NEVADA COUNTY BOARD OF EDUCATION
Regular Meeting
Wednesday, September 12, 2018
→ 5:00 p.m. ←

Nevada County Superintendent of Schools
Board Room
380 Crown Point Circle, Grass Valley, CA 95945

AGENDA

All times approximate

1. Meeting called to order
2. Establish quorum
3. Salute to the flag
4. Adoption of the Agenda
5. Open public forum – Recognition of members of the audience wishing to address an agenda item may do so at this time or at the time the agenda item is heard. After being recognized by the Board president, please identify yourself. A member of the public may at this time make brief comments regarding items not on the agenda, although no action may be taken.
6. Close public forum
7. Public Hearings 5:00 p.m.
   A. Open public hearing to review FY2018-19 Sufficiency of Instructional Materials, grades 7-12 (EC §60119) (page 1)
   B. Close public hearing
8. Approval of the Consent Agenda
   These items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion, unless a trustee or citizen requests that an item be removed for discussion and separate consideration. In that case the designated item(s) will be considered following approval of the remaining items.
   A. Approval of Minutes of the Regular meeting of August 8, 2018 (page 2)
   B. Annual Report of School Visitations by County Superintendent of Schools Pursuant to Education Code 1240 and the Williams Settlement (page 5)
9. Staff Reports 20 min.
   A. School Safety Updates, Chris Espedal
   B. Alternative Education, Lisa Sanford
   C. Educational Services, Teena Corker
      i. LCAP
      ii. Professional Development Day – Sept. 17
      iii. Federal Program Monitoring
      iv. Summer Supports Grant Program
v. Network Improvement Community Project  
vi. STEAM Expo 2019 – April 6  
vii. Educational Services Programs updates  

D. Business Services, Darlene Waddle  
E. SELPA/Special Education, Eli Gallup  

10. Superintendent’s Report  

A. Start of School  
B. Charter Schools Update  
C. CSR3 – Summer Planning Meeting  

11. Action Items  

A. Shall the Nevada County Board of Education approve Resolution 18-04, Sufficiency of Instructional Materials for grades 7-12 for FY2018-19?  
(ROLL CALL VOTE) (page 8)  

B. Shall the Nevada County Board of Education approve Resolution 18-05, Temporary Cash Transfer Agreement (Short Term Borrowing Agreement) between Nevada County Superintendent of Schools, the Nevada County Board of Education and Nevada City School of the Arts?  
(ROLL CALL VOTE) (page 9)  

C. Revision to Board Policy (BP) 6173 Education for Homeless Children; Administrative Regulations (AR) 6173 Education for Homeless Children; and Exhibits (E) 6173 Education for Homeless Children. (page 12)  
Shall the Nevada County Board of Education Approve Policy revisions to BP 6173, AR 6173 and E 6173 Education for Homeless Children?  

D. Revision to BP 6174 Education for English Language Learners; and addition of AR 6174 Education for English Language Learners. (page 29)  
Shall the Nevada County Board of Education Approve Policy revision to BP 6174 Education for English Language Learners; and approve the addition of AR 6174 Education for English Language Learners?  

E. First reading and adoption - AR 5144.2 Suspension and Expulsion/Due Process (Students with Disabilities) (page 43)  
Shall the Nevada County Board of Education Adopt AR 5144.2 Suspension and Expulsion/Due Process (Students with Disabilities)?  

F. Revision to BP 1312.3 Uniform Complaint Policy (UCP); First reading and adoption of AR 1312.3 Uniform Complaint Policy (UCP); and revision to the Annual UCP Notice (page 50)  
Shall the Nevada County Board of Education Approve Policy revisions to BP 1312.3 UCP; adopt the AR 1312.3 UCP; and approve the revision the Annual UCP Notice?  

G. First reading and adoption to Williams Uniform Complaint Policy and Procedures: BP 1312.4 Williams UCP; AR 1312.4 Williams UCP; and E 1312.4 Williams UCP. (page 72)  
Shall the Nevada County Board of Education Adopt BP 1312.4 Williams UCP; AR 1312.4 Williams UCP; and E 1312.4 Williams UCP?  

12. Information/Discussion Items  

A. None
13. Board Reports
   A. SARB, Heino Nicolai
   B. Legislative, Ashley Neumann
   C. Charter Liaison, Wendy Baker
   D. Individual Board Reports

14. Correspondence
   A. GVSD Board Resolution #18-02 Certifying Nevada County Bond Election (page 84)
   B. EPIC de Cesar Chavez DASS Certification notification of application (page 90)
   D. CSBA Call for Nominations for Directors-at-Large Asian/Pacific Islander and Hispanic (page 93)
   E. Letter of Concern from SMA Parent, Nicole Greene (page 94)

15. Adjournment

Next Meeting Date: Wed., October 10, 2018, 3:00 p.m., 380 Crown Point Circle, Grass Valley

Posted: 9-7-18
Date

Notice: The agenda packet and supporting materials, including materials distributed less than 72 hours prior to the scheduled meeting, can be viewed at the Nevada County Superintendent of Schools (NCSoS) office – located at 380 Crown Point Circle, Grass Valley, CA. This agenda was posted at 380 Crown Point Circle, Grass Valley; Earle Jamieson Educational Options, 112 Nevada City; and TKM, 400 Hoover Lane, Nevada City. For more information, please call 530.478.6400 ext. 2003.

Notice: In compliance with the Americans with Disabilities Act, if you need special assistance to access the Board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, contact the Nevada County Superintendent of Schools office at 530.478.6400 ext. 2003 at least 48 hours before the scheduled Board meeting so that we may make every reasonable effort to accommodate your needs. (G.C. §54953.2, §54954.2(a)(1), Americans with Disabilities Act of 1990, §202 (42 U.S.C. §12132))
NEVADA COUNTY BOARD OF EDUCATION
380 Crown Point Circle
Grass Valley, CA 95945

NOTICE OF PUBLIC HEARING
SUFFICIENCY OF
STATE INSTRUCTIONAL MATERIALS PROGRAM

PURPOSE: This public hearing is being held pursuant to Education Code § 60119, to encourage participation by parents, teachers, members of the community, and bargaining unit leaders on the stipulation of the State Instructional Materials Program, and the sufficiency of instructional materials in the Nevada County Alternative Educational programs, Grades 7-12, Fiscal Year 2018-19.

DATE: Wednesday, September 12th, 2018

TIME: 5:00 p.m.

LOCATION: Nevada County Superintendent of Schools office
Board Room
380 Crown Point Circle
Grass Valley CA 95945

Posted this 31st day of August, 2018

Signed
Scott W. Lay
Superintendent of Schools

Posted at the following locations: NCSOS, 380 Crown Point Circle, Grass Valley; TKM, 400 Hoover Lane, Nevada City; and Earle Jamieson Educational Options, 112 Nevada City Hwy., Nevada City.
MINUTES

1. Meeting called to order by Board President Meek; and led by Baker beginning at agenda item 5.

2. Established quorum
   Wendy Baker - present
   Larry Meek – present via teleconference
   Ashley Neumann - present
   Heino Nicolai – present
   Paula Sarantopoulos – present

3. Salute to the flag

4. Adoption of the Agenda
   On a motion by Neumann and seconded by Sarantopoulos, the Nevada County Board of Education adopted the July 26, 2018 Agenda moving Agenda item 11.B to immediately follow Agenda Item 4.; all in favor; by roll call vote, the motion carried unanimously (5-0).
   (Item 11.B below moved at adoption of agenda)

11. B. Shall the Nevada County Board of Education appoint a Board Member to the open Board Vice President position?

   On a motion by Baker and seconded by Nicolai, the Nevada County Board of Education appointed Wendy Baker to the open Board Vice President position; all in favor; by roll call vote, the motion passed unanimously (5-0).

   After board discussion it was agreed that Baker would lead the meeting as Meek was teleconferencing.

5. Opened public forum – Recognition of members of the audience wishing to address the board – no comments were made.

6. Closed public forum

7. Presentation
   A. Nevada County Children’s Health Trend Report - by Sharyn Turner, Countywide Health Coordinator (page 1)
Sharyn walked the Board through a power point presentation; and provided a county health rankings and roadmaps handout on Nevada County demographics. Nevada County is ranked 14th of 57 counties in Health Outcomes (length of life and quality of life) which include health behaviors, clinical care, social & economic factors and physical environment.

8. Approval of the Consent Agenda

These items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion, unless a Board member or citizen requests that an item be removed for discussion and separate consideration. In that case the designated item(s) will be considered following approval of the remaining items.

A. Approval of minutes of the Regular meeting of July 11, 2018 (page 154)

B. Approval of minutes of the Special meeting of July 26, 2018 (page 156)

On a motion by Nicolai and seconded by Neumann, the Nevada County Board of Education approved the consent agenda as presented; all in favor; by roll call vote, the motion passed unanimously (5-0).

9. Staff Reports

A. Business Services, Darlene Waddle – The business office is getting ready for the new year. Construction has started for the new SELPA office at 380 Crown Point Circle.

10. Superintendent’s Report

A. Back to School Staff Meeting – Monday, August 13th. With a busy agenda, this annual meeting brings staff together from several sites into one location giving all an opportunity to meet.

B. Scholar Day at the Fair – opening day ceremonies and Scholar Day is today at the Nevada County Fair.

C. Superintendents’ Summer Meeting – topics included Special Ed funding and bill back process. Discussions are being held to expand “Foothills Fresh” a Sierra Harvest scratch cooked meal program which was tested at NCSD last year and was very successful.

D. Charter Schools Update – Supt. Lay updated the board on EPIC via email earlier. Four of the NCSOS charters have new directors. Supt. Lay is working with each director. YRC is scheduled to open on time. The Board expressed a desire to tour the new facility; we will look to schedule.

