.3 SP/BP	Students with AIDS	This policy is outdated and no longer necessary under applicable law.
5114.1 SP/BP	Expulsion Appeal Process	This policy is outdated and the subject matter of this policy is addressed in SP/BP 5144.3.
5118 BP	Interdistrict Attendance Appeal	This policy is outdated and the subject matter of this policy is addressed in SP/BP 5117 (updated 11/2019).
5118 Bd.- AR	Interdistrict Attendance Appeal	This policy is outdated and the subject matter of this policy is addressed in SP/BP 5117 (updated 11/2019).
5124 SP/BP	Reporting to Parents	This policy is outdated and the subject matter of this policy is addressed in SP/BP 5020 and SP/BP 5145.7.
5140 SP/BP	Welfare	This policy is outdated, no longer necessary under applicable law, and the subject matter is addressed in other policies.
5141.23 SP/BP	Asthma Management	The subject matter of this policy is addressed in SP/BP 5141.21.
5141.27 SP/BP	Food Allergies/Special Dietary Needs	This policy is not required by law and assumes obligations not required under the law.
5134 SP/BP	Married/Pregnant Students	This policy is outdated and no longer necessary under applicable law.
5141.33 SP/BP	Vision and Hearing	This policy is outdated and the subject matter of this policy is addressed in SP/BP 5141.3.
5142 SP/BP	Safety	This policy is outdated and the subject matter is addressed in other policies.
5145 SP/BP	Civil and Legal Rights and Responsibilities	This policy is outdated and the subject matter is addressed in other policies.

## STUDENTS

Exemptions From Regular Attendance

Pupils may be exempted from compulsory full-time education in the schools of this county only under those specific circumstances which are described in the Education Code.

It is the desire of the County Board of Education and/or the County Superintendent of Schools that every person in this county who is subject to compulsory full-time education should attend the schools of his district if at all possible, and that no exemptions be made without verification of the facts in each case. Presentation of satisfactory evidence will be required for those students suffering from mental or physical conditions which prevent or make inadvisable their attendance at school. It is also the intention of the County Board of Education and/or the County Superintendent of Schools that pupils exempted from compulsory full-time education be provided with home instruction in cases where such instruction would be of benefit to the children and in accordance with law. In the case of students with disabilities, a free appropriate public education will be provided in accordance with federal and state laws and regulations.

## Legal Reference:

## Education Code

48200-	Persons Included
48204	(Compulsory Education)
48210-	Persons Excluded
48220-	Pupils Exempt
48231	(Compulsory Education)

## STUDENTS

### Students With Aids

The county office recognizes its responsibility to protect the health of its students as well as to uphold their individual rights. It believes that the recommendations of leading public health authorities that the student with AIDS be admitted to school, based upon the individual circumstances, acknowledges this dual responsibility. It recognizes the importance of the academic interaction and socialization received by the students with AIDS in the school setting. When requested to do so by the student's parents, the county office will permit students with AIDS to attend classes, contingent upon an evaluation of the situation conducted in accordance with administrative regulations and with the written concurrence of the student's physician and the county public health department that such admittance poses no increased risk to the student with AIDS or to his/her classmates.

Without the written medical concurrence required above, the student with AIDS shall be excluded from admission.

The superintendent shall ensure that there will be no release of information, in violation of county office policy governing the confidentiality of student records, regarding students with AIDS. In all instances, confidential information shall not be released without parental consent.

(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.3 - Health Examinations)  
(cf. 5141.31 - Immunizations)

Legal Reference:                   Health and Safety Code  
  3380-3390       Immunization against communicable diseases  
  3400            Tuberculosis tests for pupils  
  et seq

  Administrative Code, Title 17  
  6000-6075       School attendance immunization requirements

## STUDENTS

### Expulsion Appeal Process

#### Basis for Hearing

This Fresno County Board of Education policy is adopted to implement Education Code Section 48919 which reads in pertinent part:

"If a pupil is expelled from school, the pupil or the pupil's parent or guardian may, within 30 days following the decision to expel, file an appeal to the County Board of Education which shall hold a hearing thereon and render its decision. The County Board shall hold a hearing within 20 school days of the request and shall render a decision within three school days of the hearing, unless the pupil requests a postponement."

" . . .

"The County Board of Education shall adopt rules and regulations establishing procedures for expulsion appeals. . . .

" . . .

These rules of procedure are intended to serve as a guideline for all involved parties. The student and/or the parent or guardian who appeals an expulsion shall be referred to as "Appellant" when prosecuting the appeal. The expelling school board shall be referred to as "Respondent" when defending against the appeal. The County Board of Education shall be referred to as "County Board" in hearing the appeal and reaching its decision.

