

ORANGE COUNTY  
BOARD OF EDUCATION

**BOARD POLICY BOOK**

Adopted June 18, 1996

Revised November 2017

ORANGE COUNTY DEPARTMENT OF EDUCATION

COSTA MESA, CALIFORNIA

July 2018

**COUNTY BOARD OF EDUCATION**

MEMBER	OFFICE	TERM EXPIRES
Ken L. Williams, D.O.	President	June 30, 2020
Mari Barke	Vice President	June 30, 2022
Rebecca "Beckie" Gomez	Member	June 30, 2020
John (Jack) W. Bedell, Ph.D.	Member	June 30, 2020
Lisa Sparks, Ph.D.	Member	June 30, 2022

**COUNTY ADMINISTRATORS**

Al Mijares, Ph.D. County Superintendent of Schools and Secretary to the Board

Jeff Hittenberger, Ph.D. Chief Academic Officer

Associate County Superintendent of Schools

Nina Boyd Charter Schools & Assistant Secretary to the Board

Dean West Business Services

Renee Hendrick Administrative Services

Christine Olmstead, Ed.D. Instructional Services

Assistant County Superintendent of Schools

Laura Strachan Alternative Education

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\*Procedures have been developed for these policies. Please see the section “Board Procedures.”

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ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-1

**Agenda Distribution**

The Agenda for all meetings of the Orange County Board of Education shall be mailed or e-mailed to major news media in Orange County at the time of mailing to members of the Board. Unless specifically exempt from public disclosure, a copy of supporting information mailed to the Board with the Agenda will be made available to the press and the public on the day of the meeting.

Sufficient copies of the day's Agenda shall be available to citizens in attendance at the Orange County Board of Education meetings.

Reference: Education Code Sections 1040 and 1042  
Government Code Section 54957.5

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-2

**Board Agenda Items**

Any member of the Orange County Board of Education has the authority to place an item on the Board Agenda to deliberate or vote upon. For placement of an agenda item on the board agenda, all accompanying back-up documents must be submitted to the Board secretary no later than 5:00 p.m. ten business days prior to the Board Meeting at which the Board is to consider the action item. Any member of the public wishing to address an issue with the Board, may do so under Public Comments during a regularly scheduled Board meeting, or may contact any member of the Board to request an item be filed on their behalf on the Board agenda. The submission of an item will be at the Board member's discretion and must be a matter for which the Board has jurisdiction. The Executive Committee, at its discretion, may approve items submitted less than ten (10) business days prior to a meeting for placement on the Board agenda.

In the event an action item fails to pass by a vote of the majority of the Board, the item may be placed on a subsequent Board agenda after six months under Board Member Comments, to deliberate its merits and/or any new information. If by Board approval it is determined the action item merits another official board vote, it may be placed back on a subsequent Board agenda as an action item.

Reference: Education Code Sections 1040 and 1041  
Government Code Section 54954.3

Adopted: 06/18/1996

Revised: 08/29/1996  
10/17/1996  
12/09/2004  
07/16/2014  
03/10/2016

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-3

**Record of Board Proceedings**

Minutes of the Orange County Board of Education meetings shall be taken by the Recording Secretary. Board meetings shall also be tape recorded.

A. Tape Recording

Tape recordings shall be made of all Board meetings. At the close of the meeting, a duplicate tape shall be made. The duplicate tape shall be given to the Secretary of the Board for storage and kept for a minimum of 30 days. The original tape shall be kept in Media Services for 30 days and may be erased or destroyed 30 days after the recording. Those persons wishing to hear tapes of Board meetings shall be required to use the facilities in Media Services.

B. Minutes

1. Storage

After Minutes of the Board meeting have been approved, the Recording Secretary shall maintain a copy. The original set of Minutes shall be maintained and sent for microfilming every three years. A copy of the microfilm shall be given to both the Secretary and Assistant Secretary of the Board for storage.

2. Distribution

A copy of the approved Minutes shall be sent to the OCDE bargaining units and to appropriate staff members. Members of the public may request a copy of the Minutes from the Recording Secretary.

Reference: Education Code Sections 1040 and 1042  
Government Code Section 54953.5

Adopted: 06/18/1996



ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-4

**Gifts/Acceptance by Board of Education**

Gifts may be approved for acceptance by the Orange County Board of Education provided that such gifts are considered appropriate for use by the Orange County Department of Education. If desired, the Board may request, prior to acceptance, examination of any item intended as a gift.

The County Superintendent of Schools and his staff shall establish and follow appropriate procedures for acceptance.

Reference: Education Code Sections 1040 and 1042

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-5

**Participation by Public at Board Meetings**

The Orange County Board of Education welcomes input concerning any subject within its jurisdiction from members of the public at all Board meetings. To accomplish the goal, the following procedure will be used:

1. An individual wishing to address the board is requested to complete a 3" x 5" request form secured from the Recording Secretary prior to the board meeting or prior to Board consideration of an agenda item.
2. Each person shall be aware that comments to the board shall be limited to not more than three minutes. The total time allotted for public input will be 45 minutes. It is the intent of the board to provide for audience participation during the meeting to be at a time that is as convenient as possible to all concerned.
3. If the topic of discussion selected by a member of the public is a current agenda item, he/she may be asked to delay discussion until the subject is before the board at the regular agenda time.
4. Speakers may not relinquish/yield their time to others.

The jurisdiction of the Orange County Board of Education is to be defined broadly for the purposes of this policy. This policy is not meant to limit debate or restrict the discussion of educational issues during Orange County Board of Education meetings.

Reference: Education Code Sections 1040/ Government Code Sections 54953 and 54954.3

Adopted: 06/18/1996

Revised: 08/21/2008

Revised: 08/13/2014

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-6

**Meeting Procedures**

Meetings of the Orange County Board of Education shall be conducted by the President in a manner consistent with the adopted Board Policies and parliamentary procedure, as outlined in The ABC's of Parliamentary Procedure, a scriptographic booklet by Channing L. Bete Co., Inc., Greenfield, MA.

Reference: Education Code Sections 1040 and 1042

Adopted: 10/17/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-7

**Posting to the Internet**

The placing of information on the Internet shall include but not be limited to the following:

Board of Education Members and Trustee Areas Served  
Email Address for Board Members  
Description of the Board of Education  
Agenda and Minutes

Agenda and Minutes will be kept on the Web Page for a period of twelve months. All information will be posted in accordance with Brown Act requirements. Minutes will be posted after they are approved by the Board.

Statements posted to the Board's portion of the OCDE website are reserved for decisions of the Board or other related statements at the Board's direction. No statement or opinion by an individual board member shall be posted on the Internet unless it is part of the Board member's individual biography.

Reference: Education Code Sections 1040 and 1042

Adopted:

Revised: 10/05/2016

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-8

**Board Quorum and Voting**

Meetings of the Orange County Board of Education shall be conducted only when a quorum of three members is present. The Orange County Board of Education may take action by a majority of the quorum passing a motion. If there is a tie vote, the motion will fail.

In the event a Board member leaves the hearing room, momentarily causing a Lack of Quorum, that member shall notify the President, or the Acting Board President, immediately of their intended absence. The President, or the Acting Board President, may either call a recess or adjourn the meeting.

Reference: Education Code Sections 1040 and 1042  
Martin v. Ballenger, 25 Cal. hpp. 2d 435(1938)

Adopted: 10/09/2002

Revised: 07/16/2014

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-9

**Board Meeting Opening – Pledge of Allegiance**

Meetings of the Orange County Board of Education shall officially begin with reciting the Pledge of Allegiance:

*I pledge allegiance to the flag, of the United States of America  
and to the republic for which it stands, one nation under God,  
indivisible, with liberty and justice for all.*

Reference: Education Code Sections 1040, 1042

Adopted: 05/15/2003

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-10

**Employee Salaries and Retirement Benefits**

If the salary of an employee is increased at the sole discretion of the Orange County Superintendent of Schools by ten thousand dollars (\$10,000) or more, in a twelve month period, the matter shall be brought to the attention of this Board by placing the matter on the agenda for its discussion at the next regularly scheduled public meeting of the Board. The Superintendent of Schools or his/her designee shall report the salary increase under the Communication/Information/Discussion portion of the meeting.

If the Superintendent of Schools, at his/her sole discretion, proposes an increase to an employee's retirement benefits not associated with a salary adjustment, the matter shall be brought to the attention of this Board for its discussion and approval at the next regularly scheduled public meeting of the Board. This policy shall not apply to increases employees may receive from retirement systems outside of the Superintendent's and this Board's authority.

Reference: Education Code Sections 1302(a) and 1302(b)

Adopted: 01/10/2013

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-11

**Election, Power, and Duties of Board President and Board Vice President**

1. **Annual Election of President and Vice President.** At its regularly scheduled meeting during the month of July of each year, the Board shall nominate and elect from its membership a President and Vice President to serve until the election of their successors.
2. **Powers and Duties of the President.** The President, when present, shall preside at all meetings of the Board and shall take the President's Chair at the hour appointed for every Board meeting and Shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Board in the manner Prescribed by these Rules. The President shall preserve order and decorum, and shall decide all questions of order.
3. **Powers and Duties of the Vice President.** When the President is unable to act at a Board meeting or is absent from a Board meeting, the Vice President shall exercise all the powers and duties of the President and shall be considered to be the Acting President.
4. **Selection of President Pro Tem.** When the President and Vice President are unable to act at a Board meeting or are absent from a Board meeting, the remaining Board members present, if there is a quorum, shall, by an order entered into the minutes, select one of their members to act as President Pro Tem for that meeting. The President Pro Tem shall have and exercise all of the powers and duties of the President during the President's absence or inability to act from the Board meeting. The President Pro Tem shall be considered to be the Acting Board President only for that meeting.

Reference:

Adopted: 09/03/2014



ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-12

**Invocations at Board Meetings**

The Orange County Board of Education believes that authorizing invocations at board meetings is consistent with the board's values and has long been a part of our nation's heritage. Prayers and invocations that are solemn and respectful in tone, that invite board members to reflect upon the shared ideals and common ends of the difficult business of governing serve to set a serious tone in which the members of the board may conduct the people's business. The opportunity to provide an invocation at a board meeting shall be open to all religions and the board shall maintain a policy of nondiscrimination.

Prayers or invocations shall not denigrate nonbelievers or religious minorities, proselytize, advance or disparage any religion or belief, promote harm to people, or threaten damnation or preach conversion. In all other respects, the board will not regulate the content of the prayers or invocations presented at board meetings.

Invocations shall not last more than three minutes and it is expected that the invocation focus on Orange County's children with a special emphasis on the children whom the Orange County Board of Education and the Orange County Superintendent of Schools serve. Presenters should be sensitive to the issues on the agenda for the particular meeting and the emotional concerns of those in attendance.

Each December employees of the Orange County Superintendent of Schools will post a notice on the OCDE website to solicit the names of volunteers to deliver the invocation for the next calendar year. Persons interested in delivering an invocation must send a letter of interest in writing or email to OCDE by the specified date. The names will be chosen at random and those accepted will receive written confirmation by email from the Board Clerk. Confirmations will identify the date and time for their invocation. If the person who was selected to deliver the invocation is unable to attend or is a no show, the chairman of the meeting may request a volunteer from the audience.

Reference: Town of Greece v. Galloway, 134 S.Ct. 1811 (2014); Rubin v. City of Lancaster, 710 F.3d 1087 (9th Cir. 2013).

Adopted: 10/01/2014

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-13

**Legal Counsel Second Opinion-Budgetary Authority**

Pursuant to state Education Code section 1042, the Orange County Board of Education is authorized to select a law firm to act as advisor to the Board in legal or administrative matters where any of the following occur:

- In-house counsel has a conflict of interest;
- In-house counsel has failed to render timely advice in a particular matter;
- The legal or administrative services being sought are in addition to those usually, ordinarily, and regularly obtained from in-house counsel; or
- The Board desires a second legal opinion from that provided by in-house counsel in a particular matter.

The Board requires further legal opinions on several issues that remain unresolved or that require a second opinion from outside counsel. The passage of this special recommendation awards the law firm of Cota-Cole, LLP of Roseville, California, the contract to provide legal services to answer and address the below outlined legal question. The proposed hourly rate to answer the question(s) requested by said board is \$ 350 per hour for work performed by Partners, and \$300 per hour for work performed by Associates

The Board desires a second legal opinion in board related questions that may differ from that already provided by in-house counsel, and which otherwise qualify under the above standard for the Board's retention of outside counsel. (*See* 86 Ops. Cal. Atty. Gen. 57 (2003).) This issue is:

**Budgetary Authority**

Does the Board's authority to review and approve the budget of the Orange County Department of Education incorporate the authority to review and approve private, federal and state grants obtained under the name of the county superintendent of education? Do state, federal or private funds acquired by the county superintendent of education require individual approval by the board as part of the Board's audit review process?

Reference:

Adopted: 02/05/2015

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-14

**Legal Counsel Second Opinion-Charter School Petition**

Pursuant to state Education Code section 1042, the Orange County Board of Education is authorized to select a law firm to act as advisor to the Board in legal or administrative matters where any of the following occur:

- In-house counsel has a conflict of interest;
- In-house counsel has failed to render timely advice in a particular matter;
- The legal or administrative services being sought are in addition to those usually, ordinarily, and regularly obtained from in-house counsel; or
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The Board desires a second legal opinion in board related questions that may differ from that already provided by in-house counsel, and which otherwise qualify under the above standard for the Board's retention of outside counsel. (*See* 86 Ops. Cal. Atty. Gen. 57 (2003).) This issue is:

**Charter Petition Procedure**

In the event of a local charter school petition that is appealed to county boards of education, and before granting approval of the charter school petition, what are best practices and the standard of review? As a part of the Board approval process and practice of granting the appeal of a charter school petition, does existing state Education Code allow the Board to modify the language of the charter school petition with mutual agreement and consent by the charter school petitioners.

Reference:

Adopted: 02/05/2015

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-15

**Executive Committee of the Board's authorization to retain and consult legal counsel on behalf of the Board**

The Executive Committee of the Board is hereby authorized to retain and consult outside legal counsel on behalf of the Board about any specific matter of a time sensitive nature in the judgment of the Executive Committee when it has determined that any of the following conditions exist with respect to that matter:

- (1) In-house counsel has a conflict of interest;
- (2) In-house counsel has failed to render timely advice in a particular matter;
- (3) The legal or administrative services being sought are in addition to those usually, ordinarily, and regularly obtained from in-house counsel; or
- (4) The board desires a second legal opinion from that provided by in-house counsel in a particular matter.

Reference: Authority: Cal. Ed. Code § 35041.5; *Santa Clara County Counsel Attys. Assn. v. Woodside* (1994) 7 Cal.4th 525, 557; 86 Op.Atty.Gen. 57 (2003).