11. Action Items

A. Shall the Nevada County Board of Education appoint a Board Member to the open Legislative Board Report position?

On a motion by Neumann and seconded by Sarantopoulos, the Nevada County Board of Education appointed Wendy Baker to the open Legislative Board Report position; all in favor; by roll call vote, the motion passed unanimously (5-0).

B. (Item moved at adoption of agenda, immediately following Agenda Item 4.)

Shall the Nevada County Board of Education appoint a Board Member to the open Board Vice President position?


13. Board Reports

A. SARB, Heino Nicolai – Schools are still on summer break.

B. Legislative, Open – No report this month

C. Charter Liaison, Wendy Baker – Schools are still on summer break.
D. Individual Board Reports – Nicolai complimented the Oversite Committee for the Bond Measure. The Bear River High School new field looks great, Paul Palmer did an exemplary job.

14. Correspondence

A. Treasury report from Nevada County Treasurer and Tax Collector detailing the Portfolio of investments for NCSOS as of June 30, 2018. (page 158)

B. 2018-19 Nevada County Academic Tournament Schedule (page 188)


After Board discussion, the Board requested Supt. Lay to respond to Stroppini’s letter. The Board also requested the addition of School Safety to the September NCBOE Agenda and include a presentation from Chris Espedal, Safety & School Climate Coordinator, NCSOS.

D. Grand Jury Report and NCSOS Response, “Will the Public Suffer Because of Unfunded Pension Liabilities?” (page 200)

15. Adjournment

Next Meeting Date: September 12, 2018 at 5:00 PM, 380 Crown Point Circle, Grass Valley

Wendy Baker, Board Vice President  
Nevada County Board of Education  

September 12, 2018  
Date
July 31, 2018

Hank Weston
Nevada County Board of Supervisors
950 Maidu Avenue, Suite 200
Nevada City, CA 95959

Larry Meek
Nevada County Board of Education
380 Crown Point Circle
Grass Valley, CA 95945

Robert Moen
Penn Valley Union Elementary Board of Trustees
14806 Pleasant Valley Rd
Penn Valley, CA 95946

Dear Chairman Weston, President Meek, and President Moen:

California Education Code Section 1240 requires that my office visit schools in our county identified by the criteria described in the Williams Settlement, review information in the areas noted below, and report to you the results of our visits and reviews. I am pleased to provide, for submission to the governing board the annual report for fiscal year 2017-18 as required by Education Code Section 1240(c)(2)(B) pursuant to the Williams Settlement. As required, this report presents the results of our visits and reviews at Ready Springs Elementary School to the Penn Valley Union Elementary School Board, The Nevada County Board of Education and the Nevada County Board of Supervisors.

The purpose of my visit as specified in California Education Code 1240 was to:

1. Determine if students have ‘sufficient’ standards-aligned instructional materials in four core subject areas (English language arts, mathematics, history/social science and science, including science laboratory equipment in grades 9-12) and, as appropriate, in foreign languages and health;
2. Determine if there is any facility condition that ‘poses an emergency or urgent threat to the health or safety of pupils or staff’; and
3. Determine if the school has provided accurate data on the annual school accountability report card related to the sufficiency of instructional materials and the safety, cleanliness, and adequacy of school facilities, including ‘good repair’. 
The law further requires that the county superintendent:
1. Annually monitor and review teacher miss-assignments and teacher vacancies in schools ranked in deciles 1-3 (2012 Base API):
2. Receive quarterly reports on complaints filed within the school district concerning insufficient instructional materials, teacher vacancies and miss-assignments, and emergency or urgent facilities issues under the Uniform Complaint Procedure; and
3. Review audit exceptions under expanded authority in the areas of use of instructional materials program funds, teacher miss-assignments, and information reported on the school accountability report card; and determines whether the exceptions are either corrected or an acceptable plan of correction has been developed.

While the Uniform Complaint data and audit findings are not mandated to be a part of this report to you, they are being included so that you and the citizens of our community will have a complete understanding of the environment in which Ready Springs Elementary School is functioning.

Before proceeding with the report, let me define some basic terms:
- “Sufficient textbooks or instructional materials” means each pupil, including English language learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home.
- A school facility condition that poses an “emergency or urgent threat” is defined as a “condition that poses a threat to the health or safety of pupils or staff while at school.” [Note: This definition and quote is drawn from EC 17592.72(c)(1) because it is incorporated by reference in EC 1240(c)(2)(i)(ii)]
- “Good repair” means the school facilities are clean, safe and functional as determined pursuant to the school facility inspection and evaluation instrument developed by the Office of Public School Construction or a local evaluation instrument that meets the same criteria. Each school district that receives state funding for facilities maintenance is required to establish a facilities inspection system to ensure that each of its schools is maintained in ‘good repair’.
- “Teacher vacancy” is defined by Education Code section 33126(b)(5)(A) as “...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 of which a single-designated certificated employee has not been assigned at the beginning of a semester for an entire semester.”

My findings were as follows:

Instructional Materials and School Facilities:

In our on-site review, all students at Ready Springs Elementary School were found to have access to California Standards-aligned textbooks and/or materials to use in class and to take home.

In addition, the school facility was thoroughly inspected and determined to be in good repair and well maintained. The FIT (Facilities Inspection Tool) determined that the school was at an overall rating of “EXEMPLARY”.

School Accountability Report Card:
School districts are required to publish and post on their websites the annual School Accountability Report Card (SARC) by February 1 of each year. The (SARC) is published each year to provide parents and community members with specific information about each school so they can compare schools.
The SARC was reviewed for accurate data relevant to facilities maintenance and sufficiency of instructional materials, as required by Education Code section 1240(c)(2)(J)(iii). The SARC was determined to be accurate and informative and met all the above mentioned requirements.

**Teacher Misassignments and Teacher Vacancies:**
There were no teacher misassignments or teacher vacancies at this time.

**Uniform Complaint Procedure**
Finally, according to the District’s reports to NCSOS, there were no complaints filed pursuant to the Uniform Complaint Procedure in this District for the 2017-2018 school year.

**Conclusion**
The Nevada County Superintendent of Schools office appreciates the District staff’s assistance in reporting and commends their cooperation with the Williams visitations. As always, we are available to assist in the needs of your district and happy to present this positive report to you.

Sincerely,

Scott W. Lay
Nevada County Superintendent of Schools

Cc: Superintendent England, Penn Valley Union Elementary School District
RESOLUTION 18-04
OF THE NEVADA COUNTY BOARD OF EDUCATION
SUFFICIENCY OF INSTRUCTIONAL MATERIALS
2018-19

WHEREAS, the Nevada County Board of Education (County Board), governing board of the Nevada County Office of Education, in order to comply with the requirements of Education Code §60119, held a public hearing on September 12, 2018, after 5:00 p.m. and which did not take place during or immediately following school hours; and

WHEREAS, the County Board provided a 10 day notice of the public hearing posted in at least three public places within the county that stated the time, place, and purpose of the hearing; and

WHEREAS, the County Board encouraged participation by parents, guardians, teachers, members of the community, and bargaining unit leaders in the public hearing; and

WHEREAS, information provided at the public hearing and to the County Board at the public meeting detailed the extent to which textbooks and instructional materials aligned to the State academic content standards were provided to all pupils, including English learners, in Nevada County Alternative Educational programs; and

WHEREAS, in accordance with Education Code §60119(c) sufficient textbooks or instructional materials were provided to each pupil before the end of the eighth week from the first day pupils attended school; and

WHEREAS, the definition of “sufficient textbooks or instructional materials” means that each pupil has a standards-aligned textbook or instructional materials, or both, to use in class and to take home; and

WHEREAS, in accordance with Education Code section §60119(c), sufficient textbooks or instructional materials aligned to the State academic content standards were provided to each pupil, including English learners, in mathematics, history/social science, science, and English/language arts, including the English language.
development component of the adopted programs, and, where appropriate, consistent with the content and cycles of the curriculum frameworks; and

WHEREAS, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes, and laboratory science equipment was available for science laboratory classes offered in grades 9-12;

NOW, THEREFORE BE IT RESOLVED, that for the 2018-19 school year, each pupil in Nevada County Office of Education Alternative Educational programs has been provided with sufficient textbooks and/or instructional materials aligned to the State academic content standards and, as appropriate, consistent with the content and cycles of the curriculum frameworks before the end of the eighth week from the first day pupils attended school as specified in Education Code §60119.

PASSED AND ADOPTED at the regular Board meeting of the Nevada County Board of Education on the 12th day of September 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Larry Meek, President
Nevada County Board of Education

Scott W. Lay, Superintendent
Nevada County Superintendent of Schools
RESOLUTION NUMBER 18-05
OF THE NEVADA COUNTY BOARD OF EDUCATION
TEMPORARY CASH TRANSFER AGREEMENT

This Temporary Cash Transfer Agreement (the “Agreement”) is made and effective this 12th day of September, 2018 by and between the Nevada County Superintendent of Schools and the Nevada County Board of Education, (the “County”) and Nevada City School of the Arts Charter School (the “Charter”).

WHEREAS, the Charter is experiencing temporary cash flow challenges as a result of increased enrollment and the timing of the recognition of this increase in State cash apportionments.

WHEREAS, Education Code section 42621 provides that the County Superintendent of Schools of each county with the approval of the County Board of Education, may make temporary cash transfers to any school district or charter school which does not have sufficient money to its credit to meet current operating expenses from the county school service fund, in such amounts and at such times as he/she deems necessary. Such transfers shall not exceed 85 percent of the amount of money accruing to the school district or charter school at the time of transfer. The amounts so transferred shall be repaid to the county school service fund prior to June 30 of the current year from any funds subsequently received by the school district or charter school; and

WHEREAS, Education Code section 42622 allows the County Superintendent of Schools, with the approval of the County Board of Education, to make an apportionment to a school district or charter school from the county school service fund conditional upon the repayment to the fund during the next succeeding fiscal year of the amount apportioned to the district and shall, during the next succeeding fiscal year, transfer the amount of such apportionment from the general fund of the district or charter to the county school service fund; and

WHEREAS, taxes and the local control funding accrued to this charter school district during the 2018-19 fiscal year is estimated to be $3,599,319; and

WHEREAS, it is necessary to provide funds for meeting obligations incurred for maintenance purposes by this charter;

IT IS THEREFORE RESOLVED AND ORDERED pursuant to the provisions of Education Code section 42621 and 42622, as follows:

1) Find and determine that such transfer is in the public interest and serves a valid public purpose.