The following rules are to be liberally construed, except when they coincide with Education Code sections, to that the County Board will be able to hold a fair and impartial review of the proceedings conducted by the Respondent. However, these rules will remain within the scope of appropriate law.

#### Prehearing Procedure

##### A. Notice Of Appeal Of Expulsion And Request For Transcript and Hearing

The expelled pupil of a school in Fresno County and/or the parent or guardian of that pupil may appeal the expulsion by the school board to the Fresno County Board by filing with the Fresno County Superintendent of Schools (Attention: Legal Department) a written "Notice of Appeal of Expulsion and Request for Transcript and Hearing" form. This "Notice of Appeal" will be provided to the interested party (Appellant) upon request. The appeal becomes official on the day the Superintendent's Office receives the signed "Notice of Appeal" provided it is received within 30 days of the date of the school board's decision to expel pupil.

##### B. Notice Of Filing Of Expulsion Appeal and Order for Transcript

Upon the filing of the "Notice of Appeal of Expulsion and Request for Transcript and Hearing", the Legal Department shall within two (2) school days serve upon Appellant and Respondent, a "Notice of Filing of Expulsion Appeal and Order for Transcript". This "Notice of Filing" will set forth the procedures for Appellant's submission of transcript of Respondent's hearing to the County Board (c/o Legal Department). Along with the "Notice of Filing," will be a copy of E.C. Sections 48919 through 48925.

##### C. Notice of Hearing

Upon the filing of the "Notice of Appeal of Expulsion and Request for Transcript and Hearing," the Legal Department shall within (5) school days serve upon Appellant and Respondent a "Notice of Hearing." The hearing date before the County Board shall be set within 20 schooldays of the receipt of the "Notice of Appeal of Expulsion and Request for Transcript and Hearing."

Suspension And Expulsion: Due Process (continued)

D. Delivery of Records to the County Board

It shall be the responsibility of the Appellant to provide the County Board (Legal Department) with the transcript of Respondent's hearing nine (9) days before the hearing set before the County Board.

It shall be the responsibility of the Respondent to provide the County Board (Legal Department) with all supporting documents involving the expulsion including, but not limited to: school board's policies, rules, and/or regulations; correspondence/notices sent or received by the district; hearing records; documented evidence.

Upon the Legal Department's receipt of the expulsion records, it will have these records duplicated legibly and dispersed (in folders) to appropriate persons. Appellant and Respondent will each receive at least one copy of the expulsion records on or before the expulsion appeal hearing.

E. Notice to County Board of Names of Persons who will Make presentations at the Hearing

At least 48 hours prior to the hearing, Appellant and Respondent School Board shall each notify the Legal Department of the names of the persons known to them who intend to make presentations at the hearing. A written form will be sent each party by the Legal Department.

Appellant and Respondent may each be accompanied by an attorney of choice and such attorney shall be afforded an opportunity to speak on behalf of the client.

F. Continuance of Hearing (request before or at the initial hearing)

A request for a continuance may be made by Appellant or Respondent (or both). The written or oral request(s) shall be directed to the Legal Department.

Either party may, as of right, request one continuance. Upon receipt of said request, the hearing shall be reset for the next regular County Board meeting. The Legal Department shall inform the parties in writing of the new hearing date and time.

A stipulated continuance may be requested; however, in this situation each party will have exercised its right to one continuance. The hearing will be reset for the next regular County Board meeting. The Legal Department shall inform the parties in writing of the new hearing date and time.

**Continuance of Hearing (second request after initial hearing date or at rescheduled hearing)**

A second request (by the party that made the first request or parties) for continuance will be decided upon in a case by case basis. If the second request is made at the County Board meeting (the rescheduled hearing), the County Board may grant or deny the continuance. If the request is granted, the Legal Department will inform the parties in writing of the new hearing date and time.

G. Withdrawal of Expulsion Appeal

If the parties reach a satisfactory agreement before the hearing, the Appellant may withdraw the expulsion appeal. (However, Appellant may withdraw for any reason). The Legal Department will provide a form that Appellant must sign to officially withdraw the expulsion appeal. If Appellant does not withdraw the appeal, the County Board will hear the case as scheduled whether parties are present or not.



Suspension And Expulsion: Due Process (continued)

Appellant may request withdrawal of appeal at the hearing.

Hearing Before County Board:

The expulsion appeal hearing before the County Board is not a rehearing but a review of the school district's decision to expel. The review shall be limited to the following questions:

- (1) Whether the governing board of the school district acted without or in excess of its jurisdiction.
- (2) Whether there was a fair hearing before the governing board.
- (3) Whether there was prejudicial abuse of discretion in the school district's expulsion hearing.
- (4) Whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the expulsion hearing before the school district.