Adopted: 12/16/2015

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-16

**Special Presentations by Board Members at the County Board of Education Regularly Scheduled Meetings**

The Orange County Board of Education has as its primary mission the students and families that it educates. Presentations utilizing PowerPoint, media, or written material must be submitted to the Clerk of the Board or Assistant Secretary of the Board 48 hours in advance of scheduled meeting. The presentation may not exceed six minutes and no individual other than the board member may participate in the presentation. A member of the Board may place on the agenda a presentation(s).

The presentation(s) must be first publicly introduced under Board Member Comments. Under Board Comments, if the majority of the Board members approve of such presentation, then the presentation may be given by the individual Board member at the subsequent Board meeting. The Clerk of the Board shall attach to the minutes of any meeting a copy of any PowerPoint, media, or other written material distributed during any such presentation. If the distributed material cannot reasonably be attached to the meeting minutes, then the minutes shall include a sufficient description of the material that will allow the member of the public to locate the materials, including, if reasonably feasible, a link to the material on the Board's website.

Adopted: 01/13/2016

Revised: 01/11/2017

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-17

**Public Presentations at the County Board of Education Regularly Scheduled Meetings**

The Orange County Board of Education has as its primary mission the students and families that it educates. Presentations utilizing PowerPoint and media must be submitted to the Clerk of the Board or Assistant Secretary of the Board 48 hours in advance of scheduled meeting. The presentation may not exceed three minutes unless other time limits supersede (i.e. Charter Schools, etc.). The presentation shall take into consideration that minor children are frequently present at board meetings and no pornographic, obscene, illegal drug promoting, vulgar, violent, or inappropriate content shall be included in the presentation.

Adopted: 01/13/2016

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

200-1

**Leave of Absence/Judicial and Official Appearance/Other Board Business/Illness**

It shall be the policy of the Orange County Department of Education to grant leaves of absence to Board Members to 1) appear as a witness in court other than as a litigant, 2) serve on a jury, or 3) respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the Board Members. Such leaves of absence shall be granted with pay up to the amount of the difference between the Board Member's regular earnings and any amount he/she receives for jury or witness fees.

A member of the county board of education may be paid for any meeting for which he or she is absent if the board includes within its minutes a finding that at the time of the board meeting the member was performing services required by his/her elected office.

During any year, members also may be paid when the County Board, by resolution, finds that they were absent because of illness.

Reference: Government Code Section 1230

Adopted: 06/18/1996

Revised: 11/11/2004

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

200-2

**Health Insurance**

A member of the Orange County Board of Education terminating his/her services will be allowed to continue as a member of the Orange County Department of Education's health insurance group, provided he/she meets the following criteria:

1. He/she must have served on the Orange County Board of Education after January 1, 1981.
2. He/she pays full cost of the health plan selected.
3. His/her total services as a board member of a local and/or County Board at the time of termination of services is not less than 12 years.
4. Board members eligible to participate under this policy must exercise this option at the time of terminating service. This option is not available to Board members once termination from the Department's insurance program has occurred.

The Department of Education shall determine the payment schedule and method of applying for continuance in the health insurance group.

Reference: Government Code Section 53201 (53200-209)

Adopted: 06/18/1996



# ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

## BOARD POLICY

200-3

### **Boardsmanship**

#### Obligation of Board Members

Board members shall hold the public education of children and youth above any partisan principle, group interest, or personal interest.

#### Role of Board Members

The Board member has no individual authority. Individually, the Board member may not make commitments on behalf of the Board or Department.

No individual Board member, by virtue of holding office, shall exercise any administrative responsibility with respect to the Office of the County Superintendent of Schools, nor as an individual, command the services of any employee of the County Superintendent.

Individual Board members may request information related to their Board responsibilities from the County Superintendent or his/her designee at any time. If the information that is requested will require considerable time and/or cost to prepare, the request shall come from the County Board of Education itself, rather than an individual member. At no time shall a Board member request staff to perform tasks or provide information of a personal nature.

#### Closed Session

Discussions conducted in closed session shall not be communicated, divulged or released unless a majority of Board members agree to release the information. Any Board member who violates this may be publicly censured by a majority vote of the members of the Board.

#### Appeals

When a matter pending before the Board is an appeal of a school district decision, such as an interdistrict transfer, a student expulsion, a charter school petition, etc., the Board will act in a quasi-judicial capacity when hearing and deciding the appeal. A fundamental component of any appeal process is the fairness and impartiality of the Board. In order to promote public trust in the process and the decision, Board members shall refrain from pre-decision communication with parties to the appeal that are related, or may reasonably be perceived as being related, to the issue pending before the Board.

#### Public Statement/Communication

When Board member(s) express themselves during a Board meeting, whether in agreement or disagreement with the Board majority, the Board member(s) shall communicate in a way that promotes the Board's ability to conduct business in a professional manner.

When Board member(s) communicate to community groups, the media, legislators, or others, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as viewpoints of the Board. Board members should make every effort to inform other Board members in advance when planning to make public statements/communication. Board members should make every effort to inform other Board members after being contacted by the media, legislators, community groups, etc. Communication authorized to be made on behalf of the Board shall be made by the Board President, or designated representative.

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Official Board letterhead with seal shall only be used by Board officers and the recording secretary for communication on behalf of the Board. Personal Board letterhead with the Board seal, may be used for communications that are not sent on behalf of the Board but on behalf of the individual Board member. Communications of this nature should include a disclaimer indicating that the opinion contained in the communication is not that of the Board, the department of education, or of the other Board members. Exceptions require prior Board approval.

Reference: Education Code Sections 1040, 1042

Adopted: 06/18/1996

Revised: 11/11/2004

ORANGE COUNTY DEPARTMENT OF EDUCATION

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BOARD POLICY

200-4

**Commission on Professional Competence – Appointment**

It shall be the policy of the Orange County Board of Education that pursuant to Education Code Section 44944 (b) if either the district governing board or the employee fail to select a member to a Commission on Professional Competence, the Orange County Superintendent of Schools is designated to make the selection.

Reference: Education Code Section 44944

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

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BOARD POLICY

200-5

**Travel**

All Board members travel shall be approved by the Orange County Board of Education.

Board members will use Department forms for travel purposes.

Board members may request expense advance. Expense advance or reimbursement shall not be made to a Board member who has an outstanding claim.

Reference: Board of Education; Education Code Sections 1040, 1042

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

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BOARD POLICY

200-6

**Fingerprinting Board Members**

Each member of the Orange County Board of Education is required to have fingerprints on file with the Orange County Department of Education in the same manner as employees of the Orange County Department of Education.

Reference: Education Code Sections 1040, 1042

Adopted: 12/09/2004

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BOARD POLICY

200-7

**Health and Welfare Benefits**

The California Government Code permits the Orange County Department of Education to provide health and welfare benefits to members of the Orange County Board of Education.

As elected officials, members of the Orange County Board of Education (“the Board”) are not under the supervision or control of the Orange County Superintendent of Schools (“the Superintendent”). However, Board members are employees of the Orange County Department of Education (“the Department”) pursuant to California law and Internal Revenue Service regulations. This classification results in health and welfare benefits being exempt from Federal and California income taxes.

Health insurance premiums for small groups such as the five-member Board are substantially greater on a per capita basis than the per capita premiums of larger groups. In order to reduce costs, the Board has authorized the Superintendent to include Board members in the group health and welfare plans provided to other qualified Department employees. As a result, the Superintendent has entered into group health and welfare plan contracts on behalf of Department employees including Board members.

It is the policy of the Board that members who elect to receive such benefits must comply with all documentation obligations required of other Department employees including, but not limited to, Dependent Benefit Reviews.

Should any Board member fail to comply with such requirements, that Board member shall be deemed ineligible for such health and welfare benefits.

This policy shall become effective January 1, 2014.

Reference:

Adopted: 12/11/2013

ORANGE COUNTY DEPARTMENT OF EDUCATION

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BOARD POLICY

200-8

**Ethics Training**

Every new Board member shall complete a two hour course on ethics within the first three months of taking office. Thereafter, Board members shall complete such training within three months of the beginning of a new term. Notwithstanding the above, all current Board members shall complete this training within two months of the adoption of this revised policy.

Completion of the free online training offered by the State of California Department of Justice, Office of the Attorney General shall be deemed to satisfy this requirement. The link to the training is: <https://oag.ca.gov/>

Board members that have taken this course within six months of approval of this revised policy shall be deemed to have satisfied this requirement. Board members will submit their completed documentation to the Board recorder.

Adopted: 12/16/2015

Revised: 02/10/2016

ORANGE COUNTY DEPARTMENT OF EDUCATION

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BOARD POLICY

300-1

**Expulsion Hearings**

If a pupil is expelled from a school by the district's governing board, the pupil or the pupil's parents may file an appeal to the Orange County Board of Education. The Orange County Board of Education shall hold the hearing following the filing of a formal request and render its decision.

The Orange County Superintendent of Schools or the Orange County Superintendent of Schools' designee shall establish procedures and timelines that will meet the Education Code requirements regarding the expulsion appeal hearing.

Reference: Education Code Sections 48919 through 48924

Adopted: 06/18/1996



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BOARD POLICY

300-2

**Interdistrict Attendance Appeal Hearings**

The person having legal custody of a pupil may file a formal appeal to the Orange County Board of Education after the failure or refusal of the governing board of either school district to issue a permit, or to enter into an agreement allowing the attendance.

The Orange County Board of Education shall, after the formal appeal is filed, determine whether the pupil should be permitted to attend in the district in which the pupil desires to attend and the applicable period of time.

The Orange County Superintendent of Schools or the Orange County Superintendent of Schools' designee shall establish procedures and timelines that will meet the Education Code requirements regarding interdistrict attendance appeal hearings.

The Orange County Board of Education will consider a number of issues in the best interests of the child when hearing an interdistrict appeal, including, but not limited to, the following:

1. The transportation needs of the family;
2. The child care needs of the family;
3. Other siblings in the family. For example, when the student has a sibling or other member of the household attending school in the receiving district, to avoid splitting the family or household's attendance;
4. The continuity of the child's current educational program (e.g., completion of elementary school, middle school or high school). For example, to allow the student to complete a school year when his or her parents or guardians have moved out of the district during the year;
5. Whether the specialized academic classes, programs or other educational opportunities offered by the school district of residence are demonstrably equivalent (e.g. during class hours and not after school, similar course offerings, similar number of courses) to the specialized academic classes, programs, or other educational opportunities offered by the school district requested (e.g. Magnet programs, technology, or Science, Technology, Engineering and Mathematics (STEM) or Science, Technology, Engineering, Arts and Mathematics (STEAM) programs, music or art programs);
6. The parent's place of employment;
7. Other relevant issues that impact the child's attendance at school.

Reference: Education Code Section 46601

Adopted: 06/18/1996

Revised: 08/16/2017

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BOARD POLICY

300-3

**Interdistrict Attendance Appeal Hearings - Continuances**

Upon the motion of either party, upon the recommendation of the Orange County Superintendent of Schools or the Orange County Superintendent of Schools' designee, or upon its own motion, the Orange County Board of Education may grant a continuance upon a showing of good cause.

Reference: Education Code Section 46602

Adopted: 06/18/1996

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BOARD POLICY

400-1

**Independent Study Program**

The County Board of Education recognizes its legal responsibility for the education of pupils in the school system. The Board authorizes the Superintendent to establish independent study as an optional alternative instructional strategy for K-12 students by which all enrolled pupils may reach curriculum objectives and fulfill graduation requirements outside of the regular classroom setting.

The primary purpose for independent study is to offer means of individualizing the educational plan for pupils whose needs may be met best through study outside of the regular classroom setting. Independent study may be used by all pupils who are motivated to achieve educationally as well as or better through this strategy than they would in the regular classroom.

No pupil shall be required to participate in independent study.

No course required for high school graduation shall be offered exclusively through independent study.

An individual with exceptional needs, as defined in Education Code Section 56026, may participate in independent study only when the individualized education program (IEP) team determines that the pupil's educational needs can be appropriately met through the placement.

No temporarily disabled pupil may receive individual instruction pursuant to Education Code Section 48206.3 through independent study.

The County Superintendent shall provide appropriate existing services and instructional resources to enable pupils to complete their independent study successfully and shall ensure the same access to all existing services and resources in the school in which the pupil is enrolled as is available to all other pupils in the school.

Pupils requesting independent study and their parents/guardians should recognize that independent study at the elementary level realistically must emphasize a commitment on the part of the pupil's parents/guardians. At the secondary level, the major commitment must be made by the pupil, assisted or supported as necessary by parents and others who may assist directly with instruction.

**Written Agreement**

The Superintendent or designee shall ensure that each participating pupil has an executed written independent study agreement with the Superintendent as prescribed by law. Individual independent study agreements and any subordinate pupil contracts and assignments must be consistent with the department's approved course of study.

The Superintendent shall establish appropriate screening procedures to ensure that the necessary level of understanding and preparation exist to meet the conditions of the independent study agreement prior to its approval by the designated certificated representative of the district.

Any time an individual with exceptional needs is referred for placement in independent study, an individualized education program (IEP) team, which includes the special education manager or designee, shall be convened. The IEP team may recommend that an individual with exceptional needs be offered the alternative instructional

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strategy of independent study, provided that the student meets the same criteria for participation as is met by his/her nondisabled peers.

For all pupils in independent study, the maximum length of time which may elapse between the time the assignments are made and the date by which the pupil must complete the assigned work shall be no more than one semester. Specific programs will establish appropriate checkpoints during the assignment period in order to monitor student progress. When any pupil fails to complete four consecutive independent study assignments during the agreed assignment period, the Superintendent or designee shall conduct an evaluation to determine whether it is in the pupil's best interest to remain on independent study. A written record of the findings of any evaluation conducted pursuant to this policy shall be maintained in the pupil's permanent record.

The Superintendent or designee shall report to the Board the number of pupils in independent study by typical categories of study and duration, the ADA generated, a description of their performance on such indicators of quality as the Board may specify, and the number and proportion of pupils by typical categories who graduate or successfully complete their studies.

The Superintendent or designee shall establish regulations to implement this policy in accordance with law.

Reference: Education Code Sections 39141.9, 44865, 46300(e), 46300.01, 46300.3, 46300.4, 48340, 51225.3, 51745-51749.5, 52000(e), 52015, 52017, 56026  
California Code of Regulations, Title 5 – 11700, 11701, 11702, 11703

Adopted: 06/18/1996

Revised: 02/14/2008

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BOARD POLICY

400-2

**Student Suspension and Expulsion**

It is the intent of the Orange County Board of Education that the administration of the Special Education Services and Alternative Education Services develop and implement procedures which will carry out all provisions of Education Code Sections 48900 through 48926. The Board recognizes and supports the process of suspension and expulsion as an integral part of the education process for students with special needs.