2) The Treasurer of the County of Nevada shall issue payment from the County Office funds to the Nevada City School of the Arts Charter School.
3) $400,000 is the maximum line of credit allowed and does not exceed a total of 85% of taxes and state aid local control funds accruing to the charter. This amount represents the total available temporary cash transfer approved by the governing board for the period of September 12, 2018 through August 31, 2019. Interest will be charged on outstanding balances in the amount that would have been earned had the funds been on deposit with the Nevada County Treasury at the actual interest rate published by the Treasurer during the period of the loan. Repayment of all funds and interest earnings will be made by the Charter to the county school service fund no later than August 31, 2019.

4) This resolution shall take effect immediately.

The Clerk/Secretary of this Board is directed to file a copy of this resolution with the County Superintendent of Schools, the County Auditor and Controller, and the County Treasurer-Tax Collector.

PASSED AND ADOPTED by the Governing Board of the Nevada County Office of Education, County of Nevada, State of California, this 12th day of September, 2018,

By the following vote:

AYES:

NOES:

ABSENT:

September 12, 2018
Date

Scott W. Lay, Superintendent of Schools

September 12, 2018
Date

Larry Meek, President, Nevada County Board of Education
INSTRUCTION

Education for Homeless Children

The Governing Board desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the county office of education. The county office of education shall provide homeless students with access to education and other services necessary for them to meet the same challenging academic standards as other students.

(cf. 6011 - Academic Standards)

The Superintendent or designee shall identify and remove any barriers to the identification and enrollment of homeless students and to the retention of homeless students due to absences or outstanding fees or fines. (42 USC 11432)

(cf. 3250 - Transportation Fees)
(cf. 3260 - Fees and Charges)
(cf. 5113.1 - Chronic Absence and Truancy)

When there are at least 15 homeless students in the district or a district school, the county’s local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of homeless students. (Education Code 52052, 52060)

(cf. 0460 - Local Control and Accountability Plan)

The Superintendent or designee shall designate an appropriate staff person to serve as a liaison for homeless children and youths. The county liaison shall work closely with identified district liaisons to fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting homeless students to succeed in school.

In order to identify county students who are homeless, the Superintendent or designee may give a housing questionnaire (Residency Declaration Form) to all parents/guardians during school registration, make referral forms readily available, include the district liaison's contact information on the district and school web sites, provide materials in a language easily understood by families and students, provide school staff with professional development on the definition and signs of homelessness, and contact appropriate local agencies to coordinate referrals for homeless children and youth and unaccompanied youth.

(cf. 1113 - District and School Web Sites)
(cf. 4131 - Staff Development)
Information about a homeless student's living situation shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act and shall not be deemed to be directory information as defined in 20 USC 1232g.  (42 USC 11432)

The 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 regulation.

Each homeless student shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs.  (42 USC 11432)

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. However, the Superintendent or designee may separate homeless students on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of homeless students.  (42 USC 11432, 11433)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that homeless children and youth are promptly identified, ensure that homeless students have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a
shelter and other challenges associated with homelessness. Toward these ends, the Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to homeless children and youth, and, if applicable, transitional housing facilities. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records, and other interdistrict activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the county and with other involved local educational agencies, services for homeless students and services for students with disabilities. (42 USC 11432)

(cf. 1020 - Youth Services)

County and district-level liaisons and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of homeless students and to provide training on the definitions of terms related to homelessness. (42 USC 11432)

At least annually, the Superintendent or designee shall report to the Board on outcomes for homeless students, which may include, but are not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the county shall revise its strategies as needed to better support the education of homeless students.

(cf. 0500 - Accountability)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:
EDUCATION CODE
39807.5 Payment of transportation costs by parents
48850 Educational rights of homeless and foster youth
48852.5 Notice of educational rights of homeless students
48852.7 Enrollment of homeless students
48915.5 Recommended expulsion, homeless student with disabilities
48918.1 Notice of recommended expulsion
51225.1-51225.3 Graduation requirements
52060-52077 Local control and accountability plan
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
UNITED STATES CODE, TITLE 20
1087vv Free Application for Federal Student Aid; definitions
1232g Family Educational Rights and Privacy Act
6311 Title I state plan; state and local educational agency report cards
UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act
12705 Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Management Resources:
CALIFORNIA CHILD WELFARE COUNCIL PUBLICATIONS
Partial Credit Model Policy and Practice Recommendations
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Homeless Education Dispute Resolution Process, January 30, 2007
NATIONAL CENTER FOR HOMELESS EDUCATION PUBLICATIONS
Homeless Liaison Toolkit, 2013
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Education for Homeless Children and Youths Program, Non-Regulatory Guidance, July 2016
WEB SITES
California Department of Education, Homeless Children and Youth Education:
http://www.cde.ca.gov/sp/hs/cy
National Center for Homeless Education at SERVE:  http://www.serve.org/nche
National Law Center on Homelessness and Poverty:  http://www.nlchp.org
(7/05 12/15) 10/16

First Reading by the Nevada County Board of Education:  January 18, 2012
Second Reading and Adoption by the Nevada County Board of Education:  February 8, 2012
Reviewed by the Nevada County Board of Education:  September 12, 2018
Revised and adopted by the Nevada County Board of Education: ______________
INSTRUCTION

Education for Homeless Children

Definitions

Homeless students means students who lack a fixed, regular, and adequate nighttime residence and includes: (Education Code 48852.7; 42 USC 11434a)

1. Students 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 the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals

(cf. 6173.1 - Education for Foster Youth)

2. Students 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. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings

4. Migratory children who qualify as homeless because they are living in conditions described in items #1-3 above

Unaccompanied youth includes youth who are not in the physical custody of a parent or guardian. (20 USC 11434a)

School of origin means the school that the homeless student attended when permanently housed or the school in which he/she was last enrolled, including a preschool. If the school the homeless student attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that he/she attended within the preceding 15 months and with which he/she is connected, the district liaison shall determine, in consultation with and with the agreement of the homeless student and the person holding the right to make educational decisions for the student, and in the best interests of the homeless student, which school shall be deemed the school of origin. (Education Code 48852.7; 42 USC 11432)

Best interest means that, in making educational and school placement decisions for a homeless student, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the student's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853; 42 USC 11432)
County Liaison

The Superintendent designates the following staff person as the county liaison for homeless students: (42 USC 11432)

(title or position)

(address)

(phone number)

The county's liaison for homeless students shall: (Education Code 48852.5; 42 USC 11432)

1. Ensure that homeless students are identified by school personnel through outreach and coordination activities with other entities and agencies

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 3553 - Free and Reduced-Price Meals)

2. Ensure that homeless students are enrolled in, and have a full and equal opportunity to succeed in, county schools

3. Ensure that homeless families and children and youth have access to and receive educational services for which they are eligible, including services through Head Start and Early Head Start programs, early intervention services under Part C of the federal Individuals with Disabilities Education Act, and other preschool programs administered by the district

(cf. 5148.3 - Preschool/Early Childhood Education)

4. Ensure that homeless families and students receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services

(cf. 5141.6 - School Health Services)

5. Inform parents/guardians of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children

(cf. 5145.6 - Parental Notifications)

6. Disseminate notice of the educational rights of homeless students in locations frequented by parents/guardians of homeless children and youth and by unaccompanied youth, including schools, family shelters, public libraries, and hunger relief agencies (soup kitchens). The rights shall be presented in a manner and form understandable to the parents/guardians of homeless students and unaccompanied youth.
7. Mediate enrollment disputes in accordance with law and the section "Resolving Enrollment Disputes" below

8. Fully inform parents/guardians of homeless students and unaccompanied youth of all transportation services, including transportation to the school of origin, and assist them in accessing transportation to the school of choice.

(cf. 3541 - Transportation Routes and Services)

9. Ensure that school personnel providing services to homeless students receive professional development and other support

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

10. Ensure that unaccompanied youth are enrolled in school, have opportunities to meet the same challenging state academic standards established for other students, and are informed of their status as independent students under 20 USC 1087vv and that they may receive assistance from the district liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090

11. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless students, including the provision of comprehensive data to the state coordinator as required by law

In addition, when notified pursuant to Education Code 48918.1, the district liaison shall assist, facilitate, or represent a homeless student who is undergoing a disciplinary proceeding that could result in his/her expulsion. When notified pursuant to Education Code 48915.5, the district liaison shall participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability.

(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159 - Individualized Education Program)

The Superintendent or designee shall inform homeless children and youth, their parents/guardians, school personnel, service providers, and advocates working with homeless families of the duties of the county's liaison. He/she shall also provide the name and contact information of the county's liaison to the California Department of Education (CDE) for publishing on the CDE's web site. (42 USC 11432)

Enrollment

The county shall make placement decisions for homeless students based on the student's best interest. (42 USC 11432)

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In determining the best interest of the student, the district shall consider student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health, and safety, giving priority to the request of the student's parent/guardian or, in the case of an unaccompanied youth, the youth. (42 USC 11432)

Such factors may include, but are not limited to, 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.