A proceeding without or in excess of jurisdiction includes, but is not limited to, a situation where an expulsion hearing is not commenced within the time periods prescribed in Article 1. (Section 48900 *et seq.*) of the California Education Code, a situation where an expulsion order is not based upon the acts enumerated in Section 48900 of the Education Code, or a situation involving acts not related to school activity or attendance.

An abuse of discretion is established in any of the following situations:

- (1) If school officials have not met the procedural requirements of the California Education Code.
- (2) If the decision to expel is not supported by the findings prescribed by Section 48915<sup>1</sup> of the Education Code.
- (3) If the findings are not supported by the evidence.

The County Board shall determine the appeal based upon the record of the hearing before the Respondent together with applicable documentation as submitted to the County Board.

The County Board shall not receive any evidence other than that contained in the record of the proceedings of the Respondent unless a *de novo* proceeding is granted.

Conduct of Hearing:

The President of the County Board shall preside over the hearing which shall be conducted in closed session unless the pupil or the pupil's parent or guardian shall, in writing at least five (5) days prior to the date of hearing, request that the hearing be a public meeting. If such request is served upon the County Board, the meeting shall be a public meeting. Each party shall be allowed ten (10) minutes for oral argument beginning with Appellant. During and after presentations, the County Board members may direct questions to any person who appeared before the County Board. The President will close the hearing and will request that all persons present leave the hearing room, except board members, recording secretary, and counsel to the County Board. The County Board will deliberate but if any member of the County Board wishes to ask additional questions of any person who appeared before the County Board, the President may reopen the hearing and recall the parties. After questioning, the parties will again leave and deliberations will continue. After deliberations, the parties will be called in to the meeting room and a County Board member will make a motion on the matter.

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<sup>1</sup> Probable Legislative intent is Section 48918 of the Education Code.

Suspension And Expulsion: Due Process (continued)Decision:

A County Board member will make a motion to one of the following:

- (a) uphold/affirm the decision of the Respondent to expel Appellant,
- (b) reverse the decision of the Respondent to expel Appellant,  
(The County Board will direct Respondent to expunge pupil records and school districts records of any reference to the expulsion action and such expulsion shall be deemed not to have occurred.)  
(The County Board will direct Respondent to reimburse Appellant for the cost of the transcription of the hearing before the Respondent.)
- (c) remand the matter to the Respondent for reconsideration, or instead, grant a hearing de novo (new).  
(The County Board may remand the matter if item (4) on page 4 applies or if item (1) on page 4 applies. If item (1) applies, the County board may order the pupil reinstated pending such reconsideration.)
- (d) postpone making a decision/continue the hearing  
(The County Board may continue the hearing at a later time; however, the decision must be made within three (3) days.)

The final decision shall be announced in public meeting.

Finality of the Order

The decision of the County Board shall be final and binding upon both parties. The parties shall each receive a copy of the final order by personal service or certified mail. The order shall become final when rendered.

Preservation of Record

A copy of the expulsion appeal records before the County board will be kept with other County board files (with the exception of the decision).

The minutes will state the names of those present at the hearing and the vote of each member.

The Legal Department will keep a (hard) copy of the expulsion appeal records until the pupil's 21<sup>st</sup> birthday. At that time, the Legal Department may destroy these records (with the exception of the decision). The written decision will be kept in some form, e.g., hard copy or microfiche.

Appellants are encouraged to keep their folder of the expulsion appeal documents.

Legal references: Education Code Sections 48919,-48925

Policy Adopted: 4/16/98

STUDENTS

Interdistrict Attendance Appeal

The person having legal custody may appeal, within 30 calendar days of the failure or refusal to issue a permit, or enter into an agreement allowing the attendance, to the County Board of Education having jurisdiction over the district of residence of the parent or legal guardian or person having legal custody.

The County board of Education shall, within 30 calendar days after the appeal is filed, determine whether the pupil should be permitted to attend in the district in which he desires to attend the applicable period of time.

Legal references:

Education Code Section 46601(a) & (b)

## STUDENTS

### Interdistrict Transfer Appeal

- A. The person having legal custody of a pupil shall have the right to appeal to the County Board of Education if an interdistrict attendance permit is denied or the districts fail or refuse to enter into an agreement to allow the interdistrict attendance.
  1. The County Board will determine whether the pupil shall be permitted to attend school in the district in which he or she desires.
  2. It is the wish of the County Board that interdistrict attendance appeal proceedings be completed in a prudent manner consistent with allowing the pupil and the school district(s) an opportunity to prepare and present appropriate information regarding their cases.

