Policy 0410: Nondiscrimination In District Programs And Activities

Status: ADOPTED

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CSBA NOTE: Education Code 234.1 **mandates** districts to adopt policy as well as a process to ensure that district programs and activities are free from unlawful discrimination. ~~Education Code 234.1 requires that the district's nondiscrimination policy include a statement that the policy applies to all acts related to a school activity or school attendance and, as amended by AB 1078 (Ch. 229, Statutes of 2023), to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district. Education Code 234.1, as amended by AB 1078, contains similar language regarding the County Board of Education and the County Superintendent of Schools.~~

~~In accordance with various provisions of state and federal law, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. Education Code 220 prohibits discrimination based on race or ethnicity, nationality, immigration status, sex, sexual orientation, gender, gender identity, gender expression, religion, disability, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55. Education Code 260 prohibits discrimination based on age. Government Code 11135 prohibits discrimination based on many of the foregoing characteristics and on an individual's genetic information and medical condition. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination on the basis of race, color, and national origin. Title IX (20 USC 1681-1688; 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474) prohibits discrimination on the basis of sex, including sex stereotypes; sex characteristics; gender; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794) prohibit discrimination on the basis of disability. For policy language protecting students against discrimination and harassment, see BP/AR 5145.3 - Nondiscrimination/Harassment and BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment, and for language regarding Title IX complaint procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation ; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and

parental, marital, and family status. For more information specific to the protection of students against discrimination and harassment, see BP/AR 5145.3 - Nondiscrimination/Harassment and BP/AR 5145.7 - Sexual Harassment.

Government Code 12940 provides additional protections for employees, job applicants, unpaid interns, and volunteers against unlawful discrimination and harassment on the basis of actual or perceived age; religious creed; reproductive health decision-making; sex, which includes some of the characteristics listed in the prior paragraph, as well as breastfeeding; and veteran or military status. For more information specific to the protection against discrimination as related to volunteers, see BP 1240 - Volunteer Assistance, and, as related to employees, unpaid interns, and job applicants, see BP 4030 - Nondiscrimination in Employment and BP 4119.11/4219.11/4319.11 – Sexual Harassment.

Additionally, Education Code 200 and 210.2, and Government Code 12920 and 12926, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Education Code 260 and 5 CCR 4900-4965 also require the Governing Board to monitor district compliance with these state and federal laws. The federal laws are enforced by the U.S. Department of Education's Office for Civil Rights (OCR~~) of the U.S. Department of Education (USDOE~~), and the California Department of Education (CDE) may investigate complaints regarding discrimination pursuant to 5 CCR 4600-4670.

~~OCR's May 2024 Dear Colleague Letter, "Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics," which expands and clarifies USDOE's 2023, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools," provides that Title VI's protections from race, color, and national origin discrimination extends to students who experience discrimination based on actual or perceived (1) shared ancestry or ethnic characteristics, or (2) citizenship or residency in a country with a dominant religion or distinct religious identity. While Title VI does not protect individuals based solely on religious discrimination, it does apply to antisemitism and other forms of discrimination when based on shared ancestry or ethnic characteristics. The guidance includes clarifying examples regarding existing legal requirements under Title VI.~~

~~Additionally, OCR's November 2023 Dear Colleague Letter, "Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics," states that all students, including students who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, as well as students who come from, or are perceived to come from, all regions of the world, are entitled to a school environment free from discrimination based on race, color, or national origin. The Dear Colleague Letter provides that Title VI also protects students from discrimination which is based on (1) actual or perceived citizenship or residency in a country with a dominant religion or distinct religious identity, including Jewish, Muslim, Sikh, Hindu, Christian, and Buddhist students, when the~~

~~discrimination involves racial, ethnic, or ancestral slurs or stereotypes, (2) a student's skin color, physical features, or style of dress that reflects both ethnic and religious traditions, and (3) where a student came from or is perceived to have come from. Discrimination based on a student's foreign accent, foreign name, or a student speaking a foreign language may also violate Title VI's prohibitions against discrimination.~~

~~OCR's August 2023 Dear Colleague Letter, "Race and School Programming," states that a district may not separate students based on race, but may include group discussions or activities that focus on race as part of the curriculum, courses, or programs so long as access or participation is not permitted or limited based on race. OCR's guidance also provides that a school-sponsored program with emphasis on race, such as a student club, that is open to all students, typically would not violate Title VI solely because of its race-related theme.~~

~~Additionally, OCR's May 2023 Dear Colleague Letter, "Resource on Confronting Racial Discrimination in Student Discipline," published in conjunction with the U.S. Department of Justice (DOJ), states that a district's responsibility not to discriminate against students applies to any of its programs or activities, whether directly or through contractual or other arrangements.~~

~~In addition to the prohibitions to discrimination described above, Government Code 12940 provides protections for employees, job applicants, unpaid interns, and volunteers against unlawful discrimination and harassment on the basis of actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, reproductive health decisionmaking, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, or gender expression.~~

~~For policy language regarding Title IX complaint procedures for employees, see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for language addressing protections against discrimination as they relate to employees, unpaid interns, and job applicants, see BP 4030 - Nondiscrimination in Employment and BP 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment, and as they relate to volunteers, see BP 1240 - Volunteer Assistance.~~

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, OCR's February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The Governing Board is committed to providing equal opportunity for all individuals in district programs and activities.

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the ~~Governing~~ Board and the Superintendent in enacting policies and procedures that govern the

district. (Education Code 234.1)

~~The Board is committed to providing equal opportunity for all individuals in district programs and activities. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race; color; ancestry; nationality; national origin; immigration status; ethnic group identification; ethnicity; age; religion; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; reproductive health decisionmaking; physical or mental disability; medical condition; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; veteran or military status; or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.~~

District programs, activities, and practices shall be free from unlawful discrimination against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; parental, marital, and family status; and veteran or military status; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2)

~~CSBA NOTE: Education Code 234.7 mandates that districts adopt policy consistent with the California Attorney General's model policy contained in the Office of the Attorney General's publication, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues." That model policy includes statements regarding the equitable provision of services and a prohibition against the use of school resources or data for creating a registry based on specific characteristics. In addition, Government Code 8310.3 prohibits districts from disclosing information about immigration status or religion to federal government authorities for use in the compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a registry. For more information regarding this mandate and appropriate responses to citizenship and immigration concerns, see BP/AR 5145.13 - Response to Immigration Enforcement.~~

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

~~CSBA NOTE: Education Code 243, as added by AB 1078, clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library, or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any Board action to ban or censor a textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction on any of the bases described above may constitute unlawful discrimination under Education Code 220. In addition, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220.~~

~~Education Code 242, as added by AB 1078, requires CDE to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.~~

~~For more information regarding instructional materials adoption see BP/AR/E(1) 6161.1 - Selection and Evaluation of Instructional materials, CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."~~

CSBA NOTE: Pursuant to Education Code 242, CDE has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

For more information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library, see BP/AR/E(1) 6161.1 – Selection and Evaluation of Instructional materials, BP 6161.11 – Supplementary Instructional Materials, and BP 6163.1 – Library Media Centers. Also see CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

District programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be

rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

Additionally, the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be adopted by the Board or district if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

~~CSBA NOTE: Education Code 221.2-221.3, the California Racial Mascot Act, declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames to be contrary to an equal education and specifically prohibit public schools from using the term "Redskins" as a school or athletic team name, mascot, or nickname. The following paragraph expands this prohibition to include any racially derogatory or discriminatory athletic team name, mascot, or nickname and may be revised to reflect district practice.~~

CSBA NOTE: Education Code 221.2-221.3, the California Racial Mascot Act, declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames in public schools to be contrary to providing an equal education. Specifically, Education Code 221.3, as amended by AB 3074 (Ch. 665, Statutes of 2024), prohibits public schools, except public schools operated by an Indian tribe or a tribal organization, from using the term "Redskins" as a school or athletic team name, mascot, or nickname. Beginning July 1, 2026, Education Code 221.3, as amended by AB 3074, prohibits public schools, other than those operated by an Indian tribe or a tribal organization, from using any derogatory Native American term for school or athletic team names, mascots, or nicknames without the written consent of a local federally recognized Indian tribe. Education Code 33315, as amended by AB 3074, requires that the uniform complaint procedures (UCP) be used to investigate and resolve complaints alleging a violation of Education Code 221.3. See BP/AR 1312.3 – Uniform Complaint Procedures.