However, placement decisions shall not be based on whether a homeless student lives with his/her homeless parent/guardian or has been temporarily placed elsewhere. (42 USC 11432)

In the case of an unaccompanied youth, the liaison shall assist in placement or enrollment decisions, give priority to the views of the student, and provide notice to the student of his/her appeal rights. (42 USC 11432)

In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless the student's parent/guardian or the unaccompanied youth requests otherwise. (Education Code 48852.7; 42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice. The student shall be enrolled even if he/she:

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

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

2. Does not have clothing normally required by the school, such as school uniforms

   (cf. 5132 - Dress and Grooming)

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and records of immunization and other required health records

   (cf. 5111 - Admission)
   (cf. 5111.1 - District Residency)
   (cf. 5125 - Student Records)
   (cf. 5141.26 - Tuberculosis Testing)
   (cf. 5141.31 - Immunizations)
   (cf. 5141.32 - Health Screening for School Entry)
4. Has missed application or enrollment deadlines during any period of homelessness

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other required health records, the principal or designee shall refer the parent/guardian to the district liaison for homeless students. The district liaison shall assist the parent/guardian, or the student if he/she is an unaccompanied youth, in obtaining the necessary immunizations, screenings, or records for the student. (42 USC 11432)

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian or an unaccompanied youth, the Superintendent or designee shall provide the parent/guardian or the unaccompanied youth with a written explanation of the decision along with a statement regarding the right to appeal the placement decision. (42 USC 11432)

The student may continue attending his/her school of origin for the duration of the homelessness. (Education Code 48852.7; 42 USC 11432)

To ensure that the homeless student has the benefit of matriculating with his/her peers in accordance with the established feeder patterns, the following shall apply: (Education Code 48852.7; 42 USC 11432)

1. If the student is transitioning between grade levels, he/she shall be allowed to continue in the same attendance area.

2. If the student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, he/she shall be allowed to continue to the school designated for matriculation in that district.

If the student’s status changes before the end of the school year so that he/she is no longer homeless, he/she shall be allowed to stay in the school of origin: (Education Code 48852.7)

1. Through the duration of the school year if he/she is in grades K-8

2. Through graduation if he/she is in high school

Resolving Enrollment Disputes

If a dispute arises over student eligibility, school selection, or enrollment in a particular school, the matter shall be referred to the district liaison, who shall carry out the dispute resolution process as expeditiously as possible. (42 USC 11432)

The parent/guardian or unaccompanied youth shall be provided with a written explanation of any decisions related to eligibility, school selection, or enrollment and of the right of the parent/guardian or unaccompanied youth to appeal such decisions. (42 USC 11432)

The written explanation shall include:

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1. A description of the action proposed or refused by the district

2. An explanation of why the action is proposed or refused

3. A description of any other options the district considered and the reasons that any other options were rejected

4. A description of any other factors relevant to the district's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources

5. Appropriate timelines to ensure any relevant deadlines are not missed

6. Contact information for the county liaison and state coordinator, and a brief description of their roles

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 district liaison may use an informal process as an alternative to formal dispute resolution procedures, provided that the parents/guardians or unaccompanied youth have access to the more formal process if informal resolution is not successful in resolving the matter.

In working with a student's parents/guardians or unaccompanied youth to resolve an enrollment dispute, the district liaison shall:

1. Inform them that they may provide written and/or oral documentation to support their position

2. Inform them that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved

3. Provide them a simple form that they may use and turn in to the school to initiate the dispute resolution process

4. Provide them a copy of the dispute form they submit for their records

5. Provide them the outcome of the dispute for their records

If a parent/guardian or unaccompanied youth disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian chooses to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.
Pending final resolution of the dispute, including all available appeals, the student shall be immediately enrolled in the school in which enrollment is sought and shall be allowed to attend classes and participate fully in school activities. (42 USC 11432, 11434a)

Transportation

The district shall provide transportation for a homeless student to and from his/her school of origin when the student is residing within the district and the parent/guardian, or the district liaison in the case of an unaccompanied youth, requests that such transportation be provided. If the student moves outside of district boundaries, but continues to attend his/her school of origin within this district, the Superintendent or designee shall consult with the superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

(cf. 3250 - Transportation Fees)
(cf. 3541 - Transportation Routes and Services)

The district shall not be obligated to provide transportation to students who continue attending their school of origin after they cease to be homeless, unless the formerly homeless student has an individualized education program that includes transportation as a necessary related service for the student. (Education Code 48852.7)

Transfer of Coursework and Credits

When a homeless student transfers into a district school, the district shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the student to retake the course. (Education Code 51225.2)

If the homeless student did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, the district may require the student to retake the portion of the course completed if, in consultation with the holder of educational rights for the student, the district finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a homeless student in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the district prevent a homeless student from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of

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California. (Education Code 51225.2)

(cf. 6143 - Courses of Study)

Applicability of Graduation Requirements

To obtain a high school diploma, a homeless student shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the Governing Board.

(cf. 6146.1 - High School Graduation Requirements)

However, when a homeless student who has completed his/her second year of high school transfers into the district from another school district or transfers between high schools within the district, he/she shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school. Within 30 calendar days of the homeless student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for him/her, and the district liaison for homeless students of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer homeless. (Education Code 51225.1)

To determine whether a homeless student is in his/her third or fourth year of high school, the district shall use either the number of credits he/she has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any homeless student who is granted an exemption and the person holding the right to make educational decisions for him/her how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a homeless student to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be made by a homeless student, the person holding the right to make educational decisions for the student, or the district liaison on behalf of the student. (Education Code 51225.1)

If a homeless student is exempted from local graduation requirements, the exemption shall continue to apply after the student is no longer homeless or if he/she transfers to another school or school district. (Education Code 51225.1)

If the Superintendent or designee determines that a homeless student is reasonably able to complete district graduation requirements within his/her fifth year of high school, he/she shall:

(Education Code 51225.1)
1. Inform the student and, if under 18 years of age, the person holding the right to make educational decisions for him/her, of the option available to the student to remain in school for a fifth year to complete the district's graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution.

2. Provide information to the homeless student about transfer opportunities available through the California Community Colleges.

3. Upon agreement with the homeless student or with the person holding the right to make educational decisions for him/her if he/she is under 18 years of age, permit the student to stay in school for a fifth year to complete the district's graduation requirements.

Eligibility for Extracurricular Activities

A homeless student who enrolls in any district school shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

Notification and Complaints

Information regarding the educational rights of homeless students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the county has not complied with requirements regarding the education of homeless students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the county's procedures in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

(12/14 12/15) 10/16

First Reading by the NCBOE: January 18, 2012
Second Reading and adoption by the NCBOE: February 8, 2012
Reviewed by the NCBOE: September 12, 2018
Revision adopted by the NCBOE: __________________________
INSTRUCTION

Education for Homeless Children

Exhibit 1

COUNTY EXPLANATION OF DECISION
RELATED TO ELIGIBILITY, SCHOOL SELECTION, OR ENROLLMENT

Instructions: The following form provides notice and explanation to a student's parent/guardian or an unaccompanied youth regarding the county's decision related to student eligibility, school selection, or enrollment.

Date: __________________ Name of person completing form: __________________
Title: __________________ Phone number: __________________

In accordance with the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435), this notification is being provided to either:

Name of parent(s)/guardian(s): __________________

Name of unaccompanied student: __________________

School requested: __________________
District's placement decision (name of school): __________________

Action(s) proposed/refused by the district related to eligibility, school selection, or enrollment:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

The county's determination regarding eligibility, school selection, or enrollment was based upon the following evidence and for the following reasons:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

________________________________________________________________________

E 6173 Education for Homeless Children – Exhibits 1 and 2
Other options that the county considered, if any, included the following options which were rejected for the following reasons:

________________________________________

________________________________________

________________________________________

Factors relevant to the county's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources, if any:

________________________________________

________________________________________

________________________________________

You have the right to appeal this decision to the county Superintendent. To do so, contact the county's homeless liaison listed below within the next ___ (insert number of days) ___ days to request a Dispute Form. You may provide written or verbal documentation to support your position, and may also seek the assistance of social services, advocates, and/or service providers in the dispute process. The Superintendent or designee will review all the evidence and will notify you of his/her decision within ___ (insert number of days) ___ days.

If you are not satisfied with the Superintendent's decision, you may appeal to the Nevada County Office of Education. If you are not satisfied with the county office's decision, you may then appeal to the California Department of Education. The district's homeless liaison can assist you with this appeal.

CONTACT INFORMATION:

District Liaison: The district liaison is one of the primary contacts between homeless families and school or district staff. He/she is responsible for coordinating services to ensure that homeless students enroll in school and have the opportunity to succeed academically, and mediates enrollment disputes as needed.

Name of district's homeless liaison: ______________________________________
Address: _______________________________________________________________
Phone number: __________________________________________________________

County Liaison: If you appeal the district's decision to the county office of education, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office. The county liaison will review the materials and determine the eligibility, school selection, or enrollment decision within five working days of receiving the materials. He/she will notify you of the decision.
State Coordinator: If you appeal the county office's decision to the California Department of Education, the county homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. The state coordinator will review the district, county office, and parent/guardian information and will notify you of the decision within ten working days of receiving the materials.

Name of state homeless coordinator:
Address:
Phone number:

RIGHTS:

Pending the final resolution of this dispute, including the period of all appeals, the student has the right to immediately enroll in the school requested and to participate fully in school activities at that school.

(7/05) 10/16
INSTRUCTION

Education for Homeless Children

Exhibit 2

DISPUTE FORM

Instructions: This form is to be completed by a parent/guardian or student when a dispute regarding enrollment has arisen. As an alternative to completing this form, the information on this form may be shared verbally with the district’s liaison for homeless students.

Date submitted: ________________________________
Student's name: _______________________________________
Name of person completing form: _______________________________________
Relation to student: _______________________________________
Address: _______________________________________
Phone number: _______________________________________

Name of school requested: _______________________________________

I wish to appeal the eligibility, school selection, or enrollment decision made by:

☐ District liaison  ☐ District Superintendent  ☐ County office of education liaison

Reason for the appeal: You may include an explanation to support your appeal in this space or provide your explanation verbally.