### Overview and Definitions

- A. Interdistrict Transfer (hereafter IDT)
  1. When the person having legal custody of a pupil requests that the pupil be permitted to attend school in a district other than the pupil's district of legal residence, the governing boards of the pupil's district of residence and preferred district of attendance can enter into an agreement to allow the pupil to attend the preferred district for not more than five years.
- B. District of Residence
  1. A pupil shall be deemed to have complied with the residency requirements for school attendance in a school district provided he or she is any of the following:
    - a) A pupil that resides with their parent/legal guardian in that district on a daily basis.
    - b) A pupil placed within that district in a regularly established licensed children's institution, licensed foster home or a family home.
    - c) A pupil whose residence is located within the boundaries of the desired school district and whose parent or legal guardian is relieved of responsibility, control and authority through emancipation.
    - d) A pupil who lives in the home of a caregiving adult that is located within the boundaries of that school district. Execution of an affidavit is necessary in this case.
    - e) A pupil residing in a state hospital located within the boundaries of that school district.
    - f) An elementary pupil, one or both of whose parents, or whose legal guardian, is employed within the boundaries of that school district.
- C. District of Attendance
  1. A district other than the district of residence, within which a pupil attends school.

### Reasons for Requesting an Interdistrict Transfer

- A. Guidelines for requesting an IDT will depend upon individual local district policy. Reasons to request a transfer may include, but are not limited to, the following:
  1. When child care needs of the student are met by someone in another district.
    - a) Students who are granted interdistrict transfer agreements on the basis of child care shall be allowed to continue attending school in that district of choice through the twelfth grade, so long as the parent/guardian chooses.
  2. When special mental or physical health needs, as certified by a physician, school psychologist or other appropriate school personnel, can be met in another district.
  3. When the student has siblings attending school in a different district in order to avoid splitting the family's attendance.
  4. To complete a school year when parents/guardians have moved out of the district during the school year

Interdistrict Transfer Appeal (continued)

5. To allow students to remain with a class pending graduating later that year from an elementary, junior or senior high school.
6. To let seniors attend the same school they attended as juniors, even if their families moved out of the district during the junior year.
7. When there is a valid interest in a particular educational program not offered in the district of residency. (NOTE: Program means more than one class, e.g., Agriculture, ROP, Auto Mechanics, GATE etc.).
8. To provide a major change in school environment for reasons of personal and social adjustment.
9. When the parent/guardian provides written evidence that the family will be moving to the receiving district in the immediate future and would like the student to start the year in that district.
10. When the student will be living out of the district for one year or less.
11. To meet special or unique transportation needs of a student.

Informal Solutions Prior to County Board Appeal

- A. The County Board believes it may be possible in some cases to arrive at solutions that would make an appeal necessary. Therefore, the designee of the county superintendent shall investigate to determine whether local remedies in the matter have been exhausted.
  1. These informal procedures are not considered a substitute for an appeal to the County Board. The parent or guardian is free to reject a proposed informal solution and proceed with their right to an appeal.

Procedures to Appeal to the County Board of Education

- A. If the parent/guardian wishes to appeal to the County Board of Education regarding an interdistrict transfer denial, the following steps are necessary:
  1. Within 30 calendar days of the failure or refusal of a school district(s) to issue an IDT permit or to enter into an agreement to allow the interdistrict attendance, the parent/legal guardian shall contact the secretary of the Fresno County Board of Education and indicate their desire to appeal.
    - a) Failure to appeal within the required time is good cause for denial of an appeal.
  2. The County Board secretary will provide the parent/guardian with a Fresno County Office of Education "Interdistrict Attendance Appeal" form.
  3. The parent/guardian will return the completed Interdistrict Attendance Appeal form as well as a completed copy of the IDT permit to the Board secretary by 12:00 noon on the Monday the week prior to the hearing.
    - a) The Board secretary will inform the parent/guardian of the due date in writing.
    - b) Failure to meet this deadline will result in forfeiture of the right of appeal.
- B. The district(s) involved in the appeal may also supply written arguments and documentation supporting their case.
  1. The copies of the written documentation from the parent/guardian and from the district(s) shall be provided to the county board for their review.
  2. The county superintendent's designee shall investigate the case and if a local remedy is not possible, the designee shall prepare a report for the County Board. The report shall include pertinent background information regarding the case.
- C. Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials while expulsion proceedings are pending, or during the term of the expulsion.

The County Board Appeal Hearing

- A. The County Board shall, within thirty (30) calendar days after the filing of the appeal form, determine whether the pupil should be permitted to attend school in the district in which he/she desires to attend and the applicable period of time.