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

~~CSBA NOTE: Pursuant to Education Code 221.5, a district is required to permit a student to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of the student's gender as listed on the student's educational records.~~

~~Additionally, Title IX, 34 CFR 106.31, as amended by 89 Fed. Reg. 33474, provides that a district (1) may not exclude a student from participation in, deny a student the benefits of, or otherwise subject a student to discrimination on the basis of sex in any education program or activity, (2) that in the limited circumstances in which different treatment or separation on the basis of sex is permitted, a district may not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a student to more than de minimis harm, and (3) that preventing a student from participating in an education program or activity consistent with the student's gender identity would subject the student to more than de minimis harm on the basis of sex. In commentary accompanying the Final Rule, USDOE clarifies that Title IX protects students~~

~~from sex discrimination, including sex-based harassment, when they access sex-separate facilities. This protection applies with equal force to all students, including transgender and nonbinary students, requiring districts to provide access to sex-separate facilities, including bathrooms, in a manner that does not cause more than de minimis harm. USDOE intends to issue a separate final rule to address Title IX's application to sex-separate athletic teams which is governed by 34 CFR 106.41, rather than 34 CFR 106.31 as described above. See BP/AR 5145.7 - Sex-Discrimination and Sex-Based Harassment.~~

~~For further information, see CSBA's, "Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools," and CSBA's Recently Asked Questions, "Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students."~~

Derogatory Native American terms, including Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Redskins, Savages, Squaw, and Tribe, shall not be used for any school or athletic team name, mascot, or nickname, unless permitted in accordance with Education Code 221.3.

The Superintendent or designee shall annually review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. The Superintendent or designee shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

~~CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, or Education Code 244, as added by SB 153, related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library, as described above, may be brought under the district's uniform complaint procedures (UCP) or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 - Uniform Complaint Procedures.~~

~~Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in BP/AR 1312.3 - Uniform Complaint Procedures, for students, and AR 4030 - Nondiscrimination in Employment, for employees, it is unclear whether districts would additionally be required to follow the procedures specified in BP/AR 1312.3 - Uniform Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing such a complaint process for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Title IX Sex~~

~~Discrimination and Sex-Based Harassment Complaint Procedures, for students, and AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for employees.~~

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243, or 244, as added by SB 153 (Ch. 38, Statutes of 2024), related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library, may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 - Uniform Complaint Procedures.

~~Except for allegations of sex discrimination or sex-based harassment, allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy and Administrative Regulation 1312.3 - Uniform Complaint Procedures, for students, and Administrative Regulation 4030 - Nondiscrimination in Employment, for employees. Complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for students, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for employees.~~

All complaints alleging unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy and Administrative Regulation 1312.3 - Uniform Complaint Procedures, for students, and Administrative Regulation 4030 – Nondiscrimination in Employment, for employees.

~~CSBA NOTE: Many nondiscrimination laws and regulations contain a notification requirement. For example, pursuant~~CSBA NOTE: Pursuant to 34 CFR 104.8 and 106.8, a district that receives federal aid is required to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate on the basis of disability or sex in its education programs or activities. ~~In addition~~Additionally, Education Code 221.61 requires districts to post specified information relating to Title IX on their websites. To ensure consistent implementation of the laws, the same notification requirement should be adopted for all the protected categories as provided in the following paragraph.

Pursuant to 34 CFR 104.8 and 106.8, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed ~~pursuant to Education Code 48980~~in accordance with Board Policy/Exhibit(1) 5145.6 - Parent/Guardian Notifications and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's website and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

~~CSBA NOTE: Education Code 234.7 requires the following notification. Information about the educational rights of all students is contained in the appendix of the Office of the Attorney General's publication, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues."~~
CSBA NOTE: Pursuant to Education Code 234.7, a district is required to notify parents/guardians of their children's right to a free public education regardless of immigration status. The Attorney General's, "Promoting a Safe and Secure Learning Environment: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," updated in December 2024, provides additional detail on this topic, which includes one appendix titled, "Know Your Educational Rights." Such notice may be included in the annual parental notification provided pursuant to Education Code 48980 or through any other cost-effective means. See BP/AR 5145.13 – Response to Immigration Enforcement and BP/E(1) 5145.6 - Parent/Guardian Notifications.

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

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

CSBA NOTE: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in English or the primary language. ~~In addition~~Additionally, 20 USC 6311 and 6312 require that districts receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. ~~In addition~~Additionally, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language. (Education Code 48985; 20 USC 6312)

Access for Individuals with Disabilities

~~CSBA NOTE: Pursuant to the ADA and its implementing regulations, 28 CFR 35.150 and 35.151, district facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a district need not make structural changes to existing facilities if other methods are effective and the district can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity or an undue financial or administrative burden. However, pursuant to 28 CFR~~

~~35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the DOJ.~~

~~In addition, pursuant to 28 CFR 35.136, a district must permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity. For language addressing this mandate, see AR 6163.2 - Animals at School. Districts with questions about compliance with the ADA should consult CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.~~

CSBA NOTE: Pursuant to the Americans with Disabilities Act (ADA) and its implementing regulations, district facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a district need not make structural changes to existing facilities if other methods are effective, the district can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity, or the district can demonstrate an undue financial or administrative burden. However, pursuant to 28 CFR 35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the U.S. Department of Justice (DOJ).

Additionally, pursuant to 28 CFR 35.136, a district is required to permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity. For language addressing this mandate, see AR 6163.2 - Animals at School. It is recommended that districts with questions about compliance with the ADA consult CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.

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

~~CSBA NOTE: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires districts to provide services and aids to ensure that a disabled individual is not excluded from participation or denied a benefit, service, or program on the basis of a disability. However, if the district can show that providing such aids and services would fundamentally alter the nature of the function, program, or meeting or would be an undue burden, then the district need not provide them.~~

~~The requirement to provide services and aids extends to qualified individuals with speech, hearing, or vision disabilities who participate in Medi-Cal, and, in accordance with the Department of Health Care Services Policy and Procedure Letters No. 21-017R and No. 23-004, districts are required to have a plan to meet these alternative format requirements; see AR 5141.6 - School Health Services.~~

~~In addition, Government Code 54953.2 requires that all Board meetings meet the protections of the~~

~~ADA and implementing regulations (28 CFR 35.160 and 36.303). The district must ensure that such meetings are accessible to persons with disabilities and that, upon the request of any person with a disability, disability-related accommodations, such as auxiliary aids and services, are made available. Additionally, Government Code 54953 requires boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.~~

~~OCR has interpreted the ADA and Section 504 of the Rehabilitation Act of 1973 to include the requirement that district websites be accessible to individuals with disabilities. In April 2024, the DOJ published updated regulations which include specific technical standards to ensure that content available through a district's web and mobile applications are accessible to individuals with disabilities by April 26, 2027. For more information on website accessibility, see OCR's June 2010 and May 2011 Dear Colleague Letters, DOJ's April 2024, "Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments," and BP 1113 - District and School Websites.~~

CSBA NOTE: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires districts to provide services and aids to ensure that an individual with a disability is not excluded from participation or denied a benefit, service, or program on the basis of that disability. However, if the district can show that providing such aids and services would fundamentally alter the nature of the function, program, or meeting, or would be an undue burden, then the district need not provide them.

Additionally, Government Code 54953.2 requires that all Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160 and 36.303). The district is required to ensure that such meetings are accessible to persons with disabilities and that disability-related accommodations, such as auxiliary aids and services, are made available upon the request of any individual with a disability. In addition, Government Code 54953 requires Boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.

OCR has interpreted the ADA and Section 504 of the Rehabilitation Act of 1973 to include the requirement that district websites be accessible to individuals with disabilities. In April 2024, the DOJ updated its regulations to include specific technical standards to ensure that content available through a district's web and mobile applications are accessible to individuals with disabilities by April 26, 2027. For more information on website accessibility, see OCR's June 2010 and May 2011 Dear Colleague Letters, and BP 1113 - District and School Websites.