__________________________________________________________________________

__________________________________________________________________________

I have been provided with:

☐ A written explanation of the district’s decision
☐ Contact information for the district’s homeless liaison
☐ Contact information for the county office of education’s homeless liaison
☐ Contact information for the state homeless coordinator

(REFERENCE BP 6173 AND AR 6173)

(7/05) 10/16

First Reading by the Nevada County Board of Education: January 18, 2012
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Reviewed by the Nevada County Board of Education: September 12, 2018
Revised and adopted by the Nevada County Board of Education: ________________
INSTRUCTION

Education for English Language Learners

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

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

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

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

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

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

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

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

(cf. 4112.22 - Staff Teaching English Learners)
The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

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

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

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

Identification and Assessment

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

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

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

(cf. 6162.51 - State Academic Achievement Tests)

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

(cf. 6162.5 - Student Assessment)

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

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

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

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. The district may offer a dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

(cf. 6142.2 - World/Foreign Language Instruction)

2. The district may offer a transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.

(cf. 6151 - Class Size)

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

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)
Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

Reclassification

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

Program Evaluation

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

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

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

Legal Reference:
EDUCATION CODE

BP 6174 - Education for English Language Learners
300-340  English language education, especially:
305-310  Language acquisition programs
313-313.5 Assessment of English proficiency
430-446  English Learner and Immigrant Pupil Federal Conformity Act
33050  State Board of Education waiver authority
42238.02-42238.03  Local control funding formula
44253.1-44253.11  Qualifications for teaching English learners
48980  Parental notifications
48985  Notices to parents in language other than English
52052  Numerically significant student subgroups
52060-52077  Local control and accountability plan
52160-52178  Bilingual Bicultural Act
56305  CDE manual on English learners with disabilities
60603  Definition, recently arrived English learner
60640  California Assessment of Student Performance and Progress
60810-60812  Assessment of language development
62002.5  Continuation of advisory committee after program sunsets

CODE OF REGULATIONS, TITLE 5
854.1-854.3 CAASPP and universal tools, designated supports, and accommodations
854.9 CAASPP and unlisted resources for students with disabilities
11300-11316  English learner education
11510-11517.5  California English Language Development Test
11517.6-11519.5  English Language Proficiency Assessments for California

UNITED STATES CODE, TITLE 20
1412  Individuals with Disabilities Education Act; state eligibility
1701-1705  Equal Educational Opportunities Act

6311  Title I state plan
6312  Title I local education agency plans
6801-7014  Title III, language instruction for English learners and immigrant students
7801  Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34
100.3  Discrimination prohibited
200.16  Assessment of English learners

COURT DECISIONS
California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141

ATTORNEY GENERAL OPINIONS

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BP 6174  - Education for English Language Learners
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English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016
English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018
Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017
Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015
Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015
English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014
Common Core State Standards for Mathematics, rev. 2013
English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012
THE EDUCATION TRUST- WEST PUBLICATIONS
Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018
Unlocking Learning: Science as a Lever for English Learner Equity, January 2017
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017
English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016
English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016
Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015
WEB SITES
CSBA: http://www.csba.org
California Association for Bilingual Education: http://www.gocabe.org
California Department of Education: http://www.cde.ca.gov/sp/el
National Clearinghouse for English Language Acquisition: http://www.ncela.us
The Education Trust-West: http://west.edtrust.org
(4/15 3/17) 7/18

Adopted by the Board: 10/10/07

Reviewed by the Nevada County Board of Education: 9/12/18

Revised and adopted by the Nevada County Board of Education: ________________
INSTRUCTION

Education for English Language Learners

Definitions

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

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

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

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

Identification and Assessments

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an
English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). (Education Code 313, 52164.1; 5 CCR 11511)

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

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

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

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

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

(cf. 5145.6 - Parental Notifications)

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

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program

2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement

3. A description of the language acquisition program in which the student is, or will be,
participating, including a description of all of the following:

a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction

b. The manner in which the program will meet the educational strengths and needs of the student

c. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation

d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable

e. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards

5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request

6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available

7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

Language Acquisition Programs

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

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.
2. The school shall monitor requests on a regular basis and notify the Superintendent or
designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20
students in the same grade level, request the same or a substantially similar type of language
acquisition program. If the requests are for a multilingual program model, the district shall
consider requests from parents/guardians of students enrolled in the school who are native
English speakers in determining whether this threshold is reached.

3. If the number of parents/guardians described in item #2 is attained, the Superintendent or
designee shall:

a. Within 10 days of reaching the threshold, notify the parents/guardians of students
attending the school, the school's teachers, administrators, and the district's English learner
parent advisory committee and parent advisory committee, in writing, of the requests for a
language acquisition program

b. Identify costs and resources necessary to implement any new language acquisition
program, including, but not limited to, certificated teachers with the appropriate authorizations,
necessary instructional materials, pertinent professional development for the proposed program,
and opportunities for parent/guardian and community engagement to support the proposed
program goals

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

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

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

1. A description of the programs provided, including structured English immersion

2. Identification of any language to be taught in addition to English when the program
includes instruction in a language other than English

3. The manner in which the program is designed using evidence-based research and
includes both designated and integrated English language development

4. The manner in which the district has allocated sufficient resources to effectively
implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals.

5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language.

6. The process to request establishment of a language acquisition program not offered at the school.

7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program’s effectiveness.

Reclassification/Redesignation

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers.

2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers.

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

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

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC.

2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student.

3. Parent/guardian opinion and consultation.

The Superintendent or designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.
4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level

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

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

Advisory Committee

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

The district's English language advisory committee shall advise the Governing Board on at least the following tasks: (5 CCR 11308)

1. The development of a plan for education programs and services for English learners, taking into consideration the school site plans for English learners

2. The districtwide needs assessment on a school-by-school basis

3. Establishment of a district program, goals, and objectives for programs and services for English learners

4. Development of a plan to ensure compliance with applicable teacher or aide requirements

5. Administration of the annual language census

6. Review of and comment on the district's reclassification procedures

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

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

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

(cf. 0460 - Local Control and Accountability Plan)

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

(4/15 3/17) 7/18

First Reading by the Nevada County Board of Education: 9/12/18

Adopted by the Nevada County Board of Education; __________________________
STUDENTS

Suspension and Expulsion/Due Process (Students With Disabilities)

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

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

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

(cf. 6159 - Individualized Education Program)

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.

2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
   a. The series of removals total more than 10 school days in a school year.
   b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
   c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in
another setting, to progress toward meeting the goals set out in his/her IEP, and to address the 
student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with 
transportation, the district shall provide the student with an alternative form of transportation at 
no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus 
transportation. (Education Code 48915.5)

cf. 3541.2 - Transportation for Students with Disabilities

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative 
educational setting for up to 45 school days, without regard to whether the behavior is a 
manifestation of the student's disability, when the student commits one of the following acts 
while at school, going to or from school, or at a school-related function: (20 USC 
1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), 
Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 
USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be 
notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 
300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior 
shall receive services, although in another setting, to the extent necessary to allow him/her to 
participate in the general education curriculum and to progress toward meeting the goals set out 
in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment 
and behavioral intervention services and modifications that are designed to address the behavior 
violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended 
for more than 10 consecutive school days, when a series of removals of a student constitutes a 
pattern, or when a change of placement of a student is contemplated due to a violation of the
district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

(cf. 5145.6 - Parental Notifications)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

a. Caused by or had a direct and substantial relationship to the student's disability

b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of his/her disability, the
student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

(cf. 6158 - Independent Study)
(cf. 6185 - Community Day School)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)
Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

(cf. 5131.7 - Weapons and Dangerous Instruments)

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.

2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

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

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the
district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Legal Reference:
EDUCATION CODE
35146  Closed sessions re: suspensions
35291  Rules of governing board
48203  Reports of severance of attendance of disabled students
48900-48925  Suspension and expulsion
49076  Access to student records
56000  Special education; legislative findings and declarations
56320  Educational needs; requirements
56321  Development or revision of individualized education program
56329  Independent educational assessment
56340-56347  Individualized education program teams
56505  State hearing
PENAL CODE
245  Assault with deadly weapon
626.2  Entry upon campus after written notice of suspension or dismissal without permission
626.9  Gun-Free School Zone Act
626.10  Dirks, daggers, knives, razors, or stun guns
UNITED STATES CODE, TITLE 18
930  Weapons
1365  Serious bodily injury
UNITED STATES CODE, TITLE 20
1412  State eligibility
1415  Procedural safeguards
UNITED STATES CODE, TITLE 21
812  Controlled substances
UNITED STATES CODE, TITLE 29
706  Definitions
794  Rehabilitation Act of 1973, Section 504
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35  Evaluation and placement
104.36  Procedural safeguards
300.1-300.818  Assistance to states for the education of students with disabilities, especially:
300.530-300.537  Discipline procedures
COURT DECISIONS
Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

Management Resources:
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
WEB SITES
California Department of Education, Special Education:  http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs:
http://www.ed.gov/about/offices/list/osers/osep

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Adoption by the Nevada County Board of Education:  

AR 5144.2 Suspension and Expulsion/Due Process
COMMUNITY RELATIONS

Uniform Complaint Procedures

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to the UCP

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, After School Education and Safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other district-implemented program which is listed in Education Code 64000(a)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5131.62 - Tobacco)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

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

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

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

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

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

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

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

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

(cf. 6152 - Class Assignment)

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

(cf. 6142.7 - Physical Education and Activity)

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

11. Any other complaint as specified in a district policy

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

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when
appropriate and as long as the integrity of the complaint process is maintained.