1. A pupil may be suspended from a school or program or recommended for expulsion in conformity with Education Codes 48900 through 48926.
2. The principal may recommend the pupil's expulsion to the administrative panel of three (3) or more certificated persons, none of which are members of the board or employed on the staff of the school in which the pupil is enrolled, except in such cases defined in Education Codes 48900 through 48926 as mandatory expulsions whereby the principal shall recommend the expulsions to the administrative panel. Any pupil who is in possession of a firearm on the grounds of a county school, or at an activity of a county school, shall be referred for expulsion. The period of expulsion shall be for one calendar year, unless an earlier date is ordered. The period of expulsion should be considered on a case-by-case basis.
3. Upon recommendation by the principal or by the hearing panel, and in accordance with Education Code, the administrative panel may order a pupil expelled.
4. Any pupil who is found to be in possession of a firearm or weapon at school, or at a school activity off school grounds, shall be referred to local law enforcement for prosecution.

**Appeals**

Expulsion orders are appealable to the County Board of Education in accordance with California Education Code Section 48919.

**Applicability**

These policies shall govern procedures for the suspension and expulsion of pupils from programs operated by or in association with the Orange County Department of Education.

Reference: Education Code Sections 48900-48926

Adopted: 06/18/1996

Revised: 08/26/1999

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BOARD POLICY

400-3

**Child Development Program - Confidentiality**

The use or disclosure of individual information concerning children or their families will be limited to purposes directly related to the administration of the Orange County Department of Education (OCDE) Child Development Services Program (CDSP). The OCDE CDSP is required by California Education Code to determine a family's eligibility for services based on family size, income, employment, or training status. The OCDE may therefore contract employers, training institutions, and/or other concerns to verify a family's eligibility status. OCDE is further required by Assembly Bill 2184 to provide eligibility information to the County of Orange Social Services Agency with respect to families who are AFDC recipients who also qualify for and receive subsidized child care services. Information obtained by OCDE for eligibility purposes will only be used, for reasons other than that for which it was originally intended, with the parent's written consent, a court subpoena, or in the investigation of a crime.

Each child's custodial parent(s) may review their child(ren)'s file upon request at the OCDE CDSP administration office during regular office hours. CSDP has developed confidentiality guidelines for parent conferences. Confidential family matters that may have an influence on the child's behavior or development may be discussed with the program director, program manager, or classroom teacher. Confidentiality of such information will be maintained within the context of applicable laws and report guidelines. Parental authorization will be required prior to disclosure of information regarding a child's education progress or family status with the exception of a court order, subpoena, or in the investigation of a crime.

Reference: State Department of Education

Adopted: 06/18/1996

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BOARD POLICY

400-4

**Educational Materials, Criticism Concerning**

Criticisms relating to educational materials in use or to be used in the Orange County Department of Education schools, library, media center or other activity operated by the Department, are to be written out and sent to the County Superintendent of Schools. The Superintendent shall investigate the concern and respond to the inquirer. This policy does not apply to anonymous concerns.

Reference: Education Code Sections 1040, 1042

Adopted: 06/18/1996

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BOARD POLICY

400-5

**Alcohol and Drug Use, Student Behavior and Discipline Policy**

I. Alcohol and Drug Free School Environment

Because the use of alcohol and 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 governing Board intends to keep department schools free of alcohol and other drugs.

The Board desires that every effort be made to reduce the chances that our students will begin or continue the use of alcohol and other drugs. Alcohol is illegal for use by minors. The Superintendent or designee shall develop a comprehensive prevention program that includes instruction, intervention, recovering students, support, and enforcement/discipline. The Superintendent or designee shall clearly communicate to students staff, and parents/guardians all Board policies, regulations, procedures and school rules related to this prevention program. Special efforts shall be made to ensure that these materials are understood by parents/guardians and students of limited literacy or limited English proficiency.

Recognizing that keeping schools free of alcohol and other drugs is a concern common to the department and community, the Board supports cooperation among schools, parents/guardians, law enforcement, and other appropriate community organizations involved in preventing alcohol and other drug abuse.

- A. Education Program: Chemical abuse is primarily a health problem. As such it falls within the school's responsibility in the area of student health. It also has a direct and negative impact upon the ability of students to learn the purpose for which schools are established. Abuse of mind-altering substances ranges from initial experimentation to hard core addiction. The underlying causes of drug abuse include the entire spectrum of human problems. Each school within the Orange County Department of Education will develop programs which recognize this diversity and which are capable of responding to individual problems and needs while assuring an orderly and safe environment in the school.
- B. Instruction: Instruction in all grades regarding the effects of alcohol, narcotics, hallucinogens, and restricted dangerous drugs shall be a part of the basic curriculum adopted annually by the Governing Board. In addition to the basic curriculum special presentations will be planned. Efforts will be made to involve reputable community agencies in planning substance abuse programs for students, staff, and parents.
- C. Program Coordination: The principal of each school shall designate a member of the staff as a resource person who will assume specific responsibilities related to drug abuse. (That individual might be the principal.) This person will receive training in aspects of the drug abuse problem. Training will include the legal, medical, pharmacological, psychological, and educational facets of the problem.

The designated resource person will utilize his or her training to coordinate the following:

- In-school resources for factual drug information and for the development of an instructional program which emphasizes refusal skills, decision making, and positive self-concept.
- Involvement of parents or guardians in the school's drug prevention and intervention activities.
- Inservice education for staff.



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- D. Control Program: Every school has a potential drug abuse problem and the problem cannot be ignored. Administrative procedures attached to this policy attempt to strike a balance between the needs of the individual chemical abuser and the protection of the total student body. Alcohol or other chemicals of abuse cannot be tolerated on campus and written agreements concerning the involvement of police in the schools will be developed between the schools and appropriate law enforcement agencies. Possession, use or distribution of such substances at school or school functions will result in the approved intervention process or in serious disciplinary action.
- E. Intervention Program: Students who never possess or abuse chemicals at school may still have serious problems involving alcohol or drugs which demand the attention and assistance of school personnel. Those students, and their parents or friends, should not be afraid to discuss such problems because of fear of punishment or humiliation. Provisions of Section 400.13 (d) do not apply to such students.
1. Teachers, counselors, and administrators are professional people, already trained in working with youth; they should also be familiar with legal, sociological, psychological and medical effects of substance abuse or addiction. It is the goal of this Department, through inservice programs and other education opportunities, to continually raise staff awareness, understanding and effectiveness in regard to chemical abuse.
  2. School staff will be alert to those symptoms in students which may indicate problems with chemical abuse and initiate assistance through the intervention program. Those symptoms include the following:
    - Abrupt change in mood or attendance or performance at school
    - Sudden decline in attendance or performance at school
    - Sudden resistance to discipline at home or school
    - Impaired relationship with family or friends
    - Drowsiness or inattention to discussion and surroundings
    - Weight loss, inattention to dress
    - Unusual flare-ups of temper
    - Stealing
    - Heightened secrecy about actions and possessions.
    - Association with new friends, especially with individuals who use drugs.
  3. Schools have an obligation to provide early identification and intervention in student drug use. A school-based intervention system will be maintained to provide this service.

Referral to appropriate agencies for intensive counseling or therapy also is an important obligation of the schools. Information concerning these agencies shall be made available to staff at each school, and to students and parents, through the Designated Resource Person.

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4. When intervening in family chemical abuse problems, as with dealing with other serious human difficulties, Orange County Department of Education staff shall demonstrate the sensitivity, tact, confidentiality, ethics, and good judgment expected of professionals who are entrusted with well-being of young people.

Reference: California School Boards Association

Adopted: 06/18/1996

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BOARD POLICY

400-6

**Day Centers**

The County Superintendent shall administer and operate public schools in Day Centers which are established and maintained by the Orange County Board of Supervisors. The schools shall provide appropriate populations of juvenile court school pupils with qualified education and training.

The Day Center Schools shall accept all referrals of pupils by the County Probation Department pursuant to Welfare & Institutions Code Sections 601, 602, 654, and 707, and referrals of dependent children of the juvenile court pursuant to Welfare & Institutions Code Sections 300, et seq.

The County Superintendent shall ensure that full academic support services are provided to the Day Center Schools. The Superintendent shall also provide a special education service program to the Day Center Schools, which complies with the requirements of Education Code Sections 56000, et seq.

The minimal school day shall be 240 minutes, calculated on the basis of the average number of minutes of attendance during not more than 10 consecutive days in which classes are conducted. The maximum school day shall be 360 minutes.

The County Superintendent or his or her designee shall develop internal procedures for the enrollment of pupils in the Day Center School.

Reference: Education Code Sections 48645, et seq.  
Welfare & Institutions Code Section 889

Adopted: 06/18/1996

Revised: 11/12/1998

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BOARD POLICY

400-7

**Tobacco Use**

The health hazards of tobacco use have been well established and accepted by society. Therefore, the policy stated below is established to (1) reflect and emphasize the hazards of tobacco use; (2) further the goal of consistency among ongoing school programs by discouraging students from using tobacco products; (3) protect the health and safety of students, employees, and the general public; and (4) set a non-tobacco use example by adults.

Smoking or the use of any tobacco products by pupils at facilities owned or leased by the Orange County Department of Education or while attending school-sponsored activities or while under the supervision and control of Department employee(s) is prohibited. Effective April 3, 1995, the use of any tobacco products is also prohibited on department property at any time, anywhere, as well as in any department owned or leased facilities and/or vehicles.

Smoking or the use of tobacco products by employees within any indoor facilities and/or vehicle owned or leased by the Orange County Department of Education is prohibited, subject to smoking area exceptions set forth in the accompanying Administrative Regulation, through April 3, 1995. Effective April 3, 1995, the use of any tobacco products is also prohibited on department property at any time, anywhere, as well as in any department owned or leased facilities and/or vehicles.

Smoking or the use of tobacco products by visitors to any indoor facility owned or leased by the Orange County Department of Education is prohibited. Effective April 3, 1995, the use of any tobacco products is also prohibited on department property at anytime, anywhere, as well as in department owned or leased facilities and/or vehicles.

The Board of Trustees, therefore, in the best interest of the health and safety of students, employees, and the general public directs the Superintendent to develop regulations to implement this policy.

Reference: Education Code Section 48901  
Health and Safety Code 25940.5, 25946, 25948  
Public Law 103-227, Section 1043

Adopted: 06/18/1996

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400-8

**Healthy Generations Healthy Learners Prenatal Substance Use Prevention Education**

In compliance with California Education Code Section 51203, the Correctional and Alternative Education Schools will provide instruction on the effects of alcohol, narcotics, restricted dangerous drugs, and other dangerous substance upon prenatal development as determined by science (reference Health and Safety Code Section 11032), as part of the comprehensive substance use prevention education program.

Regulations:

This instruction will be provided in the Health class/course(s) which include students in grades (s) 7, 8, and 9-12 inclusive.

Reference: Education Code Section 51203  
Health and Safety Code 11032

Adopted: 06/18/1996

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BOARD POLICY

400-9

**Expulsion of a Pupil with Exceptional Needs**

It shall be the policy of the Orange County Board of Education to refer students in our programs back to the district or residence when expulsion is being considered. The Board of Education provides a contract service to school districts that may have an alternative placement available for the student being considered for expulsion. Additionally, the Board of Education would be put in a position of conflict if a parent wanted to appeal an expulsion recommendation from programs operated by the Board.

Reference: Education Code Section 48915.5

Adopted: 06/18/1996

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BOARD POLICY

400-10

**Family Educational Rights and Privacy Act (FERPA)**

Under the federal Family Education Rights and Privacy Act (“FERPA”) (20 U.S.C. § 1232g and 1232h) as well as California law, a student’s parents or legal guardian, or a student who has reached 18 years of age, has a right to:

1. Inspect and review the student’s educational records within statutory timelines.
2. Request the amendment of the student’s educational records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights.
3. Consent to disclosure of personally identifiable information contained in the student’s education records, except to the extent the FERPA and its implementing regulations authorize disclosure without consent.
4. Students shall not be required to submit to a survey, analysis or evaluation without prior written consent of the parents, legal guardian, or if the student is over 18 years of age or older, concerning:
  - 1) Political affiliations or beliefs of the student or the student’s parent;
  - 2) Mental or psychological problems of the student or the student’s family;
  - 3) Sexual behavior and attitudes;
  - 4) Illegal, antisocial, self-incriminating and demeaning behavior;
  - 5) Critical appraisals of other individuals with whom respondents have close family relationships;
  - 6) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
  - 7) Religious practices, affiliations, or beliefs of the student or student’s parent;
  - 8) Income, (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.
5. File with the U.S. Department of Education or California Department of Education a complaint concerning alleged failures by the Orange County Department of Education to comply with the requirements of FERPA and its implementing regulations or California law.

The Orange County Department of Education shall will notify parents, legal guardians and student 18 years and older of their rights under FERPA and California law. Each division within OCDE will develop procedures for processing requests for student records in accordance with the Board policy.

Reference: Title 20 of the United States Code sections 1232g and 1232h  
Education Code sections 49063 and 49069

Adopted: 01/22/1998

Revised: 07/15/2004

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BOARD POLICY

400-11

**Student Promotion and Retention**

The Orange County Department of Education expects students to progress through each grade within one school year. To accomplish this, instruction should accommodate the varying interests and growth patterns of individual students and include strategies for addressing academic deficiencies when needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement established by the Orange County Department of Education.

Progress toward high school graduation shall be based on the student's ability to pass the subjects and electives necessary to earn the required number of credits. The student must also meet the minimum proficiency requirements.

When high academic achievement is evident, the Superintendent or designee may recommend a student for acceleration into a higher-grade level. The student's social and emotional growth shall be taken into consideration in making a determination to accelerate a student.

It is the philosophy of the Orange County Department of Education that learning matters and that all students can learn and be successful. As such, students who attend county schools are expected to attain individual learning goals.

Students shall be considered for promotion and retention in specific subject areas and between certain grade levels:

1. Second grade and third grade in reading
2. Third grade and fourth grade in reading
3. Fourth grade and fifth grade in reading, English/language arts, and mathematics
4. The end of the intermediate grades and the beginning of middle school grades in reading, English/language arts, and mathematics
5. The end of the middle school grades and the beginning of high school in reading, English/language arts, and mathematics

The Superintendent or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, policy, procedures, and administrative regulations. The students should be identified as early as possible in the school year and in the students' school career. Promotion retention decisions shall be based up multiple criteria as established by procedures. Procedures shall specifically address criteria and practices and will include considerations for special education and English Language Learner students.