The Superintendent or designee shall ensure that the ~~district's~~district's web and mobile applications comply with technical standards prescribed by law, and as necessary, shall provide appropriate auxiliary aids and services to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of district services, programs, or activities. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school websites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent or designee if they have a disability that requires special

assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

CSBA NOTE: Pursuant to 28 CFR 35.107, a district that has 50 or more employees is required to designate at least one employee to coordinate the district's efforts to comply with the ADA. The designated employee could be the same individual or position responsible for the district's compliance with state and federal laws and regulations governing educational programs as identified in the district's UCP procedures. The following paragraph, which identifies the person or position identified in AR 1312.3 – Uniform Complaint Procedures as the responsible employee, may be modified if the district chooses to designate another person or position.

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

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 33315	Uniform complaint procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English

Ed. Code 51007	Legislative intent; ; state policy
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11000	Definitions
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 54953	Meetings; Americans with Disabilities Act accessibility
Gov. Code 54953.2	Brown Act compliance with Americans with Disabilities Act
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 2301-2414	Strengthening Career and Technical Education for the 21st Century Act
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
28 CFR 35.101-35.190	Americans with Disabilities Act
28 CFR 36.303	Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services
29 USC 621	Age discrimination in employment
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.1-100.13	Nondiscrimination in federal programs; effectuating Title VI
34 CFR 104.1-104.39	Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
42 USC 12101-12213	Americans with Disabilities Act

42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Students for Fair Admissions v. Harvard (2024) 600 U.S. 181
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment~~, January 2024~~ (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/Workplace-Discrimination-Poster_ENG.pdf)
CA Department of Health Care Services Publication	Policy and Procedures Letter No. 21-017R, December 2021 (https://www.dhcs.ca.gov/formsandpubs/Documents/PPL-21-017R-Alternative-Format-Request-Requirements.pdf)
CA Department of Health Care Services Publication	Policy and Procedures Letter No. 23-004, February 2023 (https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2023/APL23-004.pdf)
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CA Office of the Attorney General Publication	~~Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018~~ Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024 (https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf)
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-

	StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
~~CSBA Publication~~	~~Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students, Recently Asked Questions, August 2023~~
~~CSBA Publication~~	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~
Federal Register	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. ~~Department of Education~~DOE Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023 (https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)
U.S. DOE & ~~U.S. DOJ~~, Office for Civil Rights ~~Divisions Pub~~Publication	~~Resource on Confronting Racial Discrimination in Student Discipline, May 2023~~Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act, February 28, 2025

	(https://www.ed.gov/media/document/frequently-asked-questions-about-racial-preferences-and-stereotypes-under-title-vi-of-civil-rights-act-109530.pdf)
U.S. DOE, Office for Civil Rights Publication	~~Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024~~Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students For Fair Admissions v. Harvard, February 14, 2025 (https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf)
U.S. DOE, Office for Civil Rights Publication	~~Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023~~Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOE, Office for Civil Rights Publication	~~Supporting Transgender Youth in School, June 2021~~Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011 (https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/dcl-ebook-faq-201105.pdf)
U.S. DOE, Office for Civil Rights Publication	Nondiscrimination in Employment Practices in Education, August 1991 (https://www.ed.gov/laws-and-policy/civil-rights-laws/nondiscrimination-in-employment-practices-in-education)
U.S. DOE, Office for Civil Rights Publication	~~Dear Colleague Letter: Race and School Programming, August 2023~~Dear Colleague Letter: Electronic Book Readers, June

	29, 2010 (https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20100629.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Dear Colleague Letter: Electronic Book Readers, June 29, 2010~~
~~U.S. DOE, Office for Civil Rights Publication~~	~~Dear Colleague Letter: Harassment and Bullying, October 2010~~
U.S. DOJ, Civil Rights Division Publication	Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments, April 2024 (https://www.ada.gov/notices/2024/03/08/web-rule/)
U.S. DOJ, Civil Rights Division Publication	Guidance on Web Accessibility and the ADA, March 2022 (https://www.ada.gov/resources/web-guidance/)
U.S. DOJ, Civil Rights Division Publication	Accessibility of State and Local Government Websites to People with Disabilities, February 2020 (https://www.ada.gov/resources/accessibility-govt-websites/)
U.S. DOJ, Civil Rights Division Publication	2010 ADA Standards for Accessible Design, September 2010 (https://www.ada.gov/law-and-regs/design-standards/2010-stds/)
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, September 2023 (https://www.w3.org/TR/WCAG21/)
Website	CSBA District and County Office of Education Legal Services
Website	California Office of the Attorney General
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	Pacific ADA Center
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	California Civil Rights Department
Website	U.S. Equal Employment Opportunity Commission
Website	U.S. Department of Education, Office for Civil Rights
Website	California Department of Health Care Services

World Wide Web Consortium Publication Web Content Accessibility Guidelines, September 2023

Cross References

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0450	Comprehensive Safety Plan
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Policy 0420.4: Charter School Authorization

Status: ADOPTED

Original Adopted Date: 05/01/2019 **| Last Revised Date:** ~~03~~06/01/~~2023~~2025 **| Last Reviewed Date:** ~~03~~06/01/~~2023~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice. Education Code 47600-47616.7 ~~authorize~~authorizes the establishment of public charter schools, which are generally exempt from the Education Code unless otherwise specified in law. To establish a charter school within the district, petitioners ~~must~~are required to submit to the Governing Board for approval a petition which includes all components required by law as described in the accompanying administrative regulation. The following policy reflects the criteria and procedures required by Education Code 47605.

Under certain circumstances, charter petitions may also be approved by other governmental entities. For example, Education Code 47605.5-47605.6 require petitioners to submit a petition directly to the County Board of Education when (1) the charter school will serve students for whom the county office of education would otherwise be responsible for providing direct education and related services or (2) the countywide program will provide educational services to a student population that cannot be served as well by a charter school operating in only one district in the county.

Pursuant to Education Code 47606, a district may petition the Superintendent of Public Instruction and the State Board of Education (SBE) to convert all its schools to charter schools, provided that 50 percent of the district's teachers sign the petition, the petition contains all specified components, and arrangements are made for alternative attendance of students residing within the district who choose not to attend a charter school.

For further information regarding the submission and review of charter school petitions, see CSBA's, "Charter Schools: A Guide for Governance Teams." CSBA's District and County Office of Education Legal Services attorneys can also assist with petition reviews for districts that subscribe to that service.

The Governing Board recognizes that charter schools may assist the district in offering diverse learning opportunities for students. In considering any petition to establish a charter school within the district, the Board shall give thoughtful consideration to the potential of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.

CSBA NOTE: Education Code 47605 allows for Board approval of a start-up charter school or the conversion of an existing public school into a charter school, provided that the charter school adopts and maintains a policy giving admission preference to students who reside within the

former attendance area of that public school. The signature requirement differs for each type of charter school; see the accompanying administrative regulation.

One or more persons may submit a petition to the Board for a charter school to be established within the district or for the conversion of an existing district school to a charter school. (Education Code 47605)

Any petition for a charter school shall include all components, signatures, and statements required by law, as specified in the accompanying administrative regulation. The proposed charter shall be attached to the petition. (Education Code 47605)

The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements.

The Superintendent or designee may work with charter school petitioners prior to the formal submission of the petition in order to ensure compliance of the petition with legal requirements. As needed, the Superintendent or designee may also meet with the petitioners to establish workable plans for contracted services, which the district may provide to the proposed charter school.

The Board shall not require any district student to attend the charter school, nor shall it require any district employee to work at the charter school. (Education Code 47605)

Timelines for Board Action

CSBA NOTE: Pursuant to Education Code 47605, the Board is required to hold a public hearing within 60 days of receiving a charter petition to determine the level of support for the petition, and to hold a public hearing within 90 days to take final action on the petition. Education Code 47605 also requires the district to publish, at least 15 days prior to the public hearing at which the Board will grant or deny the petition, staff recommendations regarding the petition and, if applicable, the certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district.

To provide adequate opportunity for public input and thoughtful consideration of the charter petition, it is recommended that the Board conduct two public hearings -- one hearing to determine the level of support for the petition and, following the publication of staff recommendations, a second hearing to grant or deny the petition. However, the law does not explicitly require two hearings, and it may be possible to hold one public hearing to both determine the level of support for the petition and grant or deny the petition, provided that staff recommendations are published 15 days prior to the hearing, the hearing is held within 60 days of receipt of the petition, and the petitioners have equal time and opportunity to present evidence and testimony. It is recommended that CSBA's District and County Office of Education Legal Services or district legal counsel ~~should~~ be consulted as needed to ensure that all requirements are met.