Interdistrict Transfer Appeal (continued)

1. In the event that compliance by the County Board within the time requirements for determining whether the pupil should be permitted to attend school in the district in which he/she desires to attend is deemed impractical, or for other good cause, the County Board may extend the time for up to an additional five school days. An extension may be imposed by the Board prior to the appeal or at the time of the appeal, or by the county superintendent of schools prior to the appeal.
  2. The county shall provide adequate notice in writing to all parties of the time, date and location of the hearing.
  3. The County Board may grant a continuance upon showing of good cause.
  4. Failure of the parent/guardian to appear at the scheduled appeal without just cause may be deemed an abandonment of the appeal and the County Board may dismiss the matter.
- B. The hearing shall be conducted in open session at the regularly scheduled County Board meeting although the parent/guardian can request a closed session hearing if deemed appropriate by the Board.
1. The pupil under consideration may be present at the hearing at the discretion of the parent/guardian.
  2. Evidence presented at the hearing shall be relevant to the matter.
  3. Inflammatory statements, accusations or questions will not be tolerated.
- C. The appeal hearing will be presided over by the president of the Fresno County Board of Education or his/her designee.
1. Following appropriate introductions, the respective parties will be given approximately 5 minutes to make an oral presentation to the board. The parent/guardian will make the first presentation followed by the district(s).
  2. The Board members may direct questions to the respective parties at anytime during and after the presentations.
  3. At the conclusion of the presentations and questioning, the president will call for a vote of the Board members. The Board will render its decision in open session.
    - a) The Board shall base its decision upon the evidence and testimony presented and the accompanying documentation provided by the parent/guardian, the district(s) and the designee of the county superintendent.
    - b) Criteria which may be used by the County Board in arriving at a decision to grant the pupil's appeal request could include, but not be limited to the following:
      - (1) The district the of residence does not offer the education program desired by parent and the proposed district of attendance offers such a program.
      - (2) A hardship will result if the pupil is required to attend the district of residence. A possible example is after school child care.
      - (3) Substantial danger to the pupil's health or safety will be removed or mitigated by granting the appeal.
    - c) When dealing with interdistrict attendance appeals, the County Board will also consider the potential implications for either of the districts involved. For example:
      - (1) What will be the effects on students in either district.
      - (2) If there room at the schools in the desired district.
    - d) The board's decision will generally result in one of the following actions:
      - (1) The Board shall grant the appeal upon a determination that the pupil should be permitted to attend school in the district in which he/she desires and the pupil shall be admitted without delay. In granting the appeal, the Board will stipulate the applicable period of time.
      - (2) The Board shall deny the appeal upon a determination that the pupil should not be permitted to attend school in the district in which he/she desires to attend.
    - e) The County Board will also have the authority to remand the matter back to the district(s) governing board(s) should evidence and testimony present new information not previously available.

Interdistrict Transfer Appeal (continued)

- (a) If the IDT request is again denied following reconsideration by the District(s) board(s), the parent/guardian will be entitled to an appeal hearing before the County Board regarding the new evidence.
- e) The decision by the County Board is final and binding to all parties.
  - (1) There shall be no rehearing or reconsideration by the County Board once the final order of decision is rendered.
  - (2) The order of the final notice shall be delivered to all parties in writing.

Provisional Attendance

- A. For a period not to exceed two school months, the governing board of a school district may provisionally admit to the schools of the district a pupil who resides in another district pending a decision of the two boards, or by the County Board of Education upon appeal, regarding the interdistrict attendance.

Interdistrict Attendance Involving Districts Located in Different Counties

- A. If the interdistrict attendance involves school districts located in different counties, the County Board of Education having jurisdiction over the district denying the permit, or refusing or failing to enter into an agreement to allow for the issuance of a permit, shall have jurisdiction for purposes of an appeal. If both districts deny a permit, or refuse or fail to enter into an agreement to allow for the issuance of a permit, the County Board having jurisdiction over the district of residence shall have jurisdiction for purposes of an appeal and, upon granting a pupil's appeal, shall seek concurrence in the decision by the County Board of the other county which shall provide adequate opportunity for the district under its jurisdiction to be heard on the matter before making a decision. If the two county boards do not then concur, the pupil's appeal shall be denied.

Legal Reference:	Education Code	
	46600-	
	46604	Admission to school without delay upon board (county) approval
	48204	

## STUDENTS

### Reporting To Parents

The County Superintendent and County Board believes that good communication between parent and teacher is important in the educational process.

With this in mind, the Superintendent requests teachers and administrators provide frequent and varied contacts between parents and teachers. All appropriate forms and methods of communication, such as parent-teacher conferences, student progress reports, mail, telephone, and school visitation by parents should be used.