Parent(s)/guardian(s) of students identified as a risk for retention or recommended for retention shall be notified. The Superintendent or designee shall provide opportunities for intervention instruction. Intervention instruction shall assist the student in overcoming academic deficiencies. Such mandatory instruction may include, but is not limited to, tutorial programs, after-school programs, extended day and year programs and Saturday School. Parent(s)/guardians(s) shall be provided an option to exclude their child from this mandatory instruction. The recommendation regarding retention shall be discussed with parent(s) guardians(s) prior to any final determination regarding promotion or retention.



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**Exceptions**

In accordance with Education Code 48070.5, a process to appeal a decision to retain a student is in place (see Superintendent's Procedures). The decision of the appeal panel shall be final.

Pupils performing below minimum standard for promotion shall be retained unless the pupil's regular classroom teacher specified in writing that retention is not the appropriate intervention. The teacher's evaluation shall be provided and discussed with the student consultation team, which includes the pupil's parent or guardian and the school principal before any determination of pupil retention or promotion.

Reference: Education Code 48070.5, 372525, 42239

Adopted: 08/26/1999

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BOARD POLICY

400-12

**Charter Schools**

The Orange County Board of Education (Board) encourages the establishment of quality charter schools in Orange County as an integral part of the California educational system. The Board believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning and enable students to become self-motivated, competent, and lifelong learners. These schools shall operate under the provisions of their charters, specific state and/or federal laws and regulations, and general oversight of the chartering authority. The Board's actions as an authorizer shall be guided by the laws, regulations, and policies applicable to petition review, monitoring and oversight, renewals, and revocation.

Please see the following for additional information:

- Appendix #400-12
- Template Agreement

Legal Authority: Education Code sections 35160, 35160.2, 47600 et seq.; 5 California Code of Regulations section 11960 et seq.

Adopted: 04/20/2005

Revised: 03/11/2015  
02/10/2016

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BOARD POLICY

400-13

**Education for Homeless Children and Youth**

The Orange County Board of Education (“Board”) recognizes its legal responsibility to ensure that homeless students have access to the same free and appropriate public education provided to other students within its schools and programs. The schools and programs operated by the Board shall provide homeless students with access to education and the services necessary for these students to meet the same challenging academic standards as other students. Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way.

The Orange County Superintendent of Schools (“Superintendent”) or designee shall ensure that placement decisions for homeless students are based on the student’s best interest as defined in law and administrative regulations.

**Transportation**

When the parent/guardians of a homeless student attending a school or program of the Board requests that transportation be provided to and from the school of origin, the Homeless Liaison shall consult the superintendent or designee of the school district in which the homeless student resides to agree upon a method to apportion the responsibility and costs of the transportation for homeless students who are referred to the schools and programs of the Board.

Reference: Education Code sections 1980-1986, 25588.2, 39807.5, 48645.1 and 486453.5 United States Code Title 42 sections 11432-11435 (McKinney Vento Homeless Assistance Act)

Adopted: 10/28/2008

Revised Procedure: 07/09/2015

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-14

**Suicide Prevention for Alternative, Community and Correctional Education Schools and Services**

The Orange County Department of Education (OCDE) recognizes that suicide is a leading cause of death among youth and an even greater amount of youth think about (17% of high school students) and attempt suicide (over 8% of high school students), thus requiring vigilant attention from school staff. As a result, OCDE is ethically and legally responsible for responding appropriately and timely in preventing suicidal ideation, attempts, and deaths, as well as to respond to the aftermath of a suicide death. The Orange County Department of Education shall work to create safe and nurturing campuses that minimize suicidal ideation in students.

In an attempt to reduce suicidal behavior and its impact on students and families, the Superintendent shall implement strategies for suicide prevention, intervention, and postvention, and the identification of the mental health challenges that are frequently associated with suicidal thinking and behavior. These strategies shall include professional development for all school personnel in all job categories who regularly interact with students and are in a position to recognize the risk factors and warning signs of suicide.

The purpose of this policy is to protect the health and well-being of all Orange County Department of Education students by having procedures in place to prevent, assess the risk of, intervene in, and respond to suicide.

OCDE:

- a) Recognizes that physical, behavioral, and emotional health is an integral component of a student's educational outcome.
- b) Further recognizes that suicide is a leading cause of death among young people.
- c) Acknowledges the school's role in providing an environment which helps to foster positive youth development.

Toward this end, this policy is meant to be paired with other policies supporting the emotional and behavioral health of students more broadly. Suicide prevention strategies may include, but are not limited to, efforts to promote a positive school climate that enhances students' feelings of connectedness with the school and is characterized by caring staff, positive relationships, and interactions among students.

The Superintendent or designee shall coordinate a Suicide Prevention Work Group to review and update prevention, intervention, postvention, and bereavement supports. The Suicide Prevention Work Group shall include representatives from Safe School & Support Services, Special Education, School Counseling, Health Services, Title I, Mental Health Clinicians, as well as school administrators, teachers, community partners, and parents. Further, each school shall identify at least one staff member, preferably an assistant principal or lead mental health professional, to serve as liaison to the Suicide Prevention Work Group and coordinate suicide prevention activities, resources, and protocols for their specific school site.

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The Suicide Prevention Work Group may also serve as an advisory group for mental health services, crisis response planning, threat management, and other areas supporting the social-emotional needs and well-being of students. The Suicide Prevention Work Group shall meet, at minimum, bi-annually to review this policy and related procedures.

The Superintendent or designee, with input from the Suicide Prevention Work Group, shall implement procedures for prevention strategies and intervention guidelines that include, but are not limited to the following:

- 1) Awareness and messaging about suicide
- 2) Suicide prevention, training, and education for all school staff members
  - a) At a minimum, all school staff shall participate in training on the core components of suicide awareness and prevention. Training materials may include programs that can be completed through self-review of suitable suicide prevention materials. Core components of the general suicide awareness and prevention training shall include:
    - i. Suicide risk factors, warning signs, and protective factors;
    - ii. How to talk with a student about thoughts of suicide;
    - iii. How to respond appropriately to the youth who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and an immediate referral for a suicide risk assessment;
    - iv. Emphasis on immediately referring (same day) any student who is identified to be at risk of suicide for assessment while staying under constant monitoring by staff member;
    - v. Emphasis on reducing stigma associated with mental illness and that early prevention and intervention can drastically reduce the risk of suicide
    - vi. How to identify appropriate mental health services, both at the school site and within the larger community
    - vii. When and how to refer youth and their families to additional services
- 3) Employee qualifications and scope of responsibility
  - a) Employees of the Orange County Department of Education and OCDE partners must act only within the authorization and scope of their credential or license.
  - b) This policy does not authorize or encourage a school employee to diagnose or treat mental illness unless the employee is specifically licensed, authorized, and employed to do so.
- 4) Specialized training for support staff and school mental health providers

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- a) Additional professional development in suicide risk assessment and crisis intervention shall be provided to school mental health professionals (school counselors, psychologists, social workers, and nurses).
- 5) Parent, guardian, and caregiver notification, participation, and education
- 6) Student participation and education
- 7) Professional development, education and services shall also include additional information regarding groups of students who may be at elevated risk for suicide. These groups include, but are not limited to, the following:
  - a. Youth affected by suicide;
  - b. Youth with a history of suicide ideation or attempts;
  - c. Youth with disabilities, mental illness, or substance abuse disorders;
  - d. Lesbian, gay, bisexual, transgender, or questioning youth;
  - e. Youth experiencing homelessness, doubled up, or in out-of-home settings, such as foster care;
  - f. Youth who have suffered traumatic experiences
- 8) In-school and out-of-school suicide attempts, contagion effect, and memorials
- 9) Re-entry protocols and postvention

Strategies may encompass primary, secondary, and tertiary forms of prevention for grades 7-12. Primary or universal prevention activities should include age appropriate, student-centered curriculum and programs including safe and healthy choices, coping strategies, help-seeking strategies, anti-bullying, communication, mentoring, and drug prevention. Identified higher-risk students will receive more specialized interventions to address risky behaviors and early signs and symptoms of mental illness or drug experimentation. Tertiary strategies will be a supportive practice and intervention for students who have engaged in self-harming behavior, are survivors of suicide attempts, or bereaved due to loss of friends and family.

## INTERVENTION

Whenever a staff member suspects or has knowledge of a student's suicidal ideations, he/she shall immediately notify the school administrator, school psychologist, school counselor, or school-based mental health provider. Phone messages or emails are not acceptable methods of notification. Upon verbal notification, school administration or support staff shall follow up with the student immediately.

Appropriate risk assessment procedures will be followed. If appropriate and in the best interest of the student, the mental health team member shall contact the student's parents/guardians/caregivers as soon as possible and shall refer to mental health resources in the community.

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Students shall be encouraged to notify a teacher, principal, administrator, school counselor, school psychologist or school based mental health provider, or other adult when they are experience thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

POSTVENTION

A death by suicide in the school community (whether by a student or staff member) can have devastating consequences on students and staff. Therefore, it is vital that schools are prepared ahead of time in the event of such a tragedy. The Superintendent or designee shall establish crisis response procedures to ensure student safety and appropriate communications in the event that a suicide occurs by an attempt made on campus, at a school-sponsored activity, or at home. The Suicide Death Postvention Response Plan shall incorporate both immediate and long-term steps. This plan shall also help manage various aspects of the crisis and help prevent suicide contagion. In this way, postvention is inextricably linked to prevention. The response plan may include the following steps:

- a) Contact Key Individuals
- b) Notify School Community
- c) Before School- Staff Meeting/Staff Support
- d) Student Meeting/Support Students
- e) After School Staff Meeting

**IMPLEMENTATION GUIDELINES AND ASSOCIATED DOCUMENTS:**

**OCDE Policies and Procedures:**

- Nondiscrimination/Harassment-Students
- Positive School Climate
- Guidance and Counseling Services

**Legal Reference:**

**EDUCATION CODE**

32280-32289 Comprehensive safety plan  
49060-49079 Student records  
49602 Confidentiality of student information  
49604 Suicide prevention training for school counselors

**GOVERNMENT CODE**

810-996.6 Government Claims Act

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WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent  
5850-5883 Mental Health Services Act

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

- Model Youth Suicide Prevention Policy
- Youth Suicide-Prevention Guidelines for California Schools 2005
- Health Framework for California Public Schools, Kindergarten Through Grade Twelve 2003

CALIFORNIA DEPARTMENT OF MENTAL HEALTH PUBLICATIONS

- California Strategic Plan for Suicide Prevention: Every California is Part of the Solution 2008

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

- School Connectedness: Strategies for Increasing Protective Factors Among Youth 2009

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

- National Strategy for Suicide Prevention: Goals and Objectives for Action 2001

WEB SITES

- American Psychological Association: <http://www.apa.org>
- California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh>
- California Department of Mental Health, Children and Youth Programs:  
<http://www.dmh.ca.gov/Sevices>
- Programs/Children and Youth Centers for Disease Control and Prevention, Mental Health:  
<http://www.cde.gov/mentalhealth>
- National Institute for Mental Health: <http://www.nimh.nih.gov>
- U.S. Department of Health and Human Services, Substance Abuse, and Mental Health Services Administration: <http://www.samhsa.gov>

Adopted: 11/08/2017



ORANGE COUNTY DEPARTMENT OF EDUCATION

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BOARD POLICY

500-1

**Publication of Materials**

It shall be the policy of the Orange County Board of Education that the County Superintendent make available, at cost, to the people of Orange County, materials related to the services that the County Superintendent is authorized to provide. Cost shall be determined in accordance with Department procedure. It shall be the responsibility of the County Superintendent to ensure that the Department complies with all requirements of the Education Code regarding publication criteria, charges, sales and distribution.

Reference: Education Code Sections 1249 and 1944

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

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BOARD POLICY

500-2

**Copyright/Computer Software**

It is the intent of the Orange County Department of Education to adhere to provisions of copyright laws in all applicable areas. Recognizing that the illicit copying of computer software is a major problem for the industry and that violations of copyright laws are detrimental to the development of effective educational uses of computers, it shall be the policy of the Orange County Department of Education to prohibit violation of all copyright laws.

Reference: Education Code Sections 1040, 1042

Adopted: 06/18/1996

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BOARD POLICY

500-3

**Copyright Materials**

It shall be the policy of the Board that original materials, including but not limited to, printed works and media, developed by and through the County Superintendent, be copyrighted. Charges for such copyrighted materials shall be made in accordance with Board Policy 500-1.

Reference: Education Code Sections 1044 and 1045

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

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BOARD POLICY

500-4

**Civic Center Policy – Use of Facilities**

Use of Orange County Department of Education facilities (buildings, grounds and equipment) shall be granted in accordance with this policy.

The goal of the Civic Center Policy shall be to assist community groups without hindering the education program or the fiscal integrity of the Department of Education.

**I. Priorities of User Groups/Fees**

A. Without Fees

The Department shall grant without charge the use of any school facilities or grounds under its control, when an alternative location is not available, to nonprofit organizations, and clubs or associations organized to promote youth and school activities, including, but not limited to:

1. Girl Scouts, Boy Scouts, Camp Fire, Inc.
2. Parent-teachers associations
3. School-community advisory councils

This subdivision shall not apply to any group which uses school facilities or grounds for fundraising activities which are not beneficial to youth or public school activities of a school district or the Department.

B. Actual/Necessary Direct Costs

Except as otherwise provided by law, the Department shall charge an amount not to exceed its direct costs for any and all activities other than those specified in subdivision A.

C. Fair Rental Value

In the case of entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the pupils of a school district or the Department or for charitable purposes, a charge shall be levied for the use of school facilities or grounds which charge shall be equal to fair rental value.

**II. Hours**

At the discretion of the Department, the facilities will be made available only at such times during which the regular programs of the Department will not be disturbed and at no time between the hours of 10:00 p.m. and 6:00 a.m. or when the security of the facilities cannot be guaranteed to the satisfaction of the Department.

**III. Special Additional Fee**

Special materials, equipment, and services must be requested and approved in writing at least 48 hours in advance of the scheduled activity. Fees will be based on schedules which are computed at actual Department of Education costs.

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**IV. Unauthorized Use of Department of Education Property**

The following uses or actions are prohibited and shall serve as a reasonable basis for denying or revoking a permit:

- A. Any religious purpose, or for denomination doctrine, or any religious education except when temporary use is granted when a church or religious organization has no other suitable meeting place.
- B. Discriminating against a person's race, color, religion, sex, or handicap.
- C. Rioting or disturbing the peace. The Department may require security personnel before approving a permit request, cost of which will be paid by user groups.
- D. Sale of food stuffs without prior approval of the Department.
- E. Use of Department's equipment, including but not limited to, telephones, computer terminals, word processing equipment, typewriters and calculators without Department authorization.
- F. Using intoxicants or narcotics. Smoking is not permitted in Orange County Department of Education facilities. Effective April 3, 1995, use of tobacco products is prohibited for students, employees, and visitors at all times (including evenings and weekends) and in all locations (including parking lots, department and personal vehicles, athletic fields, playgrounds, and buildings).
- G. Using materials or devices which constitute a hazard. All materials must be flameproof.
- H. Exceeding the posted facility capacity.
- I. Gambling.
- J. Parking on playfields or playing areas.
- K. Other uses prohibited by law.