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

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

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

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

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

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

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

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

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

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

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

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
222 Reasonable accommodations; lactating students
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32280-32289 School safety plan, uniform complaint procedures
33380-33384 California Indian Education Centers
35186 Williams uniform complaint procedures
44500-44508 California Peer Assistance and Review Program for Teachers
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records
49069.5 Rights of parents
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52462 Career technical education
52500-52616.24 Adult schools
54000-54029 Economic Impact Aid
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56865 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process

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

HEALTH AND SAFETY CODE
104420 Tobacco-Use Prevention Education

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

CODE OF REGULATIONS, TITLE 2
11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5
3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20
1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6576 Title I basic programs
6801-7014 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs
12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy Act
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
110.25 Notification of nondiscrimination on the basis of age
Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Sample UCP Board Policies and Procedures
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013
Dear Colleague Letter: Harassment and Bullying, October 2010
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
U.S. Department of Justice: http://www.justice.gov

(9/16 5/17) 3/18

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Reviewed by the Nevada County Board of Education: 9/12/18
Revised & adopted by the Nevada County Board of Education: __________________________

BP 1312.3 Uniform Complaint Procedures
Community Relations

Uniform Complaint Procedures

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

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

Compliance Officers

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

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

Associate Superintendent, Educational Services, Teena Corker
(title or position)
380 Crown Point Circle, Grass Valley CA 95945
(address)
(530) 478-6400
(telephone number)
tcorker@nevco.org
(email)

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

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

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

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

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

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. The notification shall include information regarding the prohibition of discrimination, harassment, intimidation, and bullying; unlawful student fees; local control and accountability plan (LCAP) requirements; and requirements related to the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families. (Education Code 262.3, 48853, 48853.5, 49010-49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 3260 - Fees and Charges)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)
The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints

2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable

3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).

4. Include statements that:
   a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
   b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
   c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
   d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.
   e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

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

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

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

i. A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into a district high school or between district high schools as applicable shall be notified of the district's responsibility to:

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

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

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

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

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

k. The appeal to CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

l. Copies of the district's UCP are available free of charge.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.
The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

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

District Responsibilities

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

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

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

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

All complainants shall be protected from retaliation.

Filing of Complaints

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

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)
Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to the UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

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

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

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

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

Investigation of Complaint

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

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

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

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

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

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

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

Report of Findings

OPTION 1:

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, and respondent if there is one, a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

OPTION 2:

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

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

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

In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment,
intimidation, and bullying), the respondent also shall be sent the district's decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

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

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

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

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

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

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

a. The manner in which the misconduct affected one or more students' education
b. The type, frequency, and duration of the misconduct
c. The relationship between the alleged victim(s) and offender(s)
d. The number of persons engaged in the conduct and at whom the conduct was directed
e. The size of the school, location of the incidents, and context in which they occurred
f. Other incidents at the school involving different individuals

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

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

a. The corrective actions imposed on the respondent
b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

6. Notice of the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

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

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

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest
attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)

2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

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

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

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:
1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

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

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

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

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

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

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision of a complaint regarding any specified federal or state educational program subject to the UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)
When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR 4632)

Upon notification by CDE that the complainant or respondent has appealed the district's decision, the Superintendent or designee shall forward the following documents to CDE: (5 CCR 4633)

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

(9/16 5/17) 3/18

REFERENCE BP 1312.3

First reading by the Nevada County Board of Education: 9/12/18
Second reading and adoption by the Nevada County Board of Education: ____________________
Uniform Complaint Procedures (UCP)
Annual Notice for 2018—2019

Nevada County Superintendent of Schools

For students, employees, parents/guardians, school and district advisory committee members, private school officials, and other interested parties

The Nevada County Superintendent of Schools annually notifies our its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of the Uniform Complaint Procedures (UCP) process.

The Nevada County Superintendent of Schools is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP in:

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A pupil fee includes, but is not limited to, all of the following:
1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.

3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee. A pupil fees and/or an LCAP complaint may be filed anonymously, however, the complainant must provide evidence or information leading to evidence to support the complaint.

A pupil enrolled in a school in our district shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

We shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, and former juvenile court pupils now enrolled in a school district as specified in EC Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

The staff member, position, or unit responsible to receive UCP complaints in our agency is:

Name or title: Teena Corker

Unit or office: Nevada County Superintendent of Schools

Address: 380 Crown Point Circle, Grass Valley, CA 95945

Phone: (530) 478-6400 E-mail address: tcorker@nevco.org

Complaints will be investigated and a written report with a Decision will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with our UCP policies and procedures.

The complainant has a right to appeal our Decision of complaints regarding specific programs and activities subject to the UCP, pupil fees and the LCAP to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving our Decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our Decision.

We advise any complainant of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our Uniform Complaint Procedures process shall be available free of charge.
Williams Complaint Board Policies and Procedures

This document contains rules and instructions about the filing, investigation and resolution of a Williams complaint regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

The Nevada County Office of Education adopted the Uniform Complaint Procedures (UCP) process in accordance with Chapter 5.1 (commencing with Section 4680) of the California Code of Regulations, Title 5, to resolve Williams complaints. This document presents information about how we process complaints concerning Williams Settlement issues. A UCP complaint is a written and signed statement by a complainant alleging a violation of state laws or regulations. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of state laws or regulations, regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. If a complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The Responsibility of the Nevada County Office of Education

The Nevada County Office of Education is required to have local policies and procedures that enable Williams Complaints to be handled through our UCP process, to post a classroom notice informing parents, guardians, pupils, and teachers of their rights to file a Williams complaint in each classroom in each school, and to provide a complaint form for Williams complaints regarding alleged deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

If a response is requested by the complainant, the response will go to the mailing address of the complainant indicated on the complaint.

If Education Code §48985 is applicable and 15 percent or more of the pupils in grades K – 12 enrolled in our district speak a language other than English, the Williams Complaint Classroom Notice and the Williams Complaint Form shall be written in English and in the primary language of the complainant. The complaint response, if requested, and final report shall be written in English and the primary language in which the complaint was filed. A Williams Complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but will not exceed 10 working days, to the appropriate school district official for resolution.
The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority.

The principal, or, where applicable, district superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received.

The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response.

The principal makes this report; the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee.

The school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district.

The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district.

The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

The complaints and responses shall be available as public records.

The Williams Complaint Classroom Notice

We make sure that the Williams Complaint Classroom Notice is posted in each classroom in each school in the district and includes:

- The parents, guardians, pupils, and teachers,
- a statement proclaiming sufficient textbooks and instructional materials,
  (For there to be sufficient textbooks and instructional materials each pupil, including English Learners, must have a textbook or instructional materials, or both, to use in class and to take home)
- a statement that school facilities must be clean, safe, and maintained in good repair,
- a statement that there should be no teacher vacancies or misassignments, and
- the location at which to obtain a form to file a complaint in case of a shortage.
  (Posting a notice downloadable from the Web site of the CDE shall satisfy this requirement.)

The Williams Complaint Form

We make sure that the Williams Complaint form is available for parents, guardians, pupils, and teachers to use.

Every school in our district shall have a complaint form available for such Williams complaints.
The Williams Complaint form shall include:

- A section to indicate if a response is requested,
- A section for contact information including mailing address if a response be requested,
- A statement that a pupil, including an English Learner, does not have standards - aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional materials to use in class.
- A statement that a pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- A statement that textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.
- A statement that 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.
- A statement that a condition poses an urgent or emergency threat to the health or safety of pupils or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air - conditioning systems, electrical power failure, major sewer line 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, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
- A statement that a school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and towels or functional hand dryers.
- A statement that the school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary for pupil safety or to make repairs.
- A statement that a semester begins and a teacher vacancy exists. (A position to which a single designated certificate 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 of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester).
- A statement that a teacher who lacks credentials or training to teach English Learners is assigned to teach a class with more than 20 percent English Learners pupils in the class.
- A statement that a teacher is assigned to teach a class for which the teacher lacks subject matter competency.
- A section to identify the location of the school in which the alleged violation took place,
- A section to identify the course or grade level, if applicable,
- A section where the complainant describes the specific nature of the complaint in detail,
- A statement that the complainant may include as much text as the complainant feels is necessary, and
- A statement identifying the place to file the complaint that includes the office and address of the principal or his/her designee of the school in which the alleged violation took place.
Filing a Williams Complaint with the Nevada County Office of Education

A Williams complaint shall be filed with the principal of the school or his or her designee, in which the complaint arises.

A Williams complaint may be filed anonymously.

The complainant need not use the Williams Complaint form to file a complaint.

How To Appeal a Williams Complaint

A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, involving deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment, has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the governing board.

A complainant who is then not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of EC § 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction at the California Department of Education (CDE) within 15 days of receiving the report.

Conditions that pose an emergency or urgent threat (not cosmetic or nonessential) to the health and safety of pupils or staff while at school include the following:

- Gas leaks.
- Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems.
- Electrical power failure.
- Major sewer line 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 pupil or staff.
- Structural damage creating a hazardous or uninhabitable condition.

In regards to the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, the complainant shall comply with the appeal requirements of 5 CCR § 4632.

A complainant may appeal the Decision of an emergency or urgent threat to the CDE by filing a written appeal within 15 days of receiving the Decision.

The complainant shall specify the basis for the appeal of the Decision and whether the facts are incorrect and/or the law is misapplied.

The appeal shall be accompanied by:

1. a copy of the locally filed complaint; and
2. a copy of the Decision.

State Laws cited:
California Education Code (EC) §§ 1240, 17592.72, 35186, 35186(a)(1), 35186(a)(2),
35186(a)(3), 35186(b), 35186(c), 35186(d), 35186(e)(1)(A), 35186(e)(1)(B),
35186(e)(1)(C), 35186(e)(2)(A), 35186(e)(2)(B), 35186(e)(2)(C), 35186(f), 35186(f)(1),

California Code of Regulations (CCR) Title 5 §§ 4600-4687, 4632.