Within 60 days of receiving a charter petition, the Board shall hold a public hearing on the charter provisions, at which time the Board shall consider the level of support for the petition by district teachers, other district employees, and parents/guardians. A petition is deemed received on the day

the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the Board. (Education Code 47605)

At least 15 days before the public hearing at which the Board will grant or deny the charter, the district shall publish all staff recommendations regarding the petition, including any recommended findings and, if applicable, certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district. During the public hearing, the petitioners shall have equal time and opportunity to present evidence and testimony in response to the staff recommendations and findings. (Education Code 47605)

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. Pursuant to Education Code 47605 ~~requires that~~, in the event that a petition is denied and the matter is appealed, the Board ~~must~~is required to provide a documentary record to the petitioner, including a transcript of the public hearing at which the Board denied the hearing. See ~~section on~~ "Appeals" below. Thus, it may be useful to have a transcription of the hearing(s) in the event that the petitioners later appeal the decision of the Board.

The Superintendent or designee shall maintain accurate records, in relation to each charter petition, of documents submitted, the Board's proceedings, and the findings upon which the Board's decision is made.

Approval of Petition

CSBA NOTE: Education Code 47605 requires the Board to give preference to charter petitions that demonstrate the capability to provide comprehensive learning experiences to students identified by the petitioner as academically low achieving based on the standards established by the California Department of Education (CDE) pursuant to Education Code 54032, as that section read before July 19, 2006. Prior to its repeal on that date, Education Code 54032 required CDE to develop standards to identify students as academically low achieving for purposes of allocating Economic Impact Aid funds to school sites. However, the Economic Impact Aid program is no longer funded or administered by CDE.

Pursuant to Education Code 47605, the Board ~~must~~is required to also consider the interests of the community in which the school is proposing to locate.

A charter petition shall be granted only if the Board is satisfied that doing so is consistent with sound educational practice and the interests of the community in which the school is proposing to locate. In granting charters, the Board shall consider the academic needs of the students the charter school proposes to serve and shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for students who are identified by the petitioner as academically low-achieving, based on standards established by California Department of Education (CDE). (Education Code 47605)

CSBA NOTE: Pursuant to Education Code 47604.1, charter schools are subject to the Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 7920.000 - 7930.215), conflict of interest laws (Government Code 1090-1099), and the Political Reform Act (Government Code 81000-91014).

Prior to authorizing any charter, the Board shall verify that the charter includes adequate processes and measures for monitoring and holding the school accountable for fulfilling the terms of its charter and complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, inspection and observations of any part of the charter school, and regular reports to the Board.

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Although not required by law, CSBA's, "Charter Schools: A Guide for Governance Teams," recommends one or more memoranda of understanding (MOUs) to address matters that are related to the charter petition but are not included in the petition, and to establish expectations for which the charter school can be held accountable. CSBA's manual provides examples of issues that might be addressed in an MOU, including business operations, facilities, administrative and support services, special education, student assessment, and athletics. See CDE's ~~web~~ ~~site~~website for sample MOUs.

The Board may approve one or more memoranda of understanding (MOU) to clarify the financial and operational agreements between the district and the charter school. Any such ~~memorandum of understanding~~MOU shall be annually reviewed by the Board and charter school governing body and amended as necessary.

The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)

When a petition is approved by the Board, it shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the petition to the County Superintendent ~~of Schools~~, CDE, and the State Board of Education (SBE). (Education Code 47605)

Denial of Petition

The Board shall summarily deny any charter petition that proposes to:

1. Operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)

2. Convert a private school to a charter school (Education Code 47602)

CSBA NOTE: Pursuant to Education Code 47605, the Board may approve a charter school serving students in a grade level not offered by the district only when the charter school will also serve all the grade levels offered by the district. Thus, an elementary district's board cannot approve a charter for a high school, but may approve a charter for a K-12 school since the charter school will serve all grade levels served by the elementary school district.

3. Serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district (Education Code 47605)

CSBA NOTE: Pursuant to Education Code 47612.7, until January 1, ~~2025~~2026, the Board is prohibited from approving a petition for the establishment of a new charter school offering nonclassroom-based instruction. A charter school approved before October 1, 2019, which had started providing educational services as of that date may continue to offer nonclassroom-based instruction under the circumstances specified in Education Code 47612.7.

4. Offer nonclassroom-based instruction (Education Code 47612.7)

CSBA NOTE: Pursuant to Education Code 47605, a charter petition ~~can~~may be denied only if certain factual findings are made. 5 CCR 11967.5.1 contains criteria for SBE's review of charter petitions, which may be useful to the district in determining how it might evaluate whether a petition meets the conditions specified below.

Regarding all other charter petitions, the Board shall deny a petition only if the Board makes written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605; 5 CCR 11967.5.1)

1. The charter school presents an unsound educational program that has a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for, the students to be enrolled in the charter school~~.~~

2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition~~.~~

3. The petition does not contain the number of signatures required~~.~~

4. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e), including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220~~.~~

5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(c~~).~~)

6. The petition does not contain a declaration as to whether the charter school shall be deemed the exclusive public employer of the school's employees for purposes of collective

bargaining pursuant to Government Code 3540-3549.3.

7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.

Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances that analyze and consider the following factors:

a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings

b. Whether the proposed charter school would duplicate a program currently offered within the district, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

CSBA NOTE: Pursuant to Education Code 47605, a district under state receivership is not in a position to absorb the fiscal impact of a proposed charter school.

8. The district is not positioned to absorb the fiscal impact of the proposed charter school.

The district meets this criterion if it has a negative interim certification, has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the district having a negative interim certification, or is under state receivership.

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll students with disabilities who reside outside the special education local plan area in which the district participates. (Education Code 47605.7, 47647)

Appeals

CSBA NOTE: Pursuant to Education Code 47605, if the Board denies a charter petition, the petitioner may, within 30 days of the denial, submit the petition to the County Board. If the County Board denies a petition on appeal, the petitioner may, within 30 days of the denial by the County Board, appeal to SBE.

If the Board denies a petition, the petitioner may choose to submit the petition to the County Board of Education and, if then denied by the County Board, to SBE. (Education Code 47605)

At the request of the petitioner, the Board shall prepare the documentary record, including a transcript of the public hearing at which the Board denied the charter, no later than 10 business days after the petitioner makes the request. (Education Code 47605)

CSBA NOTE: ~~CSBA's~~Pursuant to Education ~~Legal Alliance and the Napa Valley Unified School District each have litigation pending against~~Code 47605, SBE ~~and the exercise of its authority to~~ may only reverse ~~the~~a denial of a charter school petition ~~deciding~~upon a determination that ~~a board abused its~~ there was an abuse of discretion ~~in denying~~by each of the board of the district and the county board. Abuse of discretion is the most deferential standard of review, under which SBE must give deference to the decisions of the board of the school district and the county board to deny the petition.

In *Napa Valley Unified School District v. State Board of Education*, the district and the county Board denied a charter school petition on the basis that it was unlikely to serve the interests of the entire community and that it would have a negative fiscal impact on existing district services. The proponents of the charter school appealed to SBE, however, the California Appellate Court held that SBE could not overturn the denial. The proponents of the charter school had petitioned the California Supreme Court for review. Due to the legal uncertainty in this area, it is recommended that the Board ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel when a petition the Board has denied is on appeal to SBE.