**V. Waiver**

Any policy(ies), procedures, and fees may be waived upon the prior written approval of the Orange County Board of Education or the Orange County Superintendent of Schools. Special contracts or joint use agreements may supersede any part of the Civic Center Policy and supporting documents.

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VI. **Cancellation**

The Department of Education, at its discretion, shall have the right to cancel and terminate a permit immediately and without notice upon its discovery of a violation of any term, condition, or provision of the permit on the part of the permittee. Should any such violation occur, the Department of Education, at its discretion, shall have the right to deny any future requests by the permittee for the use of any other Orange County Department of Education facilities.

Reference: Education Code Sections 38130-38139

Adopted: 06/18/1996

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BOARD POLICY

500-5

**Uniform Complaint Policies**

The Orange County Department of Education is primarily responsible for its local compliance with federal and state laws and regulations related to Uniform Complaint Procedures.

It is the policy of the Orange County Board of Education that any individual, public agency or organization may file a complaint if they believe the department is not complying with federal or state laws or regulations pertaining to the following programs: Adult Basic Education, Consolidated Categorical Aid Programs, Vocational Education, Child Care and Development, Child Nutrition, Migrant Education and Special Education.

This policy also applies to complaints which allege unlawful discrimination under federal or state law in any program operated by the Department.

This policy also applies to complaints regarding pupil fees instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, teacher vacancy or misassignment, and high school exit examination intensive instruction and services.

Written complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination will be investigated and responded to by appropriate Orange County Department of Education staff in accordance with the procedures and deadlines set out in Title 5, California Code of Regulations sections 4600-4687 and the policies and procedures of the Department.

Reference: Education Code Sections 49010-49013  
Title 5, CCR, Sections 4600-4687  
Title 34, Sections 76.780-783

Adopted: 06/18/1996

Revised: 10/23/2008

ORANGE COUNTY DEPARTMENT OF EDUCATION

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BOARD POLICY

500-6

**Special Claims Policy**

It is the policy of the Orange County Board of Education that any claims against the Department for money or damages which are excepted by Government Code Section 905 from the requirements of Government Code Sections 900 to 915.4, and which are not governed by certain statutes or regulations shall be governed by the Special Claims Procedure 500-6.

Reference: Government Code Section 935

Adopted: 06/18/1996



ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

500-7

**Investment Policy**

I. PURPOSE:

To establish a policy for investment of funds held by the Orange County Department of Education (the "Department"). The policy also governs the issuance of debt by the Department. This policy is based upon federal, state, and local laws, and prudent money management practices. To the extent that this policy conflicts with applicable law, the applicable law shall prevail. The primary goals of this policy are:

- . To assure compliance with all federal, state, and local laws governing the investment of monies and the issuance of debt;
- . To protect the principal deposits of the Department; and
- . To generate investment income within the parameters of this policy.

II. POLICY:

The Department's primary investment objective shall be to maintain the safety and liquidity of its funds. Safety of principal is the foremost objective of the Department. The investment factors the Department shall consider, in order of descending importance, are the following:

- . Safety of invested funds;
- . Sufficient liquidity to meet future cash flow requirements; and
- . Attain maximum yield consistent with the aforementioned requirements.

In addition, the Department shall adopt measures as set forth herein to ensure that the issuance of debt by the Department complies with all applicable state and federal laws, including federal and state securities laws.

The County Superintendent of Schools ("County Superintendent"), or its designee, under the direction of the Board of Education, shall have the responsibility for all decisions and activities performed under the Department's investment policy. The Superintendent shall have the ability to allocate resources or delegate responsibility as necessary to optimize the safety and liquidity of the investment portfolio and to implement this investment policy.

III. LEGAL CONSTRAINTS;

Pursuant to California Education Code Section 41001, the Department shall deposit all funds received or collected from any source into the Orange County Treasure, to be placed to the credit of the proper Fund of the Department, except as otherwise provided herein. The County Treasurer will be instructed by the Department to segregate the Department's funds from funds on deposit by other non-school related depositors to maintain the protections afforded by California Government Code Section 27100.1.

Pursuant to California Education Code Section 41015, the Department may invest all or part of funds deposited in a Special Reserve Fund or any surplus monies not required for the immediate necessities of the Department in any of the investments specified in California Government Code Sections 16430 or 53601. Special Reserve Funds are

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BOARD POLICY

defined as those funds which the Board of Education has designed for capital outlay or other purposes where an accumulation over a period of fiscal years is desired.

IV. AUTHORIZED INVESTMENTS

The Department shall make investments in the context of the “Prudent Investor Rule” (Civil Code Section 2261 et seq.), which in substance states that:

“Investment all be made with the judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence, exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

The Department shall deposit all funds received or collected from any source into the Orange County Treasury, except as provided for through the California Education Code. Those funds maintained in a Special Reserve Fund or any surplus funds not required for the immediate necessities of the Department shall be available for investment (“funds available for investment”) under the conditions set forth in the policy.

1. The Orange County Investment Pool(s) established by the Orange County Treasurer for the benefit of local agencies and/or schools. The Department may invest up to one-hundred percent (100%) of its funds available for investment in the Orange County Investment Pool(s).
2. The Local Agency Investment Fund established by the California State Treasurer for the benefit of local agencies. The Department may invest up to one-hundred percent (100%), of its funds available for investment in the Local Agency Investment Fund.
3. To the extent that the Department directs the investment of its funds to specific securities, those securities shall be limited to the securities identified in California Government Code Section 53601, as set forth on Exhibit “A.” However, the Department will not, under any circumstances, direct the investment of its funds to reverse repurchase agreements unless such transactions are matched to maturity.

Monies received from the sources, or for the purposes, listed below may be deposited in a bank or other financial institution. Monies so deposited shall be in a fully-insured or collateralized account(s) or instrument(s). Bank accounts maintained outside of the County Treasury shall be limited to the following purposes:

- (a) Cash Clearing Account  
Purpose: To deposit accounts receivable checks then write check to County Superintendent once checks have cleared.
- (b) Revolving Cash  
Purpose: Emergency transactions for payroll and accounts payable.
- (c) Self-Insured Trust Account  
Purpose: To pay various insurance claims.
- (d) TRANs Proceeds

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V. COMPLIANCE WITH STATE AND FEDERAL SECURITIES LAWS:

The Department will take reasonable steps to ensure that any debt offerings issued by the Department comply fully with all applicable state and federal securities laws. In connection with all debt offerings issued by the Department, the Department will retain bond counsel and disclosure counsel to review the offerings materials prepared in connection with the debt offering to ensure that disclosures contained in offering materials comply with federal and state securities laws. The Associate Superintendent of Business shall be responsible for reviewing the offering materials regarding the accuracy of information disclosed in such materials.

VI. DEPOSIT OF PROCEEDS FROM THE ISSUANCE OF DEBT:

The Department shall not issue debt, for the sole purpose of generating funds for investment. The Department shall limit the issuance of debt for the purposes of meeting short term cash flow needs and to fund capital projects.

When depositing proceeds from the issuance of debt the Department shall limit such investments to those authorized investment identified in this policy. Should a trust agreement of a particular debt issued by the Department be more restrictive than the Department's policy on authorized investments, then the trust agreement will take precedence.

VII. INVESTMENT REVIEWS:

The Associate Superintendent of Business will review quarterly reports on investment performance.

VIII. CHANGES TO INVESTMENT POLICY:

The Policy dated June 18, 1996, has been submitted to the Board of Education for review and approval. This Policy will be reviewed at least annually to ensure its consistency with the objectives of income, growth and safety, and changes in applicable laws and financial trends. Any proposed amendments to the Investment Policy will require approval by the Board of Education.

IX. FINANCIAL PROFESSIONAL'S COMPLIANCE WITH INVESTMENT POLICY:

All outside investment advisors/managers, attorneys and other financial professionals employed or retained by the Department and/or its representatives, including without limitation financial advisors, underwriters, bond counsel, and disclosure counsel must review this policy and sign a statement of compliance confirming that they have reviewed this investment policy and will fully comply with these policies. A copy of the Statement of compliance is attached as Exhibit "A."

Reference: Education Code Sections 41001, 41015  
Government Code Sections 53601, 53646

Adopted: 06/18/1996

# **Board Procedures**

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

**Expulsion Appeal Hearing Procedure**

**300-1**

The order of the hearing shall be as follows:

1. President of the Board shall preside
2. Coordinator of Student Services makes a brief summary
3. Presentation for the student (Limited to 10 minutes)
4. Presentation for the district (Limited to 10 minutes)
5. Response on behalf of the student (Limited to 5 minutes)
6. Response for the district (Limited to 5 minutes)
7. Board members question appellants and/or respondents
8. Board discussion and deliberation which may include closed session deliberations with counsel
9. Board makes decision
10. Hearing concluded by President

The review of the expulsion decision is limited to the following questions:

1. Whether the governing board acted without or in excess of its jurisdiction
2. Whether there was a fair hearing before the governing board
3. Whether there is prejudicial abuse of discretion in the 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 hearing before the governing board

The decision of the Orange County Board of Education shall be limited as follows:

1. Where the Orange County Board of Education 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 governing board, it may do either of the following:
  - a. Remand the matter to the governing board for reconsideration and may, in addition, order the student reinstated pending such reconsideration.
  - b. Grant a hearing *de novo*\*, upon reasonable notice thereof, to the student to the governing board. The hearing shall be conducted in conformance with the rules and regulations adopted by the county board under Section 48919.

The *de novo* hearing procedure is as follows:

- Presentation of witnesses and other evidence for/by the student
- Presentation of witnesses and other evidence for/by the district
- Response of witnesses as appropriate
- Closing arguments for the student
- Closing arguments for the district
- Response
- Questions
- Discussion
- Board decision

2. In all other cases, the Orange County Board of Education shall enter an order either affirming or reversing the decision of the governing board. In any case in which the county board enters a decision reversing the local board, the county board may direct the local board to expunge the record of the student, and the records of the district of any references to the expulsion action and such expulsion shall be deemed not to have occurred. (Education Code 48923)

The decision of the Orange County Board of Education shall be final and binding upon the student and upon the governing board of the school district. The student and the governing board shall be notified of the final order of the county board in writing, either by personal service or by certified mail within five (5) school days. The order shall become final when rendered.

\*over again, anew

Ref: Education Code Sections 48919 through 48924

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BOARD POLICY PROCEDURE

**INDEPENDENT STUDENT PROGRAM**

**400-1**

**Educational opportunities through independent study may include, but shall not be limited to, the following:**

1. Special assignment extending the content of regular courses of instruction.
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum.
3. Individualized alternative education designated to teach the knowledge and skills of the core curriculum.
4. Continuing and special study during travel.
5. Volunteer community services activities that support and strengthen student achievement.

The independent study option may be offered by a school under the supervision of the principal or designee, or from a district-designated location that meets the requirements of the law where selected staff serve pupils enrolled in two or more schools. In the latter instance each student remains enrolled in the school of origin.

Pupils interested in independent study should contact their school principal or the designated responsible administrator.

**Approval of proposed independent study agreements shall be based on the following criteria:**

1. Evidence that the pupil can work independently.
2. Indications that the pupil will work to complete the assignments and meet necessary appointments.
3. Availability of one or more certificated teachers with appropriate qualifications including classroom teaching experience and adequate time to supervise the student effectively.
4. A written statement of educational objectives and the means of accomplishing and measuring progress toward them.

A reason for requesting optional alternative instruction using the independent study instructional strategy that is acceptable under any one of the following conditions:

- a. If the pupil has been enrolled in a district school for 45 days or more and the principal of that school approves.
- b. If the applicant has not been enrolled for at least 45 days in a district school and the administrator who will be responsible for independent study approves.

If the pupil and/or parent appeal a rejection of the application to the Superintendent, a committee established by the Superintendent shall reconsider the application and make the decision.

If the pupil applicant is under age 18 the parent or guardian must approve and sign the written agreement.

No more than 10 percent of the pupils enrolled in Continuation or Opportunity Education may be on independent study. The cap shall be calculated as specified by the California Department of Education.

All course work offered to adults through independent study shall meet the requirements for a high school diploma.

### **Independent Study Written Agreements**

1. A written Independent Study Agreement for a pupil must require and cover a study plan that represents not less than the equivalent of a minimum school day for the pupil's grade level for every school day covered by the agreement and shall include:
2. The manner, frequency, date, time, and place for submitting a pupil's assignments and for reporting his or her progress.
3. The title and statement of the major objectives of the course of study covered by the agreement or for elementary grades, other indications of academic accomplishment to be covered by the agreement.
4. The specific resources, including materials and personnel, which will be made available to the pupil in order to attain the objectives.
5. A schedule regarding achieving objectives and completing the agreement.
6. A schedule regarding conferences between pupil and supervising teacher.
7. The method utilized to evaluate the pupil's work.
8. A statement of the maximum length of time allowed between the assignment and the completion of a pupil's assigned work as determined by governing board policy.
9. A statement of the maximum number of assignments that a pupil may miss before an evaluation must be made of whether the pupil should be allowed to continue in independent study, as determined by board policy.
10. The duration of the Independent Study agreement, up to a limit of one semester or one-half year for a school on a year-round schedule.
11. A statement of the number of course credits or, for elementary grades, other measures of academic accomplishments appropriate to the agreement, to be earned by the pupil upon completion.
12. A statement that independent study is an optional alternative in which no pupil may be required to participate.
13. The signatures of the pupil, pupil's parent or guardian, certified employee of the district who has been designated as having responsibility for the general supervision of independent study, and any person who has direct responsibility for providing assistance to the pupil.

(NOTE: Items 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12 meet the requirements of the C.C.R. Title 5 regulations, section 11702. The other times are optional.)