(Reference AR 1312.4 and E 1312.4)

First reading by the Nevada County Board of Education: 9/12/18
Second reading and adoption by the Nevada County Board of Education: ____________________
COMMUNITY RELATIONS

Williams Uniform Complaint Procedures

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following: (Education Code 35186; 5 CCR 4680-4683)

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:
   a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
   b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
   c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
   d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:
   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 learners in the class.

(cf. 4112.22 - Staff Teaching English Learners)

   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. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means the first day classes necessary to serve all the students 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 students attend classes for that semester. (5 CCR 4600)

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. (Education Code 35186; 5 CCR 4600)

(cf. 4112.2 - Certification)
(cf. 4113 - Assignment)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:

   a. A condition poses an emergency or urgent threat to the health or safety of students 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 students 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 line 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 students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)

   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, or paper towels or functional hand dryers. (Education Code 35292.5)

   Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

(cf. 3514 - Environmental Safety)
(cf. 3517 - Facilities Inspection)

Filing of Complaint
A complaint alleging any condition(s) specified in the section "Types of Complaints" 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. (Education Code 35186; 5 CCR 4680)

Investigation and Response

The principal or designee 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. (Education Code 35186; 5 CCR 4685)

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 designee shall report the resolution of the complaint to him/her at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

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. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a in the section "Types of Complaints" 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 district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

(cf. 1340 - Access to District Records)

Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)
Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that the district's complaint form 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. (Education Code 35186; 5 CCR 4680)

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. (Education Code 35186)

Legal Reference:
EDUCATION CODE
234.1 Prohibition of discrimination, harassment, intimidation, and bullying
1240 County superintendent of schools, duties
17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account
33126 School accountability report card
35186 Williams uniform complaint procedures
35292.5 Restrooms, maintenance and cleanliness
48985 Notice to parents in language other than English
60119 Hearing on sufficiency of instructional materials
CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California County Superintendents Educational Services Association: http://www.ccesea.org
California Department of Education, Williams case: http://www.cde.ca.gov/ed/cf/wc
State Allocation Board, Office of Public School Construction: http://www.opsc.dgs.ca.gov

(11/07 11/10) 8/14

REFERENCE E 1312.4

First reading by the Nevada County Board of Education: 9/12/18
Second reading and adoption by the Nevada County Board of Education: ____________________
COMMUNITY RELATIONS

Williams Uniform Complaint Procedures

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:
COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.

2. School facilities must be clean, safe, and maintained in good repair.

3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

   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.

   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 a semester for an entire semester.

4. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site:
   http://www.cde.ca.gov/re/cp/uc. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.
Exhibit

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? __________ Yes __________ No

Contact information: (if response is requested)
Name: ____________________________
Address: ___________________________
Phone number: Day: __________ Evening: __________
E-mail address, if any: ___________________________

Date problem was observed: __________________________

Location of the problem that is the subject of this complaint:
School name/address: ___________________________
Course title/grade level and teacher name: ___________________________
Room number/name of room/location of facility: ___________________________

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

   A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

   A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

   Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

   A student 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: (Education Code 35186; 5 CCR 4682)

   A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school 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 a semester for an entire semester.
A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facilities conditions: (Education Code 17592.72, 35186, 35292.5; 5 CCR 4683)

A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line 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 students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.

A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.

The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for student safety or to make repairs.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of students or staff.

______________________________________________________

Please file this complaint at the following location:
Teena Corker, Associate Superintendent, Educational Services
(principal or title of designee of the Superintendent)
380 Crown Point Circle, Grass Valley, CA 95945
(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

______________________________________________________  ____________________________________________________________________________________________________________________________________________
(Signature)  (Date)

(11/07  11/10)  8/14

REFERENCE AR 1312.4

First reading by the Nevada County Board of Education: 9/12/18
Second reading and adoption by the Nevada County Board of Education: _____________
To: Samie White, NCSOS

From: Donna Hardy

Re: GVSD Board Resolution #18-02 Certifying Nevada County Bond Election

Date: August 17, 2018

Attached are two (2) copies of the GVSD Board resolution certifying to the Board of Supervisors of Nevada County, #18-02.

As per Section 4 of this resolution, please deliver this Resolution, in accordance with California Education Code Section 15274, to the County Superintendent of Schools and we request that the County Superintendent deliver a copy of this Resolution and Certificate of Election Results attached hereto as Exhibit A to the Clerk of the Board of Supervisors of the County.

Thank You!
Grass Valley School District

RESOLUTION NO. #18-02

CERTIFYING TO THE BOARD OF SUPERVISORS
OF NEVADA COUNTY ALL PROCEEDINGS IN THE
JUNE 5, 2018 GENERAL OBLIGATION BOND ELECTION

WHEREAS, on January 30, 2018, the Board of Trustees of the Grass Valley School District (the "District") of Nevada County (the "County"), State of California, adopted its Resolution (the "Resolution") ordering an election for general obligation bonds (the "Bond Election") held on June 5, 2018; and

WHEREAS, the Resolution was duly delivered to the Registrar of Voters for the County; and

WHEREAS, the Resolution was duly delivered to the Clerk of the Board of Supervisors of the County; and

WHEREAS, notice of the Bond Election was duly given; and

WHEREAS, on June 5, 2018, the Bond Election was duly held and conducted for the purpose of voting on the proposition of issuing bonds of the District in the amount of $18.8 million, known as Measure D (the "Bond Measure"); and

WHEREAS, the Board of Trustees of the District has received the Canvass and Statement of results of the election from the County ("Certificate of Election Results"); and

WHEREAS, it appears from the Certificate of Election Results that more than 55% of the votes cast on the proposition were in favor of issuing the aforementioned bonds.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE GRASS VALLEY SCHOOL DISTRICT DOES HEREBY FIND, DETERMINE AND CERTIFY AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Entry Upon Minutes. In accordance with California Education Code Section 15274, the Board of Trustees orders that entry be made upon the minutes of this meeting that the Bond Measure has been approved by more than 55% of the votes cast at the Bond Election.

Section 3. Certification to County Board. In accordance with California Education Code Section 15274, the Board of Trustees hereby certifies to the Board of Supervisors of Nevada County that all proceedings of the District in connection with the June 5, 2018 Bond Election have been accomplished with respect to the election as recited herein.

Section 4. Delivery of This Resolution. In accordance with California Education Code Section 15274, the Board of Trustees directs that the Secretary of the Board deliver a copy of this Resolution to the County Superintendent of Schools with a request that the County Superintendent deliver a copy of this Resolution and Certificate of Election Results attached hereto as Exhibit A to the Clerk of the Board Supervisors of the County.

Section 5. Effective Date. This resolution shall take effect on and after its adoption.
The foregoing Resolution was adopted by the Board of Trustees of the Grass Valley School District of Nevada County, being the Board authorized by law to make the designations therein contained by the following vote, on August 14, 2018.

Adopted by the following votes:

AYES: 5 (Thomas J. Petitt, Jeanne Michael, Lisa Jarvis
       Bonnie Taylor, Frank Bennallack)

NOES: 0

ABSENT: 0

ABSTAIN: 0

[Signature]
Thomas J. Petitt, President of the Board of Trustees

ATTEST:

[Signature]
Jeanne Michael, Secretary to the Board of Trustees
EXHIBIT A

COUNTY CERTIFICATION OF ELECTION RESULTS
July 2, 2018

Grass Valley School District
Attn: Eric Fredrickson
10840 Gilmore Way
Grass Valley, CA 95945

Dear Grass Valley School District,

Per Elections Code 10515, please find enclosed the certified results from the June 5, 2018 Statewide Direct Primary Election as they pertain to your district. These results are final and certified by Gregory J. Diaz, Nevada County Clerk-Recorder. If you have any questions, please feel free to contact our office.

Thank you,

Nevada County Elections Office
CANVASS AND STATEMENT OF RESULTS OF ELECTION

State of California )

)ss.
County of Nevada )

I hereby certify that I canvassed the returns of the election held June 5, 2018 for the Grass Valley School District, Measure D Election, and that the total number of ballots cast in this contest are as follows, and the totals as shown are full, true and correct.

<table>
<thead>
<tr>
<th>Grass Valley School District Measure D</th>
<th>Votes Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>5,747</td>
</tr>
<tr>
<td>No</td>
<td>3,339</td>
</tr>
<tr>
<td>Total Votes Cast</td>
<td>9,086</td>
</tr>
<tr>
<td>Overvotes</td>
<td>1</td>
</tr>
<tr>
<td>Undervotes</td>
<td>593</td>
</tr>
</tbody>
</table>

Pursuant to Elections Code Section 10550, the attached page(s) set forth the total number of votes cast in each precinct for the Grass Valley School District, Measure D, and set forth the total number of votes cast for and against this measure in each precinct.

In witness whereof, I have hereunto set my hand this 3rd day of July, 2018.

GREGORY J. DIAZ
County Clerk-Recorder
August 7, 2018

TO: Superintendent Scott Lay and the Nevada County Board of Education
RE: DASS Certification for EPIC de Cesar Chavez

This letter is to notify the Nevada County Office of the Superintendent and the Board of Education that EPIC de Cesar Chavez charter high school has applied to the California Department of Education for certification as eligible for the Dashboard Alternative School Status program. The FIELD/EPIC Board of Directors was apprised of this application, approved the DASS certification in the Board meeting on May 19, 2018.

The approval for certification was based on the demographic of students that we serve and would provide EPIC with a waiver based on the high numbers of EPIC students that meet the DASS criteria. 100% of EPIC students are credit deficient and many can also be co-defined as either students with a gap in enrollment, students who are recovered dropouts, or students with high level transiency.