Within 30 days of receipt of an appeal submitted to SBE, the Board may submit a written opposition to SBE, which may include supporting documentation, detailing, with specific citations to the documentary record, how the Board did not abuse its discretion in denying the petition. (Education Code 47605)

If either the County Board or SBE remands the petition to the Board because the petition on appeal contains new or different material terms, the Board shall reconsider the petition and shall grant or deny the petition within 30 days. (Education Code 47605)

Material Revisions to Charter

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

The Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open, public meeting. (Education Code 47605, 47607)

The Board may deny a proposed material revision if it finds that the proposed material revision would render the charter school demonstrably unlikely to serve the interests of the entire

community in which the school is located or proposes to locate. In making this finding, the Board shall consider all of the following: (Education Code 47605)

1. The fiscal impact of the proposed expansion on the district

2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings

3. Whether the expansion would duplicate a program currently offered within the district that has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

Additionally, the Board may deny a proposed material revision if it finds that the district is not positioned to absorb the fiscal impact of the proposed material revision. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the district having a negative interim certification pursuant to Education Code 42131, the district has a negative interim certification pursuant to Education Code 42131, or the district is under state receivership. (Education Code 47605)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11960-11969.10	Charter schools
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1240	County superintendent of schools; duties
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans

Ed. Code 33126	School accountability report card
Ed. Code 41365	Charter school revolving loan fund
Ed. Code 42131	Interim certification
Ed. Code 42238.02-42238.52	Funding for charter districts
Ed. Code 44237	Criminal record summary
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 46201	Instructional minutes
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47650-47655	Funding of charter schools
Ed. Code 48900	Suspension or expulsion; use of controlled substances
Ed. Code 49011	Student fees; definition
Ed. Code 51744-51749.6	Independent study
Ed. Code 51745	Independent study
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56026	Special education
Ed. Code 56145-56146	Special education services in charter schools
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act
W&I Code 224.1	Indian child; definition

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 7221-7221j	Charter schools
29 USC 794	Rehabilitation Act of 1973; Section 504

42 USC 12101-12213	Americans with Disabilities Act
Management Resources	**Description**
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
California Charter Authorizing Professionals Pub.	Memorandum of Understanding (MOU) Resource, September 2022 (https://calauthorizers.org/resource/memorandum-of-understanding-mou-resource-samples-and-cross-reference/)
Court Decision	Napa Valley Unified School District v. ~~California~~ State Board of Education, Case No. ~~34-2022-80004051~~C099068
~~Court Decision~~	~~CSBA'S Education Legal Alliance v. California State Board of Education, Case No. 34-2018-80002834~~
~~Court Decision~~	~~Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986~~
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018 (https://www.csba.org/unchartedwaters)
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. ~~February 2016~~2021 (https://publications.csba.org/california-school-news/july-2021/csba-charter-school-guidebook-update-available-in-amazon-kindle-store/)
~~CSBA Publication~~	~~Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016~~
CSBA Publication	Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016 (https://www.csba.org/GovernanceAndPolicyResources/FairFunding/~/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201611GBCharterSchoolsIssue1-Petitions.ashx)
U.S. Department of Education Publication	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014

	(https://www.ed.gov/media/document/title-v-part-b-nonregulatory-guidance-charter-schools-program-january-2014-16985.pdf)
~~U.S. Department of Education Publication~~	~~Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, August 2016~~
Website	CSBA District and County Office of Education Legal Services
Website	National Association of Charter School Authorizers
Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
0510	School Accountability Report Card
2230	Representative And Deliberative Groups
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6158	Independent Study

6158	Independent Study
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6178	Career Technical Education
6178	Career Technical Education
6184	Continuation Education
6184	Continuation Education
7160	Charter School Facilities
7160	Charter School Facilities
9320	Meetings And Notices

Regulation 0420.4: Charter School Authorization

Status: ADOPTED

Original Adopted Date: 10/01/2015 **| Last Revised Date:** ~~03~~06/01/~~2023~~2025 **| Last Reviewed Date:** ~~03~~06/01/~~2023~~2025

CSBA NOTE: The following optional administrative regulation ~~is optional~~may be revised to reflect district practice.

Petition Signatures

A petition for the establishment of a start-up charter school must be signed by either of the following: (Education Code 47605)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation

2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation

A petition that proposes to convert an existing public school to a charter school must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

Any petition circulated to collect signatures shall include a prominent statement explaining that a parent/guardian's signature means that the parent/guardian is meaningfully interested in having a child attend the charter school, or a teacher's signature means that the teacher is meaningfully interested in teaching at the charter school. (Education Code 47605)

Staff Advisory Committee

CSBA NOTE: The following optional section may be revised to reflect district practice. CSBA's, "Charter Schools: A Guide for Governance Teams," suggests that a petition review team is one method that a district may use to obtain input on proposed charters. Such a committee might include representatives with expertise in the areas of governance, human resources, business/finance, facilities, curriculum and instruction, special education, and, as appropriate, other student populations. It is recommended that districts consult CSBA's District and County Office of Education Legal Services ~~attorneys can also assist with~~or district counsel regarding petition reviews ~~for districts that subscribe to that service~~.

Education Code 47605 requires the district to publish staff recommendations regarding the

petition at least 15 days prior to the hearing at which the Governing Board will grant or deny the petition; see ~~the section~~ "Timelines for Board Action" in the accompanying Board policy.

The Superintendent or designee may establish a staff advisory committee to evaluate the completeness of a charter petition based on the requirements in Education Code 47605 and to identify any concerns that should be addressed by the petitioners.

Components of Charter Petition

All charter petitions shall comply with the applicable requirements of Education Code 47605, other state and federal laws, and district policies.

CSBA NOTE: CSBA's, "Charter Schools: A Guide for Governance Teams," recommends specific content that would constitute a reasonably comprehensive description of each component listed in Items #1-~~17~~18 below, as well as additional content that is not required but may be requested of the petitioners (e.g., school calendar, transportation arrangements, a sample of the curriculum and instructional materials).

The charter petition shall include affirmations that the charter school will be nonsectarian in its programs, admission policies, employment practices, and operations; will not charge tuition; and will not discriminate against a student on the basis of characteristics listed in Education Code 220. The petition shall also contain reasonably comprehensive descriptions of: (Education Code 47605)

1. The educational program of the proposed school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs~~.~~

   The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

CSBA NOTE: Education Code 47605 requires the charter petition to include annual goals, as described in Education Code 52060, for all students and for each numerically significant subgroup of students, and specific actions to achieve those goals. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and ~~homeless~~ students experiencing homelessness, when there are at least 30 students in the subgroup (or at least 15 foster youth or ~~homeless~~ students experiencing homelessness) in the school.

Education Code 47605 requires that these annual goals be aligned with the eight state priorities, specified in Education Code 52060, related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-aligned instructional materials, and facilities are maintained in good repair~~;~~, (2) implementation of and student access to state academic content and performance standards~~;~~, (3) parent/guardian involvement and family engagement~~;~~, (4) student achievement~~;~~, (5) student engagement~~;~~, (6) school climate~~;~~, (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for

purposes of the local control funding formula), and students with disabilities~~;~~, and (8) student outcomes in the specified course of study. See BP/AR 0460 - Local Control and Accountability Plan.

2. The charter school's annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and ~~homeless~~ students~~.~~ experiencing homelessness

   These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established for the proposed school, goals aligned with those priorities, and specific annual actions to achieve those goals.

   If the proposed charter school will serve high school students, the petition shall describe the manner in which the school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "A-G" admissions criteria may be considered to meet college entrance requirements.

   CSBA NOTE: Education Code 47605 requires that the petition identify student outcomes that the charter school intends to use, including those that address increases in student achievement both schoolwide and for all groups of students served by the charter school. Education Code 47607 defines "all groups of students served by the charter school" to mean all numerically significant subgroups of students, as defined in Education Code 52052, served by the charter school.

3. The measurable student outcomes identified for use by the charter school~~.~~

   Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52060 that apply for the grade levels served by the charter school.

4. The method by which student progress in meeting the identified student outcomes is to be measured~~.~~

   To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

CSBA NOTE: Proposed charter school facility locations are subject to additional requirements, as described in "Location of Charter School," below.

5. The location of each charter school facility the petitioner intends to operate

~~5.~~ 6. The governance structure of the charter school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement~~.~~

~~6.~~ 7. The qualifications to be met by individuals to be employed by the charter school~~.~~

~~7.~~ 8. The procedures that the charter school will follow to ensure the health and safety of students and staff, including the following requirements:

a. Each charter school employee shall furnish the school with a criminal record summary as described in Education Code 44237~~.~~

CSBA NOTE: Pursuant to Education Code 32282, charter schools are required to include in their comprehensive safety plans adaptations for students with disabilities in accordance with the federal Americans with Disabilities Act, the Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973.

Additionally, Education Code 32282, as amended by AB 2887 (Ch. 419, Statutes of 2024), expands comprehensive school safety plan (CSSP) components to include procedures for responding to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds. Education Code 32282, as amended by AB 1858 (Ch. 530, Statutes of 2024), expands CSSP components to include procedures to prepare for active shooter or armed assailants, as well as specifications that apply if the school chooses to conduct active shooter and armed assailant drills.

b. The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(~~J~~)N)

c. The charter school's safety plan shall be reviewed and updated by March 1 each year~~.~~

~~8.~~ 9. The means by which the charter school will achieve a balance of racial and ethnic students, special education students, and English learner students, including redesignated fluent English proficient students, that is reflective of the general population residing within the district's territorial jurisdiction~~.~~

CSBA NOTE: Pursuant to Education Code 47605, when the number of students who wish to attend the charter school exceeds the school's capacity, attendance must be determined by a public random drawing, with admission preference extending to students who currently attend

the charter school and students who reside in the district. Education Code 47605 provides that admission preferences may also include, but are not limited to, siblings of students admitted or attending the charter school and children of the school's teachers, staff, and founders identified in the initial charter. Education Code 47605 requires that the priority order for preference be determined in the charter petition as provided below.