### **Administration of the Independent Study Option**

The use of independent study shall be administered by the administrator in charge; responsibilities shall include:



1. Ensuring that independent study occurs in accordance with state law and district policy and regulations.
2. Approving the participation of all pupils requesting independent study for a period exceeding five school days.
3. Facilitating the completion of independent study written agreements.
4. Approving all credits earned via independent study supervised at a location apart from the pupil's regular school and forwarding this information to the appropriate school staffs so that it becomes part of the student's permanent record.
5. Authorizing the selection of all staff who are assigned to supervise independent study.
6. Supervising any staff assigned to independent study functions who are not regularly supervised by another administrator.
7. Completing and coordinating the preparation of all necessary records and reports.
8. Establishing and maintaining systematically all records required by state regulations for an audit trail of average daily attendance attributed to independent study and reported by the district.
9. Monitoring enrollment in independent study to stay within prescribed limits and maximize income to the district without compromising its educational quality.
10. Developing and managing the budget for independent study.
11. Obtaining and maintaining current information and skills required for the use of independent study that meets established standards for district educational programs.
12. Preparing and submitting reports as required by the Superintendent or School Board.

### **Independent Study Supervising Teachers**

1. Teachers who directly supervise independent study on a regular basis will be approved prior to assignment by the independent study administrator.
2. The principal of any school may recommend teachers and students for independent study. The teacher may be the student's regular classroom teacher, particularly when the student is at the elementary level.
3. Independent study teachers shall:
  - a. complete designated portions of the written agreement,
  - b. add additional information when appropriate,
  - c. supervise and approve course work,
  - d. design lesson plans,
  - e. assess all student work,
  - f. judge the time value of assigned work or work products completed and submitted by the student,
  - g. select and save with each agreement representative samples of completed and evaluated pupil assignments on a monthly basis, and
  - h. maintain any required records and files on a current basis.
4. Independent study teachers shall complete a record of pupil assignments on not less than a monthly basis. The records shall provide for individual assignments, resources provided to facilitate the completion of

each assignment, due date, and evaluation added when the assignments have been completed. All records shall be consistent with the terms of the written agreement.

5. Independent study teachers shall determine and assign grades or other approved measures of pupil achievement when appropriate.

### **Independent Study Records**

Department records shall identify all pupils participating in independent study and shall specify the grade level, program placement, and school in which each of these students is enrolled.

Each school shall maintain records for the students enrolled in the school.

Records shall include, but not be limited to, the following:

1. A copy of the district policy, administrative regulation, and procedures pertaining to independent study.
2. A file of all agreements with representative samples of completed and evaluated student assignments.
3. A list of all students who have participated or are currently participating in independent study which show credits attempted by and awarded to each pupil per agreement and a record of the pupil's attendance.
4. An attendance register separate from the register used for regular classroom attendance, in which attendance is recorded on the basis of positive attendance accounting procedures.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

**STUDENT SUSPENSION AND EXPULSION PROCEDURES**

**400-2**

A. GROUNDINGS FOR SUSPENSION AND EXPULSION

A student may be suspended, or recommended for expulsion pursuant to Education Code Section 48900, if the superintendent or superintendent's designee or the principal or principal's designee determines that the pupil has committed any of the following:

**Prohibited Acts:**

1. Caused, attempted to cause, or threatened to cause physical injury to another person; or willfully used force or violence upon the person of another, except in self defense.
2. Possessed, sold or otherwise furnished any firearm, knife, explosive, or other dangerous object.
3. Unlawfully possessed, sold or otherwise furnished, or been under the influence of any controlled substance, listed in Chapter 2 (commencing with Section 11053) of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kinds.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of the Health and Safety Code, an alcoholic beverage or intoxicant of any kind, and then either sold, delivered or otherwise furnished to any person another liquid, substance or material and represented the liquid, substance or material as a controlled substance, alcoholic beverage, or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stolen or attempted to steal school property or private property.
8. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers administrators, school officials, or other school personnel engaged in the performance of their duties.
12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm. An "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

14. Committed or attempted a sexual assault or committed a sexual battery.
15. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
16. Committed sexual harassment.
17. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
18. Engaged in harassment, threats, or intimidation directed against a pupil or group of pupils.
19. Made terroristic threats against school officials or school property, or both.

### **Location Where Prohibited Acts Committed**

The above acts must relate to school activities or attendance which occur at any time, including, but not limited to:

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period, whether on or off the campus.
4. During, or while going to or coming from, a school sponsored activity.

### **Truant or Tardy Students**

For pupils who are truant, tardy, or otherwise absent from assigned school activities, all reasonably available alternatives to suspension are to be implemented (Education Code Section 48900). These alternatives may include the assignment of a failing grade pursuant to rules and regulations adopted pursuant to Education Code Section 49067.

### **B. NOTIFICATION TO LAW ENFORCEMENT AUTHORITIES**

The principal or site liaison shall notify appropriate city or county law enforcement authorities of acts that may violate Penal Code Section 245, (Education Code Section 48902), 626.9 or 626.10, or Education Code Section 48900(c) or (d).

### **C. ATTENDANCE OF SUSPENDED CHILD'S PARENT OR PARENT DESIGNEE FOR PORTION OF THE SCHOOL DAY**

1. The County Board of Education has adopted a policy authorizing teachers to provide that the parent or guardian of a pupil suspended by a teacher pursuant to Education Code Section 48910 for committing an obscene act, engaging in habitual profanity or vulgarity, or disrupting school activities or otherwise willfully defying the valid authority of school officials, attend a portion of a school day in the class from which the pupil was suspended. (Education Code Section 48900.1(a)).
2. Attendance is required only of the parent or guardian actually living with the pupil (Education Code Section 48900.1(c)).

3. The principal shall send a written notice to the parent, Probation or Social Services Department stating that attendance by the parent or guardian is legally required pursuant to the Education Code (Education Code Section 48910.1(c)). The notice may request that an agency representative attend.
4. The parent or guardian who receives the written notice shall attend class. The notice may specify that the parent's or guardian's attendance be on the day in which the pupil is scheduled to return to class or within a reasonable period of time thereafter.
5. After the classroom visitation the parent or guardian shall meet with the principal or his/her designees prior to leaving the school.

#### D. SUSPENSION FROM CLASS BY TEACHERS

1. A teacher may suspend a pupil from class for the day of the suspension and the day following for any of the acts set forth in Education Code Section 48900. The teacher must:
  - a. Immediately report the suspension to the principal; and
  - b. Immediately send the pupil to the principal or principal's designee for appropriate action; and
2. As soon as possible, the teacher must ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension.
  - a. Whenever practicable, a school counselor or school psychologist shall attend the conference.
  - b. At the request of the teacher or parent, a school administrator shall attend the conference.
3. During the period of suspension the pupil shall not return to the class from which the student was suspended unless both the teacher and the principal agree. The pupil shall not be placed in another regular class, or if assigned to more than one class per day, to other regular classes scheduled at the same time during the period of suspension.
4. A teacher may also refer a pupil to the principal or the principal's designee for consideration of a suspension from school for any of the acts enumerated in Section 48900.
5. The teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension (Education Code Section 48913.)

#### E. SUSPENSION FROM SCHOOL BY PRINCIPAL

The principal or the principal's designee or the superintendent or superintendent's designee may suspend a pupil (including a disabled pupil) from school for not more than five consecutive school days. Education Code Section 48911. A pupil may be suspended upon a first offense if the principal or superintendent determines that the pupil violated subdivisions (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code Section 48900.5).

In all other cases a pupil may be suspended only when other means of correction fail to bring about proper conduct.

#### F. NOTICE TO PARENT/GUARDIAN UPON RELEASE OF MINOR STUDENT TO PEACE OFFICER

When a program administrator or other official releases a student to a peace officer in order to remove the minor from school or program premises the official shall take immediate steps to notify the student's parent/guardian or responsible relative regarding the student's release to the officer and the place to which to student is reportedly being taken, except when the student is a victim of suspected child abuse, in which case the County Office of Education must provide the parent/guardian's address and telephone number to the officer.

#### G. PUPIL CONFERENCE PRIOR TO SUSPENSION

1. Prior to suspension, a conference between pupil and, whenever practicable, the school employee who referred the pupil must be conducted by the principal, principal's designee, the superintendent or the superintendent's designee (Education Code Section 48911(b)).
2. At the conference, the administrator present should advise the pupil of the evidence against him or her, the reasons for the discipline, and give the pupil the opportunity to present his/her version of the facts (Education Code Section 48911(b)).
3. A principal, principal's designee the superintendent, or the superintendent's designee may suspend a pupil without affording the pupil an opportunity for a conference only if the principal, or the principal's designee or the superintendent, or the superintendent's designee determines that an emergency situation exists. A "emergency situation" exists when the principal, principal's designee, the superintendent, or the superintendent's designee determines there is a clear and present danger to the lives, safety, or health of pupils or school personnel. If a pupil is suspended without a conference prior to suspension, both the parent or agency representative and pupil shall be notified of the pupil's right to a conference and the pupil's right to return to school for the purpose of a conference. The conference must be held within two school days unless the pupil waives this right or is physically unable to attend for any reason. The conference shall then be held as soon as the pupil is physically able to return to school for the conference (Education Code Section 48911(c)).

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

**EDUCATIONAL MATERIALS, CRITICISM CONCERNING**

**400-4**

Since opinions may differ in a democracy, on occasion the suitability of a particular book or material may be questioned. A challenged book or material will not be immediately removed from the collection, but will be reviewed again in the light of the objections raised. Such cases shall be handled by the following procedures:

- A. If the complainant wishes to file a formal complaint, he/she must present the complaint in writing on the form provided (see following pages).
- B. The materials in question shall be reviewed by a Reviewing Committee of at least three members appointed by the County Superintendent. Members of the committee shall be deemed by the Superintendent to have competence in the subject area concerned, and/or experience with and knowledge about the age group with which the material is used.
- C. The Reviewing Committee shall evaluate the questioned material with the specific objections in mind. Their analysis and recommendation shall be completed as rapidly as possible and their final recommendation presented in writing to the Board of Education.
- D. After considering the recommendation of the Reviewing Committee, the Board of Education shall make final decision as to whether or not the material is to be retained in the collection and shall direct the Superintendent to notify in writing the individual members of the Reviewing Committee, and the complainant of the Board's final decision.
- E. Only the decision of the Board of Education shall authorize removal of the material from the collection, and the decision of the Board is to be regarded as final.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

**PROCEDURES FOR ALCOHOL AND DRUG USE**

**400-5**

The administration shall practice the following procedures relative to student drug use or abuse on school property or wherever the student is under the jurisdiction of the schools. Provisions of this procedure shall apply to all violations described in Section 48900 of the California Education Code: “Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health & Safety Code, an alcoholic beverage, or an intoxicant of any kind.

Note: Alcohol is a drug, illegal for use by minors, and cases involving alcohol shall be treated in the same manner as for other drugs. (See Policy 400.15 for use of tobacco.)

A. Use or Possession

1. No internal medication is to be administered by school personnel except as prescribed by a doctor (Education Code, 49423).
2. Dangerous and narcotic drugs which a student has on prescription and carries on to school property for ingestion as prescribed by a doctor must be in their original containers and kept in the nurse’s or principal’s office, whichever provides greater security. Parents will be notified as to location of the prescribed medicine.
3. Whenever any staff member has reason to believe that a student may be under drug influence, that staff member shall immediately notify the principal, and the principal, if in agreement, shall notify the parents, suspend the student. Depending on the circumstances, the student is removed from the school. Depending on the circumstances, the student may be taken to a physician or hospital, to his or her home, or to the jurisdiction of the police. The proper law enforcement agency shall be notified.
4. In all instances in which laws have been broken, the appropriate law enforcement agency shall be notified; i.e., police and/or probation. Depending upon circumstances, the student will be suspended for one to five days, per Education Code 48900. If the student is not taken into custody, upon return with parent or custodian, administrator or designee will conduct a chemical use assessment and use that information to work with the student consultation team to take whatever other action may be appropriate.
5. In appropriate circumstances, the principal or superintendent may recommend a student for expulsion for use or possession of controlled substances or alcoholic beverages.

B. Selling or Providing

The following procedure will be followed when there is reason to believe that student has sold or provided drugs at a school site or at school activities.

1. The school administrator or designee shall advise the local juvenile narcotics officer or law enforcement personnel. If a school administrator or designee releases a student to a peace officer, the administrator will take immediate steps to notify the parent or guardian of the release and the place to which the student was taken.
2. When appropriate, the school administrator or designee will take the student to the school office, where the administrator or designee will confront the student with the suspicion, or the administrator or designee may



notify the police before taking the pupil to the office. Unless made inappropriate by some emergency, the student should be removed from a classroom only by a school administrator or by his or her designee.

3. With reasonable suspicion, a search for drugs may be made by the administrator or designee, which includes searching the student's person, his or her belongings, and Department owned facilities such as science drawers, shop lockers, etc. Such a search shall be conducted by the administrator or designee with at least one other school employee as witness or by a police officer.

4. The student may be questioned by the school administrator or designee without notifying the student of his or her rights, but if the administrator believes that a law has been broken, the police or the Probation officer shall be notified.

When there is reasonable evidence that a student has actually sold or provided narcotics or other drugs on or about school premises or at school-sponsored functions, or that he or she possessed drugs with the intent to sell or distribute, the police must be notified. Regardless of any legal action taken by the police, however, the administrator will follow the provisions of Education Code Section 48915(a) which provides for a recommendation of expulsion unless “. . . the principal or superintendent finds, and so reports in writing to the governing board that expulsion is inappropriate, due to the particular circumstance, which shall be set out in the report of the incident.” A recommendation for expulsion will require the following action:

5. A hearing by the Board or by an Administrative Panel as provided by Education Code Section 48918. The Board or Panel, as provided by law, shall consider all factors, including the age of the student, in taking or recommending action. Note: The administrator is allowed flexibility in determining whether a student “provided” an illegal substance or “shared” such a substance. “Sharing” (for example sharing a can of beer or a marijuana cigarette), shall be handled under Section A5. “Providing” (for example, giving marijuana or other drugs in large quantities or for independent or later consumption) shall be handled under Section B.

Note: In any instance in which a student requests that illegal substances be brought to school or to any school function, and such substance is actually brought to school or to a school activity, that student, as well as the provider, will fall under the condition of Section B.

Provisions of this administrative procedure shall be disseminated to students and parents or guardians through school newsletters, student handbooks, parent or guardian and student meetings, newspapers, radio, televisions and other means of communication.

Procedures will be developed to review and update policies annually.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

**PROCEDURES FOR TOBACCO DRUG USE**

**400-7**

Effective April 3, 1995, the use of tobacco products is prohibited anywhere, anytime on Department property and in Orange County Department of Education vehicles. The successful implementation of this policy will depend on the thoughtfulness, consideration, and cooperation of tobacco-users and non-users. All individuals on above stated premises share in the responsibility of adhering to and enforcing this policy.