Sincerely,

[Signature]

David M. Villarino
EPIC Board President

[Signature]

Defilah Martinez
Dir. Educational Programs

August 30, 2018

Stacy Stroppini
19679 Scotts Flat Rd
Nevada City, CA 95959

Dear Stacy Stroppini,

Thank you for sending your letter of concern regarding School Safety and Security in Nevada County Schools to our Board of Education Trustee, Ashley Neumann. I greatly appreciate your concern in this area. First, I want to assure you that none of my statements are incorrect as you claimed in the letter. I hope after reading this you’ll understand why.

The Grand Jury’s report on school safety was dated May 4 and we received it in our office on May 7. The report was made available to the public via the Grand Jury’s website on May 9 at 11am. (Please note that there is an incorrect date published by the Grand Jury of a due date of May 7. The actual due date, as written in the document and confirmed by the Grand Jury, was July 6.)

The Nevada County Superintendent of Schools (NCSOS), as stated in paragraph two of my Grand Jury response, is not directly responsible for the development or implementation of Comprehensive School Safety Plans, mandates, or best practices for the schools in our county, with the exception of Earle Jamieson, but seek to train them with timely, evidence-based, best practices and training to ensure the safety of staff and students. The California Legislature requires each public school serving kindergarten through grade 12 to develop a comprehensive school safety plan per Education Codes (EC) 32280-32289. NCSOS, in accordance with EC 32288, approves all these plans. We even go a step further by offering any assistance, though not required in education code, to help in updating the plans of all our traditional, charter, and private schools in Nevada County. This has resulted in plans that have uniformity in regards to first responders while also taking in to account the unique geographic needs of our individual campuses.

Although education code only requires school safety plans for grades K-12, NCSOS certainly has not forgotten about our sites at the Terrence K. McAteer Family Resource Center (TKM) and the Child Development Center on the Sierra College campus. This past year both sites updated their school safety plans and the first live safety drill at TKM was conducted. The Child Development Center also conducted several drills with the staff and students. New door locks and window coverings were installed as well as an updated parent check in procedure were put in place at TKM to ensure the safety of our youngest students. Upon visiting TKM on the first day of school all these measures were in place. In regards to our classrooms and staff on school campuses throughout Nevada County, they follow the adopted
safety plans of each site to ensure student and staff safety. NCSOS also held an all staff safety inservice on August 13 of this month to make sure safety of staff and students was at the forefront of everyone’s attention.

As the Superintendent of Schools for Nevada County, one of my main and most enjoyable functions is to SUPERINTEND our schools. This is partially done by site visits and continuous communication with school staff. In all my visits over the past year I cannot recall one instance of improper locks or window coverings nor was our office made aware of any such concern. In fact, at several sites I found innovative door locks and window coverings that I took pictures of and passed on to other schools administrators.

As the County Board of Education is aware, we in Nevada County are at the forefront of school safety in California. We have one of the only full time School Climate and Safety Coordinators of any county office of education. Besides facilitating several active shooter drills at our school sites over the summer, we have also started working on emergency safety plans for our students on the busses. This is not due to any current legislation, but rather an area that we see that can be improved upon for student safety.

I hope this helps to clear up any misconceptions and illustrates the commitment to school and staff safety that my office has not only for our county programs, but to all schools within Western Nevada County. If you have any further questions, please feel free to contact me at 530-478-6400 ext. 2006.

Once again, thank you for your concerns for the safety of our students and staff in Nevada County.

Sincerely,

Scott W. Lay
Nevada County Superintendent of Schools
July 31, 2018

TO: All Board Presidents and Superintendents
CSBA Member Districts and County Offices of Education

FROM: Mike Walsh, President

SUBJECT: Call for Nominations for Directors-at-Large Asian/Pacific Islander and Hispanic

Nominations for CSBA Directors-at-Large Asian/Pacific Islander and Hispanic are currently being accepted until Friday, September 28. The nomination form and all information related to the election process are available online, please visit https://www.csba.org/About/Leadership/ElectionToCsbaOffice/ElectionToBoardofDirectors.aspx.

The nominations for Directors-at-Large must be made by a CSBA member board and the nominee must be a board member from a CSBA member board. The following documents are required:

- **Nomination form:** A completed, signed and dated nomination form due Friday, September 28 (choose only one option: U.S. Postal Service postmark or email nominations@csba.org or fax (916) 371-3407). Nominating CSBA member boards must secure permission from the board member prior to nominating him or her.

- **Two letters of recommendation:** A one page, single-sided, letter addressed to CSBA President Mike Walsh is due to CSBA no later than Friday, October 5 (choose only one option: U.S. Postal Service postmark or email nominations@csba.org or fax (916) 371-3407). The letter may be from the following entities:
  1. A CSBA member board
     - "If signed by the Superintendent, the letter must state "on behalf of the board."
  2. An individual board member from a CSBA member district or COE
  3. Another board member association

- **Candidate Form:** A signed and dated candidate form completed by the nominee is due to CSBA no later than Friday, October 5 (choose one option: U.S. Postal Service postmark or email nominations@csba.org or fax (916) 371-3407). An optional, one-page résumé may also be submitted and is due by Friday, October 5.

The completed candidate form and two letters of recommendation will be included in the Delegate Assembly meeting agenda packet exactly as submitted.

CSBA’s Board of Directors, which includes 21 regional representatives, five directors-at-large, four officers, the California County Boards of Education president, and any California board member serving on the board of the National School Boards Association. The board is responsible for setting direction for CSBA by adopting the vision and mission and overseeing the corporate operations of the association.

The elections will take place at CSBA’s Delegate Assembly meeting held at the San Francisco Marriott Marquis on Wednesday, November 28 and Thursday, November 29. Directors-at-Large serve two-year terms and take office immediately upon the close of the Association’s Annual Education Conference on Saturday, December 1.

Please contact the Executive Office at 800-266-3382 should you have any questions. Thank you.

(See reverse for 2019 meeting dates)
To Whom it Regards

The purpose of this letter is to explain the reasons why and the events surrounding my families departure from Sierra Montessori.

First off I would like to share a little about my family. I have 4 children who all attended Sierra Montessori last year in grades K, 3, 5, and 5. We came from a short 4 month time period at Cottage Hill and previous to that we had been homeschooling through Core Placer. I have 3 children with IEPs and they needed more than what homeschooling was giving them for their disability but the rigidity and large class sizes of Cottage Hill was not a good fit. When we came to SMA it truly felt like home and we were expecting to stay for a long time. There were a few things that drew us so strongly to SMA: the fantastic special education program that put children’s needs above test scores, the flexibility to go onto independent study to maintain a lifestyle were we traveled occasionally and learned as we saw the world around us, and the small family atmosphere. With the Beltz leaving I knew that there were going to be some changes but was hopeful to work with the new director to continue the beautiful traditions of the school.

On August 8th I attended the SMA board meeting with the hopes to become a member of the board so that I could be as involved with the school as possible. I had expressed interest to Mr. De Sena but had not received a response to my email, phone call, or message left on his desk. I came anyway and am very glad I did. During the meeting I began to see that the things that I liked about the school were not in line with Mr. De Sena’s plans. Although I did not use aftercare but for on a few occasions, the way that Mr. De Sena dealt with the roll out of the new program and interacted with the board was very alarming to me. He stood before his board and said he had been told that in
his class for his administering credential (which to my understanding he has not yet even received) he was told not to come in and change too much right away. Then he stood and laughed about all that he was going to change. This does not seem like good leadership to me. I have attended many board meetings at charter schools and there was much about Mr. De Sena’s behavior that did not sit well with me during the meeting. I would be happy to talk further with anyone if you have any more questions regarding this issue.

I was so bothered by the happenings of the meeting that I stayed past the closed session to talk with Mr. De Sena. During this discussion I was told that if I had attended another school I would have been brought before the SARB board for having 45 absences. I immediately questioned this accusation, as I had done independent study for every day unexcused day my children missed which was not 45 days. Mr. De Sena at first accused me of not having completed my independent study (not true, my children always completed and turned in all of their work), but then said it was just that the independent study given was not enough. I did not appreciate the way he began the conversation so threatening as we had just been following the program that had been set out before us. He told me that “I do my children a disservice” by taking them out of the classroom. I explained to him that I disagree and that I care more about the people they are becoming than their test scores. Mr. De Sena told me that as he understood it there had been a no homework policy at the school and that was going to change. I do not know about you but my children all had some amount of homework each day. I told this to Mr. De Sena and his response was that the homework was not enough and that especially children like mine (with a disability) needed to be doing even more. This is so wrong, and experts would agree you work smarter not more especially with a kid with a disability. Mr. De Sena did back pedal with challenged on this subject. Mr. De Sena told me that a family vacation was never a reason for independent study and that he would not sign off on it. Mr De Sena also attempted to quote to me what my children’s test scores were and how far behind they are on certain subjects, the most upsetting part of this is that he was not even correct in some of what he had to say. He could not even keep my kids ages correct but was trying to tell me what scores they got. I work very close with the special ed department and knew exactly were my children are. I found him discussing my children’s disabilities in the way he did extremely unprofessional. Mr. De Sena’s focus was on test scores and how they will make him look to other schools. I had to remind him that behind each of those test scores is a child. I also needed to remind him that he is looking at one score not the progress that was made by the loving environment he is changing. In all this conversation convinced me that Mr. De Sena has no idea how to talk to parents and has no business running a school.
I do not mean for this to be personal attack on Mr. De Sena, rather just a statement on his ability to run this school. I have had pleasant discussion with Mr. De Sena and think that he might be a good business man. Being a good business man does not mean you will be a good administrator. I know that there is discussion of advertisement that is a non-issue until you can at least keep your families there. I know of at least 6 families that have left due to the changes, and I know of several others that are on the fence. I have a deep love for SMA, the staff, the teachers, and the families there and I hope that there is able to be changes to get things moving in a good direction.

Sincerely,

Nicole Greene