~~9.~~ 10. The charter school's student admission policy~~.~~

The petition shall, in accordance with Education Code 47605(e), specify procedures for determining enrollment when the number of applicants exceeds the school's capacity, including requirements for the use of a public random drawing, admission preferences, and priority order of preferences as required by law and subject to Governing Board approval.

~~10.~~ 11. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the Board's satisfaction~~.~~

CSBA NOTE: Education Code 47605 requires that the suspension and expulsion procedures included in the charter petition prohibit the involuntary removal of a student, unless written notice of intent to remove the student has been given to the student and the student's parent/guardian. When such a student is a foster child or youth, ~~homeless child,~~student experiencing homelessness or Indian child, as defined in Welfare and Institutions Code 224.1, Education Code 47605~~, as amended by AB 740 (Ch. 400, Statutes of 2022),~~ requires such notifications to also be given to other specified individuals, such as a foster youth's educational rights holder, attorney, and county social worker, ~~a homeless child's~~the educational rights holder~~, and~~ for a student experiencing homelessness, or an Indian child's tribal social worker, and if applicable, county social worker. Pursuant to Education Code 47605, ~~as amended by AB 740,~~ these individuals have the same rights as a parent/guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.

Additionally, Education Code 47606.2 requires that the suspension procedures included in the charter petition provide that (1) upon request of a student who has been suspended for two or more school days, or the student's parent/guardian or other person holding the right to make educational decisions for the student, the homework assigned during the period of suspension will be given and (2) any such completed homework shall not count towards the student's overall grade in the class unless the assignments are graded before the end of the academic term.

In addition, pursuant to Education Code 48900, as amended by AB 2711 (Ch. 840, Statutes of 2024), students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports may not be suspended solely for that disclosure.

~~11.~~ 12. The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605~~.~~ and 47605.6

Such procedures shall contain a clear statement that no student shall be involuntarily removed by the charter school for any reason unless written notice of the intent to remove the student is given to the student's parent/guardian at least five schooldays before the effective date of the removal. In the case of a ~~homeless~~ student experiencing homelessness or foster youth, the notice shall be given to the student's educational rights holder. Additionally, a foster youth's attorney and county social worker, and an Indian child's tribal social worker, and if applicable, the county social worker, shall be given such notice.

For suspensions of fewer than 10 days, the student shall be provided oral or written notice of the charges and an explanation or the supporting evidence. The student shall be provided an opportunity to provide a response.

~~The notice shall~~ Notice shall include written notice of the charges and inform the student, the student's parent/guardian, and any other specified individual, as applicable, of the right to initiate a hearing as described in Education Code 47605, before the effective date of the removal. The notice shall be provided in the student's parent/guardian's, or other applicable person's language, and, if such a hearing is initiated, shall include the student's right to remain enrolled in the charter school until a final decision is made by the charter school.

In addition, the procedures shall contain a statement pertaining to the provision of homework assignments to suspended students as specified in Education Code 47606.2.

Such procedures shall also include processes by which the charter school will, within 30 days, notify the Superintendent of the district of the student's last known address and, upon request, provide the student's cumulative record to the district, when a student is expelled or leaves the charter school without graduating or completing the school year for any reason. In addition, the procedures shall describe the means by which the district can contact the charter school if the student is subsequently expelled or leaves the school district without graduating or completing the school year for any reason.

Involuntarily removed means disenrolled, dismissed, transferred, or terminated, but does not include suspensions. (Education Code 47605)

~~12.~~ 13. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security~~.~~

~~13.~~ 14. The public school attendance alternatives for students residing within the district who choose to not attend the charter school~~.~~

~~14.~~ 15. A description of the rights of any district employee upon leaving district employment to work in the charter school and of any rights of return to the district after employment at the charter school~~.~~

~~15.~~ 16. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions~~.~~

CSBA NOTE: Education Code 47605 requires charter petitions to contain the declaration specified in Item #~~16~~17 below regarding responsibilities for collective bargaining. If the charter school is not deemed the public school employer for purposes of collective bargaining under Government Code 3540-3549.3, the district where the charter school is located shall be deemed the public school employer for these purposes, pursuant to Education Code 47611.5. Education Code 47611.5 further provides that, if the charter does not specify that the charter school shall comply with laws and regulations governing tenure or a merit or civil service system, the scope of representation for that charter school shall also include discipline and dismissal of charter school employees.

~~16.~~ 17. A declaration as to whether the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3~~.~~

CSBA NOTE: Education Code 47605 and 5 CCR 11962 require the charter petition to include procedures to be used in the event that the charter school closes for any reason, as provided in Item #~~17~~18 below. Duties of the district pertaining to charter school closures include notification requirements pursuant to Education Code 47604.32 and 5 CCR 11962.1; see BP 0420.41 - Charter School Oversight.

~~17.~~ 18. Consistent with 5 CCR 11962, the procedures to be used if the charter school closes, including, but not limited to:

a. Designation of a responsible entity to conduct closure-related activities

b. Notification to parents/guardians, the Board, the ~~county office~~County Office of ~~education~~Education, the special education local plan area in which the charter school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:

i. The effective date of the closure

ii. The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure

iii. The students' districts of residence

iv. The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements

c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance

with Item #~~17a~~18a above

d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with Item #~~17a~~18a above, except for records and/or assessment results that the charter may require to be transferred to a different entity

e. Transfer and maintenance of personnel records in accordance with applicable law

f. Completion of an independent final audit within six months after the closure of the charter school that may function as the annual audit, which includes an assessment of the disposition of any restricted funds received by or due to the school and an accounting of all financial assets and liabilities pursuant to 5 CCR 11962

g. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed pursuant to 5 CCR 11962~~.~~

h. Completion and filing of any annual reports required pursuant to Education Code 47604.33

i. Identification of funding for the activities identified in Item #~~17a~~18a-h above

CSBA NOTE: Education Code 47605 requires that petitioners provide to the Board the information listed in Items #1-4 below, and, for any petition to operate a charter school by or as a nonprofit public benefit corporation, the information listed in Item #5 below.

The Board may require additional information beyond what is included in Items #1-5. As outlined in CSBA's, "Charter Schools: A Guide for Governance Teams," some districts request a school calendar, information regarding transportation arrangements, staff development plans, assurances that the school will provide appropriate services for English language learners and students with disabilities, or any other information that will assist the Board in understanding the proposal. Districts that wish to require additional information in the charter may list those items below.

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605)

CSBA NOTE: Education Code 47605 requires that information on school facilities, listed in Item #1 below, specify where the school intends to locate. Unless otherwise exempted, the school must be located within the geographic boundaries of the chartering district; see section "Location of Charter School" below.

1. The facilities to be used by the charter school, including where the school intends to locate

2. The manner in which administrative services of the charter school are to be provided

3. Potential civil liability effects, if any, upon the charter school and district

4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

5. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school

Location of Charter School

CSBA NOTE: Education Code 47605 and 47605.1 establish geographic and site requirements for charter schools. Pursuant to Education Code 47605, a charter school granted by either the County Board of Education or the State Board of Education following initial denial by the district must locate within the geographic boundaries of the district that denied the petition.

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

CSBA NOTE: Pursuant to Education Code 47605.1, a resource center, meeting space, or other satellite facility used by a charter school for nonclassroom-based independent study must, with specified exceptions, be located within district boundaries.

A charter school may establish a resource center, meeting space, or other satellite facility within the jurisdiction of the school district where the charter school is physically located if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.