- A. All existing policies and regulations regarding the use of tobacco products are as follows:
  - 1. The use of tobacco products shall be prohibited in Orange County Department of Education vehicles.
  - 2. All Orange County Department of Education facilities shall have posted at major entrances and in main meeting rooms signs designating the facility as a non tobacco use facility.
- B. County Office staff shall provide a reference list of cessation clinics, community resources, and other agencies to assist employees choosing to quit the use of tobacco.
- C. An information letter and Application for Use of Facilities has been developed to inform approved facility users of Orange County Department of Education of the Use of Tobacco Products policy and users' responsibility to adhere to the policy.
- D. Violations of this policy by employees will be handled through progressive disciplinary actions.
- E. Violations will be handled in accordance with the progressive discipline plans at each school site.
- F. Violations by facilities lessors will be handled in accordance with Civic Center Policy – Use of Facilities 500-7.

The Use of Tobacco Products policy will be reviewed annually.

Information about the policy and enforcement procedures will be communicated clearly to school personnel, parents or guardians, students, and larger community.

Ref: Education Code 35160, 35160.1, 48901  
Health and Safety Code 25940.5, 25946, 25948  
Public Law 103-227, Section 1043

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

**EXPULSION OF A PUPIL WITH EXCEPTIONAL NEEDS**

**400-9**

Each contract for services entered into by the Orange County Department of Education and the local school district shall contain language as follows:

”It is understood by and between the Orange County Department of Education and the \_\_\_\_\_ School District that students referred to programs operated by the Orange County Department of Education shall remain the legal responsibility of the school district. In the event the student commits an expellable offense, the Orange County Department of Education shall refer the student back to the school district and the school district shall institute expulsion proceedings pursuant to the applicable Education Code provisions. The staff of the Orange County Department of Education shall cooperate with the school district in the processing of the expulsion.”

## ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

### BOARD POLICY PROCEDURE

#### **STUDENT PROMOTION AND RETENTION**

**400-11**

Upon the enrollment of a student within any Orange County Department of Education operated program, an assessment shall be completed in the areas of:

1. Reading proficiency,
2. English language arts and writing, and
3. Mathematics

The only exceptions to the assessment shall be for those students who are enrolled in an OCDE-operated program and who have:

- . An active Individualized Education Program plan which includes an assessment of skills completed within 6 months of the date of placement, or
- . Who are English learners and have failed to meet academic standards in areas in which only limited instruction has been provided.

#### **Student Identification to be Considered for Retention by Grade Level:**

As prescribed by law, the Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels (Education Code Section 48070.5):

1. Between grades two and three;
2. Between grades three and four;
3. Between grades four and five;
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 (grade 9).

#### **Criteria for Consideration of Retention**

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.

Students shall be identified on the basis of the following indicators:

- . Current student achievement, grades (below "C"), and credits earned for grades 9-12.
- . Individual student goals as indicated on the Individual Learning Plan.
- . Composite performance on multiple assessments.
- . Portfolio of student work.
- . School attendance.
- . Informal teacher records.

#### **Designation of Teacher**

The "teacher" making the recommendation for promotion/retention shall be the teacher who:

1. Serves as the full-time credentialed teacher for the student during the entire instructional day for the student.
2. Provides more than 50% of the student's instruction for any school day.
3. For those students enrolled in a departmentalized instructional program, recommendation will be made to the "Student Consultation Team" to include departmentalized teachers.

The recommendation to promote or retain shall be discussed with the "Student Consultation Team" prior to final decision.

### **Teacher Determination for Student Retention**

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is NOT the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is NOT appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement.

### **Final Teacher Recommendation for Retention/Promotion**

If the teacher's recommendation to promote is contingent on the student's participation in a tutorial program or an after school, summer school, or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the "Student Consultation Team" before any final determination of retention or promotion.

### **Requirement for Parent Notification of Students "At-Risk" of Retention**

When a student is identified as being at-risk of retention, the Superintendent or designee shall so notify the student's parents or guardians, in writing, as early in the school years as practical. The student's parents/guardians shall be invited to a meeting to consult with the teacher(s) responsible for the decision to promote or retain the student.

The parents/guardians will be advised of the critical nature of attending and participating in this meeting. The meeting will include the participation of appropriate staff and other appropriate authorities, if the student's school attendance and performance is linked to his/her court ordered condition of probation. The letter of notification shall include a copy of the Board of Education's policy on "Promotion and Retention" and the administrative rules and regulations to those parents/guardians who have been notified that their child is at risk of retention.

### **Appeal of Teacher's Decision to Retain or Promote Student**

1. The decision to promote or retain a student may be appealed consistent with Board policy, administrative regulations, and the law.
2. The burden shall be on the appealing party to show why the teacher's decision should be overruled.
3. To appeal the teacher's decision, the parents/guardian, and the student, if appropriate, shall submit a written request to the Superintendent or designee specifying the reasons why the teacher's decision should be overruled. The appeal must be initiated within ten (10) school days of the determination of retention or promotion. The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

4. If the Superintendent or designee determines that the appealing party has overwhelmingly demonstrated that the teacher's decision should be overruled, then the Superintendent or designee shall overrule the teacher's decision.
5. If the decision is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objectives, which shall become part of the student's record.

### **Provisions of Remedial Instruction**

To the extent to which county offices of education are funded to provide systematic and intensive supplemental instruction to students retained pursuant to Education Code Section 48070.5, with parent/guardian consent, the Superintendent or designee may require a student who has been recommended for retention or identified as being at-risk of retention, to participate in a supplemental program.

- a. Such programs shall be offered after school, during the extended day, during the summer, on Saturdays, and/or during intercession. However, a student shall not be removed from instruction of his/her regular day core curriculum.
- b. The aforementioned services shall be provided to students in the following priority order:
  1. Students who have been recommended for retention or who have been identified as being at-risk or retention pursuant to E.C. 48070.5.
  2. Students who have been identified as having a deficiency in mathematics, reading, or written expression based upon the results of tests administered by the district or under the STAR program.
- c. The supplemental instruction program shall be developed in accordance with the requirements of Education Code Section 37252.5. This Education Code provides for intensive supplemental instruction to pupils enrolled in grades 2 to 9, inclusive, who have been retained pursuant to Education Code Section 48070.5. As noted, attendance in the supplemental instructional programs shall not be compulsory within the meaning of Education Code Section 48200.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

Education for Homeless Children and Youth

400-13

**Definitions**

Homeless means students who lack a fixed, regular, and adequate nighttime residence and includes:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings.
3. Children and youths who are living in cars, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above.

School of origin means the school or program that the student attended when permanently housed or the school or program in which the student was last enrolled.

Best interest means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parents/guardian.

Unaccompanied youth means a youth not in the physical custody of a parent or guardian.

School/Program Homeless Liaison Contact Information

The Superintendent designates the following staff person as the School/Program Homeless Liaison ("Homeless Liaison") for homeless students attending a school or program of the Board:

Homeless Liaison

Orange County Department of Education

Room B-2004

200 Kalmus Drive, Costa Mesa, CA 92626

714-953-6513

**The Homeless Liaison shall ensure that:**

1. Homeless students are identified by school or program personnel and through coordinated activities with other entities and agencies.
2. Homeless students enroll in, and have a full and equal opportunity to succeed in, its schools and programs.
3. Homeless families and students receive educational services for which they are eligible.
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
5. Notice of the educational rights of homeless students is disseminated at places where children receive services, such as schools, shelters and community centers.
6. Enrollment disputes are mediated in accordance with law, Board policy and procedure.
7. Parents/guardians are fully informed of all transportation services.

**Enrollment**

Placement decisions for homeless students shall be based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian request otherwise.

When making a placement decision, the principal or designee may consider the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

The student may continue attending his/her school of origin for the duration of the homelessness and until the end of any academic year in which he/she moves into permanent housing.

In the case of an unaccompanied youth, the Homeless Liaison shall assist in placement or enrollment decisions, consider the views of the student, and provide notice to the student of his/her appeal rights.

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian, the principal or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision to the Homeless Liaison.

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school or program of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment.

The principal or designee shall immediately contact the school or program last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the Homeless Liaison. The Homeless Liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student.



## **Enrollment Dispute Resolution Process**

If a dispute arises over school selection or enrollment in a particular school or program, the student shall be immediately admitted to the school or program in which enrollment is sought pending resolution of the dispute.

The parent/guardian shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the Homeless Liaison.

The written explanation shall be complete, as brief as possible, simply stated and provided in language that the parent/guardian or student can understand. The explanation may include contact information for the Homeless Liaison, a description of the Homeless Liaison's decision, notice of the right to enroll in the school or program of choice pending resolution of the dispute, notice that enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the Superintendent's designee and, if the dispute remains unresolved, to the California Department of Education ("CDE").

The Homeless Liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.

If a parent/guardian disagrees with the Homeless Liaison's enrollment decision, he/she may appeal the decision to the Superintendent's designee. The Superintendent's designee shall make a determination within five (5) working days.

The Superintendent designates the following staff person as the County Coordinator for Homeless Education ("County Coordinator"):

Manager, Student Support Services  
Orange County Department of Education  
Room B-1014  
200 Kalmus Drive, Costa Mesa, CA 92626  
714-966-4093

If the parent/guardian wishes to appeal the County Coordinator's placement decision, the County Coordinator shall forward all written documentation and related paperwork to the CDE.

ORANGE COUNTY BOARD OF EDUCATION  
Costa Mesa, California

BOARD POLICY PROCEDURE

**CIVIC CENTER USE, Application for Use of School Facilities**

**500-4**

Use or occupancy of the Orange County Department of Education facilities and/or grounds shall be primarily for public school purposes. Any authorized use or occupancy of the facilities and/or grounds for other than school purposes shall be secondary and subordinate to this primary purpose.

1. To reserve facilities and/or grounds at the Orange County Department of Education, contact the Facilities Unit at (714) 966-4070 to request an application and provide the following information.
  - a. Name of organization
  - b. Complete address and telephone number
  - c. Time of use
  - d. Nature of meeting
  - e. Building and/or grounds requested
  - f. Person responsible for use
  - g. Estimated number of attendance
2. Applications should be submitted not later than fifteen (15) days prior to the desired time of use. If an application has not been returned to you approved within ten (10) days of the desired time of use contact the Facilities Unit at (714) 966-4070. The Orange County Department of Education reserves the right to assign or reassign facilities and/or grounds as necessary.
3. Payment of estimated fees shall be made within ten (10) days before the use of the facilities and/or grounds. Applicant will be invoiced for the balance of any rental and/or service fee due following the use of the facilities and/or grounds.
4. Cancellations should be made to the Facilities Unit at (714) 966-4070 at least forty-eight (48) hours in advance of the scheduled time of use so that the facilities and/or grounds may be reassigned.
5. Insurance: Applicant, upon request of the Orange County Department of Education, may be required to submit a certificate of insurance with limits of \$500,000 bodily injury and property liability coverage, per occurrence, combined single limit. The applicant shall also name the Orange County Superintendent of Schools, the Orange County Board of Education and their offices, agents and employees as an additional insured on the policy and provide for a thirty (30) day notice of cancellation or reduction in coverage.
6. Applicant must certify under penalty of perjury that he/she has read the procedures, conditions and terms of the application, and shall abide by them and will conform to all applicable provisions of the Constitution and laws of California and to all other directives of the Orange County Superintendent of Schools, the Orange County Board of Education and their officers, agents and employees which may be communicated to the applicant. Failure to adhere to any of the procedures and the terms of the application may be interpreted as gross negligence and may nullify any agreement whether written or oral.

The following procedures have been established by the Orange County Department of Education to assist organizations with detailed information regarding the use of facilities and/or grounds. The Orange County Department of Education appreciates the organization's interest and desire to use these facilities and/or

grounds and appreciates that the organization will work with the Orange County Department of Education in maintaining the physical condition of the facilities and/or grounds so that they may be enjoyed by other citizens and groups in the future.

1. Use or occupancy of any facilities and/or grounds shall be primarily for public school purposes. Any authorized use of occupancy of the facilities and/or grounds for other than public school purposes shall be secondary and subordinate to this primary purpose.
2. The term “organization” as used in these procedures is defined to mean and include the person or group or persons applying for use of school facilities and/or grounds.
3. All applications from outside organizations for the use of facilities and/or grounds shall be referred to the Facilities Unit of the Orange County Department of Education and shall be signed by an officer of the organization. These applications should be submitted to the Orange County Department of Education, 200 Kalmus Drive, Costa Mesa, CA 92626, Attn: Facilities Unit, fifteen (15) days prior to the desired time of use. Facilities and/or grounds must be under the supervision of a responsible adult (21 years of age or over).
4. The Orange County Department of Education reserves the right to assign or reassign facilities and/or grounds as necessary.
5. Cancellations should be made to the Facilities Unit at (714) 966-4070 at least forty-eight (48) hours in advance of the scheduled time of use so that the facilities and/or grounds may be reassigned.
6. Use is confined to the area(s) named in the approved application, with appropriate corridor and lavatory facilities.
7. Orange County Department of Education equipment will to be used unless specifically authorized.
8. A cleaning deposit for the facilities and/or grounds may be required from all individuals and groups prior to facility and/or ground use. The facility and/or grounds must be cleaned and returned to reasonable condition after all meetings. Deposit refunds will be returned provided the facility and/or grounds are left in a reasonable condition.
9. No keys will be issued to applicants. Personnel of the Orange County Department of Education will be available with keys during the periods scheduled on the application.
10. No use or occupancy of any school facility will be permitted if the Orange County Board of Education, in the exercise of its discretion, determines that such use or occupancy is prohibited by law, or that such use or occupancy will interfere with the use of the facility for school purposes, or that it will result in picketing, rioting or other disturbance of the peace, or in damage to the facility which will render it unfit for or will interfere with its proper use for school purposes.
11. There shall be no intoxicants, narcotics, firearms, or weapons used, nor shall profane language, quarreling, fighting or gambling be permitted. Smoking is prohibited.
12. Whenever the use of school facilities without a service charge is permitted, it is understood that there will be no admission fee charged, no soliciting of funds, no free-will offering nor sale of literature by the organization using school facilities and that the meeting shall be non-exclusive and open.

13. The Orange County Board of Education may require that it be furnished, reasonably in advance, with a complete program and copies of all speakers with addresses and script of any entertainment to be given in school facilities. If such copy reasonably demonstrates that the program will be in violation of law or of these procedures, the proposed use shall not be permitted.
14. Organizations using school facilities shall comply with all applicable laws, rules and regulations. Any use contrary to or in violation of any law, rule or regulation shall be grounds for cancellation of the permit and removal of the users from the facilities. The Orange County Department of Education may ban such organization from future use.
15. Permission to use school facilities may be granted in accordance with adherence to all of the policies and procedures of the Orange County Department of Education. Any fees charged will be in accordance with the current schedule of charges approved by the Orange County Superintendent of Schools and/or the Orange County Board of Education.
16. The following fee schedule is based on the facility and/or grounds used and is subject to change. There may be an additional charge if custodial overtime is required. The Orange County Department of Education requires fees to be paid in advance.