Procedures and the specific methods to be used will be those recommended by the Special Education Local Plan Area for students with disabilities. It is particularly important that evaluations of students on an individualized education program be communicated quickly and fully to the parent or guardian.

### Legal Reference:

#### Education Code

49066	Grades, finalization; physical education class
49067	Regulations regarding pupil's achievement
49069	Grades, finalization; physical education class



STUDENTS

Welfare

Students shall be under the supervision of the school authorities from the time they arrive on the school premises until they leave the school premises. When students are provided transportation to and from the school premises by the County, they shall be under the supervision of school authorities from the time they board the school bus until the time they leave the school bus. Students shall also be under the County's supervision at all sponsored functions such as athletic contests, class parties, field trips (cf. 5142 - Safety).

Notification Of Parents

By law, the parent or guardian of its minor students shall be notified of the students' or parents' rights concerning the students' welfare.

Legal Reference:	Education Code	
	44807	Duty concerning conduct of pupils; limitation on criminal prosecution
	44808	Exemption from responsibility or liability for conduct and safety of pupils off-campus; exceptions
	44808.5	Permission for pupils to leave school grounds; notice (high school)
	48921	Duties of pupils
	48980-48985	Notification of Parents and Guardians
	56346	Notice to parents prior to placement
	California Administrative Code, Title 5	
	14103	Authority of the Driver

The Superintendent and County Board desire to provide support systems for students with asthma in order to reduce school absences, help ensure that such students receive appropriate intervention if symptoms occur at school, and enable them to participate in the educational program and school activities to the extent possible.

The Superintendent or designee shall involve school nurses, other health professionals, school administrators, and health educators in the development of strategies to help provide a healthy and safe school environment for students with asthma. He/she may also involve school health councils or committees and other interested persons to ensure that Fresno County Office of Education's ("FCOE") strategies are coordinated with other school health programs and practices.

FCOE strategies shall include, but not be limited to, procedures for identifying and addressing individual student needs, providing effective professional development on asthma symptoms and staff responsibilities, and identifying and reducing environmental factors at school that may trigger and/or worsen asthma symptoms.

**Legal Reference:**

EDUCATION CODE

49407 Liability for treatment  
49408 Emergency information  
49414.5 Providing school personnel with voluntary emergency training  
49423-49423.1 Administration of prescribed medication for student  
49423.5 Specialized health care services  
49426 School nurses  
49480 Continuing medication regimen; notice  
51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974  
1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

280g Children's asthma treatment grant program

**Management Resources:**

**CSBA PUBLICATIONS**

Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008

Asthma Management in the Schools, Policy Brief, March 2008

Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008

**CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS**

Asthma Action Plan for Schools and Families, January 2007

Guidelines for the Management of Asthma in California Schools, April 2004

**CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS**

Managing Asthma in Schools ? What Have We Learned?, August 2006

**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**

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

**U.S. ENVIRONMENTAL PROTECTION AGENCY PUBLICATIONS**

Indoor Air Quality Tools for Schools

**WEB SITES**

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

American Lung Association: <http://www.lungusa.org>

American School Health Association: <http://www.ashaweb.org>

California Asthma Public Health Initiative: <http://caasthma.org>

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

California School Nurses Organization: <http://www.csno.org>

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

National Heart, Lung, and Blood Institute: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

U.S. Environmental Protection Agency (EPA): <http://www.epa.gov/asthma>

The Superintendent and County Board desire to prevent exposure of students to foods to which they are allergic and to provide for prompt and appropriate treatment in the event that a severe allergic reaction occurs at school.

The Superintendent or designee shall develop guidelines for the care of food-allergic students. Such guidelines shall include, but not be limited to, strategies for identifying students at risk for allergic reactions, avoidance measures and other means to manage allergies, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction.

Parents/guardians shall be responsible for notifying the Superintendent or designee, in writing, regarding any food allergies or other special dietary needs of their child in accordance with administrative regulation.

Students with serious dietary needs that qualify as a disability under Section 504 of the federal Rehabilitation Act or the Individuals with Disabilities Education Act shall be provided reasonable accommodation or services, as appropriate, in accordance with his/her accommodation plan or individualized education program.

Students shall not be excluded from school activities based solely on their food allergy.