2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

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Policy Reference Disclaimer:
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State	Description
5 CCR 11960-11969.10	Charter schools
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1240	County superintendent of schools; duties
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33126	School accountability report card
Ed. Code 41365	Charter school revolving loan fund
Ed. Code 42131	Interim certification
Ed. Code 42238.02-42238.52	Funding for charter districts
Ed. Code 44237	Criminal record summary
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 46201	Instructional minutes
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47650-47655	Funding of charter schools
Ed. Code 48900	Suspension or expulsion; use of controlled substances
Ed. Code 49011	Student fees; definition
Ed. Code 51744-51749.6	Independent study
Ed. Code 51745	Independent study
Ed. Code 52052	Accountability; numerically significant student subgroups

Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56026	Special education
Ed. Code 56145-56146	Special education services in charter schools
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act
W&I Code 224.1	Indian child; definition

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 7221-7221j	Charter schools
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act

Management Resources	**Description**
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
California Charter Authorizing Professionals Pub.	Memorandum of Understanding (MOU) Resource, September 2022 (https://calauthorizers.org/resource/memorandum-of-understanding-mou-resource-samples-and-cross-reference/)
Court Decision	Napa Valley Unified School District v. ~~California~~ State Board of Education, Case No. ~~34-2022-80004051~~C099068
~~Court Decision~~	~~CSBA'S Education Legal Alliance v. California State Board of Education, Case No. 34-2018-80002834~~
~~Court Decision~~	~~Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986~~
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

	(https://www.csba.org/unchartedwaters)
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. ~~February 2016~~2021 (https://publications.csba.org/california-school-news/july-2021/csba-charter-school-guidebook-update-available-in-amazon-kindle-store/)
~~CSBA Publication~~	~~Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016~~
CSBA Publication	Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016 (https://www.csba.org/GovernanceAndPolicyResources/FairFunding/~/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201611GBCharterSchoolsIssue1-Petitions.ashx)
U.S. Department of Education Publication	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014 (https://www.ed.gov/media/document/title-v-part-b-nonregulatory-guidance-charter-schools-program-january-2014-16985.pdf)
~~U.S. Department of Education Publication~~	~~Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, August 2016~~
Website	CSBA District and County Office of Education Legal Services
Website	National Association of Charter School Authorizers
Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0420.42	Charter School Renewal

0420.43	Charter School Revocation
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
0510	School Accountability Report Card
2230	Representative And Deliberative Groups
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6158	Independent Study
6158	Independent Study
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6178	Career Technical Education
6178	Career Technical Education
6184	Continuation Education
6184	Continuation Education
7160	Charter School Facilities
7160	Charter School Facilities
9320	Meetings And Notices

Policy 0420.41: Charter School Oversight

Status: ADOPTED

Original Adopted Date: 10/01/2013 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice. The Governing Board is required to oversee any charter school it authorizes. This oversight is to ensure the school's compliance with legal requirements and the charter. Additionally, pursuant to Education Code 47604, if the district complies with all oversight responsibilities required by law, it will not be liable for the debts or obligations of any charter school that operates as or is operated by a nonprofit public benefit corporation pursuant to Corporations Code 5110-6910.

For guidance when determining whether to grant a renewal of the charter or whether a revocation of the charter is warranted, see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation.

Pursuant to Education Code 47605, if the State Board of Education (SBE) approves a petition upon appeal after the Board and County Board of Education have denied the petition, SBE is required to designate, in consultation with the petitioner, either the Board or the County Board as the chartering authority.

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter.

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

CSBA NOTE: Education Code 47604.32 requires the district to visit each charter school at least once every year. CSBA's publication, "Charter Schools: A Guide for Governance Teams," recommends more frequent visits in order to monitor school operations more closely and develop relationships with the staff at the school.

The Superintendent or designee shall visit each charter school at least annually and may inspect or observe any part of a charter school at any time. (Education Code 47604.32, 47607)

CSBA NOTE: Pursuant to Education Code 47604, if a charter school operates as, or is operated by, a nonprofit public benefit corporation, the Board is entitled to appoint a single representative to the board of directors of the nonprofit public benefit corporation. It is recommended that the Board not appoint a district employee or a Board member to the nonprofit's board. Districts ~~that~~which seek to appoint a representative are ~~advised~~recommended to consult CSBA's District and County Office of Education Legal Services or district legal counsel regarding any potential conflict of interest that may arise. Additionally, as an alternative to appointing a member to the nonprofit's board, CSBA's Guide suggests that the district designate its charter school contact,

appointed pursuant to Education Code 47604.32, to simply attend meetings of the nonprofit's board.

The Superintendent may designate someone to attend meetings of the charter school governing body whenever possible.

Monitoring Charter School Performance

CSBA NOTE: The district has a responsibility to oversee that the charter school complies with all applicable legal requirements. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607. ~~See the accompanying Exhibit for a list of legal requirements pertaining to the operation of charter schools.~~

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.

The Superintendent or designee and the governing bodies of charter schools authorized by the Board shall review new laws and regulations applicable to charter schools.

CSBA NOTE: Education Code 47605 requires that measurable student outcomes for all students of the charter school, including numerically significant student subgroups as defined in Education Code 52052, be included in the school's charter petition and that these outcomes be aligned with the state priorities for the local control and accountability plan (LCAP) as stated in Education Code 52060; see AR 0420.4 - Charter School Authorization. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and ~~homeless~~ students experiencing homelessness, when the subgroup consists of at least 30 students (or at least 15 foster youth or ~~homeless~~ students experiencing homelessness) in the school.

Education Code 47605 requires that the charter petition include methods for measuring the charter school's progress toward achieving student outcomes. Although the measures of the school's progress may vary, Education Code 47605 requires that charter schools conduct any statewide assessments applicable to other public schools. In addition, charter schools are included in the California School Dashboard, which reports the status of school performance on multiple state and local indicators and is intended to assist schools and districts in identifying strengths and areas in need of improvement in each priority area addressed by the LCAP. Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status program, which uses modified methods of measurement for accountability indicators when appropriate~~.~~, but may not be used for federal accountability purposes.

The Board shall monitor each charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter and any applicable ~~MOU,~~memorandum of understanding (MOU), and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and

accountability plan (LCAP), as reported in the California School Dashboard.

CSBA NOTE: The Multi-Agency Charter School Audits Task Force's publication, "Audit Best Practices for Detecting and Curtailing Charter School Fraud," offers guidelines that may assist charter school authorizers to promptly identify financial issues or misconduct.]

The Board shall monitor the fiscal condition of the charter school based on any financial report or information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

Waivers

CSBA NOTE: A charter school is not authorized to submit general waiver requests to SBE on its own behalf, unless an exception applies. Rather, a charter school may submit a waiver request through the district. A general waiver request form is available on the California Department of Education's (CDE) website. See BP 1431 - Waivers.

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the Board approve and the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to SBE on behalf of the charter school.

Provision of District Services

CSBA NOTE: CSBA's Guide recommends one or more memoranda of understanding (MOU) to clarify any financial and operational agreements between the district and the charter school, including any services that will be provided by the district; see BP 0420.4 - Charter School Authorization.

Upon approval by the Board of an appropriate agreement, the charter school may contract with the district or any other source for administrative or other services. (Education Code 47613)

Whenever the district agrees to provide administrative or support services to a charter school, the district and the charter school shall develop a ~~memorandum of understanding (MOU)~~MOU, which clarifies the financial and operational agreements between them.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

Material Revisions to Charter

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

The Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open, public meeting. (Education Code 47605, 47607)

The Board may deny a proposed material revision if it finds that the proposed material revision would render the charter school demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the Board shall consider all of the following: (Education Code 47605)

1. The fiscal impact of the proposed expansion on the district

2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings

3. Whether the expansion would duplicate a program currently offered within the district that has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

Additionally, the Board may deny a proposed material revision if it finds that the district is not positioned to absorb the fiscal impact of the proposed material revision. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent of Schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the district having a negative interim certification pursuant to Education Code 42131, the district has a negative interim certification pursuant to Education Code 42131, or the district is under state receivership. (Education Code 47605)

Location of Charter Schools

CSBA NOTE: Education Code 47605 and 47605.1 establish geographic and site requirements for charter schools. Pursuant to Education Code 47605, a charter school ~~must~~is required to be located

within the geographic boundaries of the authorizing district. However, Education Code 47605 permits the location of some charter schools outside of the authorizing district's boundaries under specified conditions. For example, a charter school in operation before October 1, 2019, on a federally recognized California reservation or rancheria or operated by a federally recognized California Indian tribe is exempted from the geographic restrictions of Education Code 47605.1. For information about geographic and site requirements for new charter schools, see AR 0420.4 - Charter School Authorization.