#### FEE SCHEDULE

##### Rental Fees

Facility Use      \$ \_\_\_\_\_ per hour x \_\_\_\_\_ hrs. = \$ \_\_\_\_\_

Kitchen            \$ \_\_\_\_\_ per hour x \_\_\_\_\_ hrs. = \$ \_\_\_\_\_

Custodian         \$ \_\_\_\_\_ per hour x \_\_\_\_\_ hrs. = \$ \_\_\_\_\_  
                           Regular

\$ \_\_\_\_\_ per hour x \_\_\_\_\_ hrs. = \$ \_\_\_\_\_  
                           Overtime

\$ \_\_\_\_\_ per hour x \_\_\_\_\_ hrs. = \$ \_\_\_\_\_  
                           Holiday

Cleaning          \$ \_\_\_\_\_ per hour x \_\_\_\_\_ hrs. = \$ \_\_\_\_\_  
 Deposit

17. Payment of the estimated fees shall be made within ten (10) days before the use of facilities and/or grounds. Organization will be invoiced for the balance of any rental and/or service fee following the use of facilities and/or grounds.
18. Organization hereby agrees to hold harmless, indemnify and defend the Orange County Superintendent of Schools, the Orange County Board of Education, and their officers, agents and employees, from any loss, damage, liability, cost or expense that may arise during or be caused in any way resulting from organization's negligence during the use of facilities and grounds.
19. Organization upon request of the Orange County Department of Education may be required to submit a certificate of liability insurance naming the Orange County Superintendent of Schools, the Orange County Board of Education and their officers, agents and employees as an additional insured and meet the minimum insurance requirement as follows: \$500,000 bodily injury and property liability coverage, per occurrence, combined single limit, and provide for a thirty (30)

day notice of cancellation or reduction in coverage. The certificate of insurance may be waived at the sole discretion of the Orange County Department of Education.

20. Organization certifies under penalty of perjury that he/she has read the procedures, conditions and terms of the application and shall abide by them and will conform to all applicable provisions of the Constitution and laws of California and to all directives of the Orange County Superintendent of Schools, the Orange County Board of Education, and their officers, agents and employees which may be communicated to the applicant. Failure to adhere to any of the procedures and the terms of the application may be interpreted as gross negligence and may nullify any agreement whether written or oral.
21. Verbal authorization by any employee of Orange County Department of Education does not constitute an agreement. All agreements will be approved and/or disapproved in writing on the appropriate Use of Facilities application.

ORANGE COUNTY BOARD OF EDUCATION  
Costa Mesa, California

BOARD POLICY PROCEDURE

COMPLAINT PROCEDURES

500-5

**Uniform Complaint Procedure**

This procedure applies to the filing, investigation and resolution of a complaint regarding an alleged violation by the Orange County Department of Education of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination.

I. Scope of Complaint Procedure

This procedure applies to the following programs administered by the California Department of Education.

1. Adult basic education established pursuant to Education Code Sections 8500-8538 and 52500-52616.5;
2. Consolidated categorical aid programs as listed in Education Code Section 64000(a);
3. Migrant education established pursuant to Education Code Sections 54440-54445
4. Vocational education established pursuant to Education Code Sections 52300-52480;
5. Child care and development programs established pursuant to Education Code Sections 8200-8493;
6. Child nutrition programs established pursuant to Education Code Sections 49490-49560;
7. Special education programs established pursuant to Education Code Sections 56000-56885 and 59000-59300.

This procedure also applies to complaints which allege unlawful discrimination under federal or state law in any program or activity conducted by the Department, including the filing of complaints which allege unlawful discrimination against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

II. Persons Who May File Complaint

A complaint may be filed by any individual, including a person's duly authorized representative or an interested third party, public agency, or organization. Individuals who may file complaints include Department students, employees, and parents or guardians.

III. Retaliation: Confidentiality

A complainant shall be protected from retaliation as a consequence of filing a complaint. The identity of a complainant alleging discrimination shall remain confidential, as appropriate.

IV. Complaint Officer

The Assistant Superintendent, Human Resources and Support Services, is designated as the Uniform Complaint Officer. The Uniform Complaint Officer shall be responsible for receiving complaints of unlawful discrimination, investigating complaints, and for ensuring that the Department complies with the provisions of this procedure. The Uniform Complaint Officer shall be knowledgeable about the laws and programs he or she is assigned to investigate.

V. Filing a Complaint: Time Lines

For other than discrimination complaints, any individual, public agency or organization may file a written complaint with the Uniform Complaint Officer, alleging a matter which, if true, would constitute a violation by the Department of a federal or state law or regulation governing any of the programs listed above.

A written complaint alleging unlawful discrimination shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, or by one who believes an individual or any specific class of individuals has been subjected to prohibited discrimination. A complaint alleging unlawful discrimination shall be filed with the Uniform Complaint Officer, not later than six months from the date the alleged discrimination occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination. A complainant may file a written request for an extension of time for filing a complaint of unlawful discrimination, with the California Department of Education.

VI. Department Investigation

Within 60 days from receipt of the complaint, the Uniform Complaint Officer shall complete an investigation of the complaint and prepare a written Department Decision. This time may be extended by written agreement of the complainant.

The investigation shall provide an opportunity for the complainant, or the complainant's representative, or both, and Department representatives to present information relevant to the complaint. The investigation may include an opportunity for the parties to the dispute to meet to discuss the complaint or to question each other or each other's witnesses.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the Department to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

The Department Decision shall be in writing and sent to the complainant within 60 calendar days from receipt of the complaint by the Uniform Complaint Officer. The Decision shall be written in English and in the language of the complainant. The Decision shall contain the following:

1. Findings of fact based on the evidence gathered;
2. Conclusions of law;
3. A disposition of the complaint;
4. The rationale for such disposition;
5. Corrective actions, if any are warranted;
6. Notice of the complainant's right to appeal the decision to the California Department of Education; and

7. The procedures to be followed for initiating an appeal to the California Department of Education.

## VII. Appeal to California Department of Education and Civil Law Remedies

Any complainant(s) may appeal a Department Decision to the California Department of Education by filing a written appeal with the California Department of Education within 15 days of receiving the Department Decision. This complainant shall specify the reason(s) for appealing the Department Decision.

The appeal shall include:

1. A copy of the complaint, and
2. A copy of the Department Decision

Upon notification by the California Department of Education that the Department Decision has been appealed, the Uniform Complaint Officer shall forward the following to the Superintendent:

1. The original complaint
2. A copy of the Department Decision
3. A summary of the nature and extent of the investigation conducted by the Department, if not covered in the Decision
4. A report of any action taken to resolve the complaint
5. A copy of this complaint procedure, and
6. Such other relevant information as the Superintendent may require.

The complainant(s) also has a right to seek civil law remedies no sooner than 60 days have elapsed since filing an appeal with the California Department of Education, with the exception of injunctive relief, for which the moratorium does not apply, provided complainant(s) is timely advised of right to file a complaint.

## VIII. Annual Notification

The Department shall annually notify, in writing, its students, employees, parents or guardians of its students, advisory committees, appropriate private school officials and representatives, and other interested parties of these complaint procedures, including the opportunity to appeal to the California Department of Education. The notice shall identify the person responsible for processing complaints. The notice shall also advise the recipient of the notice of any civil law remedies that may be available, of the appeal and review procedures available to the recipient, and that copies of these complaint procedures shall be available free of charge. This notice shall be in English, and when necessary pursuant to section 48985 of the Education Code, in the primary language or mode of communication of the recipient of the notice.

## IX. Civil Law Remedies

Complainants are not required to exhaust the OCDE uniform complaint procedure prior to pursuing civil law remedies. Civil law remedies include, but are not necessarily limited to, injunctions, restraining orders, or other remedies or orders arising from legal and equitable actions filed in California and federal courts. Statutory authority for such actions includes, but is not limited to, the following:



1. California Education Code, Sections 200, et seq. – prohibits public schools from discriminating on the basis of sex, ethnic group identification, race, national origin, religion, mental or physical disability, or grounds set forth in Penal Code Section 422.55
2. California Education Code Section 32289 – noncompliance with the school safety plan requirements of the No Child Left Behind Act of 2001 (20 U.S.C. § 7114 (d)(7).
3. California Education Code Section 56046 – prohibits an employee of the OCDE or the Special Education Local Planning Area (SELPA) from directly or indirectly using or attempting to use their official authority for the purpose of interfering with employees or private individuals or organizations in assisting a parent or guardian of a pupil with exceptional needs to obtain services or accommodations for that pupil.
4. Penal Code, Sections 422.55 and 422.6(a) – makes it a crime to injure or threaten another person because of the person’s race, ethnicity, religion, national origin, disability, gender or sexual orientation. Also makes it a crime to injure or threaten another person because it is perceived that the person has one or more of those characteristics.
5. Title 5, Section 4900(a) – prohibits discrimination in a local agency program or activity on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color or mental or physical disability.
6. California Government Code section 11135, et seq. – prohibits discrimination in programs funded by the state.
7. Title IV, Civil Rights Act of 1964 (42 U.S.C. § 2000c-8) – prohibits segregation.
8. Title VI, Civil Rights Act of 1964 (42 U.S.C. § 2000d) – prohibits race, color or national origin discrimination.
9. Title IX, Education Amendments of 1972 (20 U.S.C. §§ 1681, et seq.) – prohibits sex discrimination.
10. Individuals with Disabilities Education Act (20 U.S.C. §§ 1400, et seq.) – prohibits discrimination against children with disabilities.
11. Section 504, Rehabilitation Act of 1973 (29 U.S.C. § 794) – prohibits discrimination against disabled persons.
12. Americans With Disabilities Act (42 U.S.C. §§ 12101, et seq.) – prohibition of discrimination against disabled persons.

Assistance with the above civil law remedies may be obtained from various sources, including the following:

- Private legal counsel.
- Local mediation centers, such as: American Arbitration Association (213.362.1900)  
JAMS Endispute (949.224.1810 or 714.939.1300)
- Legal assistance agencies, such as: Hispanic Legal Services (714.541.6740)  
Legal Aid Society of Orange County (714.571.5200)  
Legal Center of Hermandad Mexicana (714.541.0250)

### **Williams Complaint Procedure**

This procedure applies to the filing, investigation and resolution of a complaint regarding allegations related to the settlement and implementation of the Williams and Valenzuela lawsuits against the State of California.

#### **I. Scope of Complaint Procedure**

This procedure applies to the investigation and resolution of complaints when the complainant alleges that any of the following has occurred:

1. Textbooks and Instructional Materials

- a) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-or Department-adopted textbooks or other required instructional materials to use in class.
- b) A pupil does not have access to textbooks or instructional materials to use at home or after school.
- c) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d) A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

## 2. Teacher Vacancy or Misassignment

- a) A semester begins and a teacher vacancy exists.
- b) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
- c) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

“Teacher vacancy” means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester.

“Beginning of the year or semester” means the first day classes necessary to serve all the pupils enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day pupils attend classes for that semester.

“Misassignment” means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

## 3. Facilities

- a) A condition poses an emergency or urgent threat to the health or safety of pupils or staff.

“Emergency or urgent threat” means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous

materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.

- b) A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

“Clean or maintained school restroom” means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

“Open restroom” means, except as necessary for pupil safety or to make repairs, the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes.

#### 4. High School Exit Examination (CAHSEE) Intensive Instruction and Services

- a) A pupil, including an English learner, who has not passed the California High School Exit Examination (CAHSEE) by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after completion of grade 12 for two consecutive academic years or until the pupil has passed both parts of the exam, whichever comes first.

## II. Filing of Complaint

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days.

A complaint alleging any deficiency specified in item #4 above shall be filed with a Department official designated by the Superintendent. Such complaints may be filed with the Assistant Superintendent, Human Resources and Support Services or at a school site and shall be immediately forwarded to the Superintendent or designee.

Each school shall have a complaint form available for such complaints.

## III. Investigation and Response

The principal or the designee of the Superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received.

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or the designee of the Superintendent, as applicable, shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee.

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Board of Education at a regularly scheduled meeting.

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the Department's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632.

All complaints and written responses shall be public records.

#### IV. Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the County Board of Education on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting.

#### V. Forms and Notices

The Superintendent or designee shall ensure that the Department's complaint form is available at each school, contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. However, complainants need not use the Department's Williams complaint form in order to file a complaint.

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186.

ORANGE COUNTY BOARD OF EDUCATION  
Costa Mesa, California

BOARD POLICY PROCEDURE

**SPECIAL CLAIMS PROCEDURE**

**500-6**

This claims procedure shall govern claims against the Department of money or damages which are excepted by Government Code Section 905 from the requirements of Government Code Sections 900 to 915.4 , and which are not governed by any statutes or regulations expressly relating thereto.

1. No suit for money or damages may be brought against the Department on a cause of action for which a claim is required to be presented in accordance with Government Code Sections 900 to 915.4, until a written claim therefore has been presented to the Department and has been acted upon by the governing board, or has been deemed to have been rejected by the board, in accordance with Government Code Sections 900 to 915.4. Any such action brought against the Department on the claim shall be subject to the provisions of Government Code Sections 945.6 to 946.
2. A claim relating to a cause of action for death or for injury to person or to personal property shall be presented as provided in Government Code Sections 915 to 915.4, not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Government Code Sections 915 to 915.4, not later than one year after the accrual of the cause of action.
3. The governing board shall act on a claim in the manner provided in Government Code Section 912.6 or 912.8 within 45 days after the claim has been presented. If a claim is amended, the board shall act on the amended claim within 45 days after the amended claim is presented. The claimant and the board may extend the period within which the board is required to act on the claim by written agreement made: (1) before the expiration of such period; or (2) after the expiration of such period of limitations provided in Government Code Section 945.6. If the board fails or refuses to act on a claim within the time prescribed by this subsection, the claim shall be deemed to have been rejected by the board on the last day of the period within which the board was required to act upon the claim. If the period within which the board is required to act is extended by agreement whether made before or after the expiration of such period the last day of the period within which the board is required to act shall be the last day of the period specified in such agreement.
4. When a claim required by this procedure to be presented within a period of less than one year after the accrual of the cause of action is not presented within the required time, an application may be made to the Department for leave to present such claim. Government Code Section 911.4(b), Sections 911.6 to 912.2 inclusive, and Sections 946.4 and 946.6 are applicable to all such claims, and the time specified in the policy shall be deemed the "time specified in Section 911.2" within the meaning of Sections 911.6 and 946.6.

Legal Reference: Government Code Section 935