**Legal Reference:**

EDUCATION CODE

49407 Liability for treatment  
49408 Emergency information  
49414 Emergency epinephrine auto-injectors  
49423 Administration of prescribed medication for student

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students  
15562 Reimbursement for meals, substitutions

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974  
1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

701-795a Rehabilitation Act, including:  
794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Program  
1771-1791 Child nutrition, especially:  
1773 School Breakfast Program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

225.16 Meal programs, individual substitutions

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004

FOOD ALLERGY AND ANAPHYLAXIS NETWORK (FAAN) PUBLICATIONS

School Guidelines for Managing Students with Food Allergies

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff, Fall 2001

WEB SITES

American Dietetic Association: <http://www.eatright.org>

American School Food Service Association: <http://www.asfsa.org>

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

Food Allergy and Anaphylaxis Network: <http://www.foodallergy.org>

International Food Information Council: <http://ific.org>

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

U.S. Department of Agriculture: <http://www.fns.usda.gov>

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## STUDENTS

### Married/Pregnant Students

Married students shall have the same educational opportunities as unmarried students.

The County Board and the County Superintendent's responsibility for the education of school-age students may include the pregnant teenager, married or unmarried. These girls shall be allowed to remain in school, and services for them shall be made a regular part of the school system. Any variation from their continuing in regular school classes shall be based upon their assessed needs. Pregnant girls may remain in their assigned school programs as long as their physical and emotional condition permits. The parents, spouses, and physicians should be consulted in developing the educational plan to fit her needs.

#### Legal Reference

California Administrative Code, Title V  
3640-45                      Classes for Pregnant Minors  
10041                         Eligibility for driver training

## STUDENTS

### Vision And Hearing

The County Superintendent and the County Board establish that there shall be a vision and hearing screening conservation program. The purpose shall be:

1. to identify and ensure proper correction of eyes and hearing as early as possible;
2. to make appropriate adjustment in the school program;
3. to provide positive learning experiences in eye and ear health for all students.

The County Superintendent or his designee shall assure that the test is adequate in nature and is given only by qualified persons.

Legal Reference:

California Education Code

49452	Sight and hearing tests
49455	Mandatory visual examination
49456	Report to parent of defect
49457	Report to Governing Board of defect

CAC Title 5: 500-596 Vision Screening

CAC Title 17; 2950-2951 Hearing test

H&SC 1685-1686 Qualification for audiometric

## STUDENTS

### Safety

The County Superintendent and the County Board of Education are responsible for the proper attention being given to the safety of students.

The County Superintendent will develop and implement regulations which will produce as safe an educational environment as possible for the students as well as for the certificated and classified staff.

The County Superintendent holds students accountable for safe behavior on the playgrounds and during recess, and while they are on school premises and/or under supervision of county office personnel.

Principals, teachers, school bus drivers, or other school personnel are responsible for the conduct and safety of students enrolled in their schools from the time they come under school supervision until they leave school supervision, whether on school premises or not.

It is the responsibility of the principal or program manager to provide for adequate supervision of playgrounds and other school facilities at all times they are in use by students (except as provided elsewhere in board policy; cf. 1330). Special attention should be given to the prevention of accidents, and to the development of habits of good citizenship.

The principal or program manager should make full use of the cooperative services of local and county organizations which provide safety services, such as fire, law enforcement and civil defense agencies.

Legal Reference:	Education Code	
	35035	Powers and duties of superintendent
	44807	Duty concerning conduct of pupils; limitation on criminal prosecution
	44808	Exemption from responsibility or liability for conduct and safety of pupils off-campus; exceptions
	44808.5	Permission for pupils to leave school grounds; notice (high School
	48900-48923	Suspension and expulsion
	49000	Protection against corporal punishment
	49001	Definition; Prohibition of Corporal Punishment



## STUDENTS

### Civil And Legal Rights And Responsibilities

1. Every effort should be extended to include in the formulation of policy, consideration for the developing maturity of the student. Concomitant responsibilities flow from the exercise of rights and privileges. Among these are:
  - a. respect for oneself
  - b. respect for others and their rights
  - c. respect for individual dignity
  - d. respect for legally constituted authority and the legal responsibility of those in authority.
2. All rules and regulations to maintain the process of education must be common knowledge. Orientation programs and free student handbooks should provide this information in clear and understandable language. Any changes should be widely publicized in print in both school and community media, and no regulations should be summarily drafted and enforced.
3. The parents, certificated staff, and student governments should work cooperatively within the limitations prescribed by law in the establishment of these regulations. The amending and appeal processes for the establishment and enforcement of these rules should be clearly defined and made available to all interested and affected parties.
4. Students must be free to establish and should be encouraged to participate in student governments that provide all students, through a representative system, a voice in school affairs. All registered students should be eligible to hold office.
5. Schools are for students and students should be involved in the educational process in their schools. Certificated staff members should solicit student and parent suggestions and ideas which meet the needs and interests of all students.
6. Freedom of speech is guaranteed to all citizens, and students must be allowed to exercise their constitutionally protected rights of free speech, petition, and assembly as long as they do not interfere with the educational process.

Civil And Legal Rights And Responsibilities (continued)

- a. Materials presented to students should be relevant to the course and appropriate to the maturity level and intellectual ability of the students. Students should have the opportunity to investigate different views related to topics and materials introduced or presented. Teachers should, at all times, strive to promote tolerance for the views and opinions of others and for the rights of individuals to form and hold differing views and opinions. The teacher should further be responsible to permit the expression of the views and opinions of others and to encourage students to examine, evaluate, and synthesize all available information about such topics and materials.
  - b. School newspapers, yearbooks, literary magazines, and other publications should be guaranteed the right of freedom of the press, subject to the existing laws of libel, obscenity and public safety. As learning experiences within the school, the staff should have qualified advisers and should seek the highest publication standards. Other non-school sponsored student publications should be subjected to locally determined procedures for distribution on school premises.
7. The activities of students other than at school functions carried on entirely outside of normal hours and off school premises, should not be the responsibility of the school and no student should be penalized because of such outside activities.
  8. Students should be allowed the use of school facilities for school-sponsored, extracurricular activities and should be encouraged to participate in these functions, including clubs, recreational events, and other such related activities. These activities must be scheduled in keeping with normal policy and provide for supervision according to school rules.
  9. Students have a right to an education and to the equality of educational opportunity. Disciplinary measures that deprive him/her of this right should be utilized only in extreme cases. Disciplinary actions of administrators and teachers should be fair and consistent in all cases and resorted to only when the student, by his/her conduct, reveals his/her inability to recognize the rights of others.
  10. Schools should establish a clearly defined procedure for the consideration of student problems and the processing of student complaints.

*Closed Session*

*Trustee  
Activities*

**ACTION**

<b>TOPIC</b>	TRUSTEE ACTIVITIES
<b>ISSUE</b>	The Board will report or take action on the following items:  Travel Requests – Consider approval of travel requests by Board members  Travel Expenses and Reimbursements – Consider Approval of Travel Expenses and Reimbursements of Board members  Receipt of Correspondence  Comments by Board Members
<b>PRESENTER</b>	President Mike Robinson

*Superintendent's  
Report*

## REPORT

TOPIC	SUPERINTENDENT'S REPORT
PRESENTER	Jim A. Yovino Superintendent of Schools (559) 265-3010
BACKGROUND	Superintendent Yovino will report on issues of interest to the Board.

JAY/ab  
10/15/20

*Future  
Agenda Items*



*Next Meeting*

*Adjournment*



2020-2021  
**Special Events Calendar**

Jim A. Yovino  
Superintendent

Revised 9-30-2020

<b>Date</b>	<b>Event</b>	<b>Location</b>
October 20 6:30 pm	Trustees Association General Meeting & County Committee Election	Zoom
October 24 8:30 am - 1:00 pm	STEM for Girls Conference	Virutal
November 19 1:30 pm	Fresno County Board of Education Meeting	Zoom
December 17 1:30 pm	Fresno County Board of Education Meeting	Zoom



**Fresno County Board of Education**  
**2020-21 BUDGET STATUS SUMMARY**  
**as of September 30, 2020**

Object Description	Working Budget	Expenditures to Date	Encumbered to Date	Unencumbered Balance
1. Classified Supervisors/Admin. Salaries	\$34,020.00	\$8,760.00	\$0.00	\$25,260.00
2. Administrative & Classified Benefits	\$5,923.00	\$970.23	\$0.00	\$4,952.77
3. Health & Welfare	\$70,500.00	\$10,575.00	\$0.00	\$59,925.00
4. Dues & Memberships	\$20,000.00	\$16,789.00	\$0.00	\$3,211.00
5. Travel & Conference - Board Seminar	\$50.00	\$0.00	\$0.00	\$50.00
6. Travel & Conferences - Board Members	\$5,000.00	\$1,036.00	-\$90.00	\$4,054.00
7. Postage/Freight	\$155.00	\$0.00	\$0.00	\$155.00
8. Payroll Liability Insurance	\$34.00	\$0.00	\$0.00	\$34.00
9. Materials & Supplies/Other Supplies	\$378.00	\$0.00	\$0.00	\$378.00
<b>TOTAL</b>	<b>\$136,060.00</b>	<b>\$38,130.23</b>	<b>-\$90.00</b>	<b>\$98,019.77</b>

**BOARD PROJECT**

Working Budget	Expenditures to Date	Encumbered to Date	Unencumbered Balance
\$0.00	\$0.00	\$0.00	\$0.00