Except when permitted to operate outside district boundaries pursuant to Education Code 47605 and 47605.1, a charter school shall be located within district boundaries.

Fees/Charges for Supervisorial Oversight

CSBA NOTE: Education Code 47613 authorizes the district to charge the charter school, within specified limits, for the costs of supervisorial oversight of the school. Education Code 47613 provides that the costs of supervisorial oversight include, but are not limited to, costs incurred for technical assistance or intervention pursuant to Education Code 47607.3; see "Technical Assistance/Intervention" below. CSBA's Guide suggests that supervisorial oversight activities also might include site visits and site visit protocols, development of ~~memorandums of understanding~~MOUs, reviews of performance data and financial reports, review of governance procedures, monitoring of teacher credentialing and assignments, facilities compliance, and legal auditing.

The district may charge for district supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue

2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities

   If the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities costs calculated pursuant to 5 CCR 11969.7, the district may only charge the charter school for the actual costs of supervisorial oversight up to one percent of the charter school's revenue.

3. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

Technical Assistance/Intervention

CSBA NOTE: Education Code 47607.3 establishes criteria for the provision of technical assistance to charter schools including, but not limited to, the option to request assistance from the California Collaborative for Educational Excellence (CCEE). If, after providing technical assistance, the CCEE informs the Board that the charter school has failed or is unable to implement CCEE's recommendations or continues to have persistent or acute inadequate performance, then the Board must consider revocation of the charter; see BP 0420.43 - Charter School Revocation.Whenever a

charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent of Schools. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605(c)

   This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.

2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school

   Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074. (Education Code 47607.3; 52072)

CSBA NOTE: Education Code 47607 requires the Board to consider specified criteria of academic performance when determining whether to deny a petition for charter renewal or to revoke a charter, with achievement of all student subgroups served by the charter school being the most important factor; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, Education Code 47607.3 requires the Board to consider revocation of a charter whenever it finds that the charter school has failed, or is unable, to implement the recommendations of CCEE or continues to demonstrate persistent or acute inadequate performance.In accordance with law, the Board may deny a charter school's renewal petition or may

revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

Complaints

CSBA NOTE: Pursuant to Education Code 52075, charter schools are required to establish policies and procedures for addressing complaints of noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures) or 47607.3 (technical assistance or intervention based on the school's failure to improve student outcomes). See AR 1312.3 - Uniform Complaint Procedures for applicable procedures.

Each charter school shall establish and maintain policies and procedures in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670 to enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint with the charter school. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

School Closure

CSBA NOTE: Pursuant to Education Code 47605, procedures to be followed in the event a charter school ceases operation for any reason must be specified in the charter; see AR 0420.4 - Charter School Authorization. 5 CCR 11962 lists components that must be included in these procedures, including (1) designation of a responsible entity to conduct closure-related activities, (2) notifications to specified persons and entities, (3) provision of information about students' grade level, course completion, and district of residence, (4) transfer and maintenance of student and personnel records, (5) completion of an independent final audit, (6) disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed, (7) completion and filing of any annual reports required pursuant to Education Code 47604.33, and (8) identification of funding for the activities identified in #1-7.

Depending on the terms of the charter, these duties may be performed by the charter school, the district, or another specified entity. However, Education Code 47604.32 specifies that it is the responsibility of the district to notify CDE when a charter school ceases operation for any reason. CSBA's Guide recommends that, in addition to the notifications required by 5 CCR 11962, either the district or the charter school should announce the closure to any school districts that may be responsible for providing education services to the former students of the charter school.

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with

the charter school and/or an applicable agreement between the district and the charter school, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out of the charter school.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of a charter is denied, a charter is revoked, or a charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

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State	Description
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. And Prof. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Nondiscrimination declaration of purpose
Ed. Code 210.2	Educational equity definition
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines

Ed. Code 220	Prohibition of discrimination
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 221.61	Posting of Title IX information on website
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 243	Prohibition of discrimination; instructional materials
Ed. Code 244	Prohibition of discrimination; instructional materials adoption
Ed. Code 17586	Interior locks on buildings
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33317.3	Student transfer reporting
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 33355	Extreme weather protocols
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35012	Student board member participation in expulsion hearings
Ed. Code 35120	Student board membership
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees

Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44238.9	District oversight
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 44841	CPR certification
Ed. Code 44939.5	Certificated applicant screening
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting pupils
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46300	Transitional kindergarten and kindergarten students in attendance calculation
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010	Minimum age of admission to first grade

Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Students in foster care and students experiencing homelessness
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48901.7	Smartphone policy
Ed. Code 48901.8	Social media policy
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48980.6	Dual enrollment offerings notification
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49010	Student fees
Ed. Code 49011	Student fees; definition
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions; directory information
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49406	TB risk assessment
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49400-49417	Student health; General powers of school boards

Ed. Code 49428	Notification of mental health services
Ed. Code 49428.5	Employment of medical personnel
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49531	Food dyes prohibition
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49603	On campus access to employers and military services
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation exemption for students with disabilities
Ed. Code 51225.32	Graduation requirements for students with disabilities
Ed. Code 51225.38	Dangers associated with fentanyl
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures

Ed. Code 52770	College and career fairs; community college districts
Ed. Code 53234-53235.2	Ethics training for governing body
Ed. Code 52770	College and career fairs
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56040.6	Deaf, hard of hearing student considerations
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 56521.1-56521.2	Emergency Interventions
Ed. Code 60600-60649	Assessment of academic achievement
Ed. Code 60900	Charter school closure
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system

Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.78	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act

Management Resources	Description
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School (2012) OAH Case No. 2011060763
California Attorney General	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024 (https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf)
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
California Department of Education Publication	California School Accounting Manual
California Department of Education Publication	Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 23-02, November 2023 https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template https://www.cdpr.ca.gov/wp-content/uploads/2024/08/hsa-school-district-ipm-plan.pdf

California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017 https://www.csba.org/CharterSchoolsOversight
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018 https://www.csba.org/unchartedwaters
Multi-Agency Charter SATF's Publication	Audit Best Practices for Detecting and Curtailing Charter School Fraud, September 2024 https://www.sco.ca.gov/Files-EO/charter-school-audits-task-force-final-report.pdf
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014 https://www.ed.gov/media/document/title-v-part-b-nonregulatory-guidance-charter-schools-program-january-2014-16985.pdf
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training
Website	California Bureau of Security and Investigative Services
Website	California Department of Pesticide Regulation
Website	California State Controller

Website	California Student Aid Commission
Website	National Association of Charter School Authorizers
Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
7160	Charter School Facilities
7160	Charter School Facilities

Exhibit 0420.41-E(1): Charter School Oversight

Status: ADOPTED

Original Adopted Date: 07/01/2017 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

REQUIREMENTS FOR CHARTER SCHOOLS

CSBA NOTE: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing school districts unless otherwise specified in law. However, charter schools, like other public schools, are subject to the state and federal constitutions, applicable federal laws, state laws that apply to governmental agencies in general, and state laws that are expressly applicable to charter schools. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Charter School Revocation.

This exhibit is a non-exhaustive list of legal requirements that apply to charter schools ~~and may be used by districts to monitor a charter school's compliance with law. Other legal requirements may exist and may be identified in the future.~~as of June 1, 2025, and will no longer be updated thereafter.

A charter school shall be subject to the terms of its charter; any memorandum of understanding between the school and the district Governing Board; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, the following requirements.

Governance

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 7920.000-7930.215), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)

2. Except as otherwise authorized by Government Code 54954, hold the meetings of ~~its~~the governing body of a charter school within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside

   In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)

3. The charter school's executive director or any of the charter school's employees shall not serve as a member of the county board of education in the county where the charter school is located (Education Code 1006; Government Code 1099)

CSBA NOTE: Pursuant to Education Code 47604.2, the governing body of a charter school attended by high school students is required to appoint a student member to the governing body if it receives a petition for such appointment, and~~, as amended by AB 275 (Ch. 321, Statutes of 2023),~~ may award the student member of the governing body elective course credit based on the number of equivalent daily instructional minutes for the student member's services provided or monthly financial compensation for such service.

4. If the charter school is attended by high school students and the governing body receives student petition to appoint a student member to the governing body, appoint one or more student members in accordance with Education Code 47604.2

CSBA NOTE: Pursuant to Education Code 48901.7, as amended by AB 3216 (Ch. 500, Statutes of 2024), the governing body is required, by July 1, 2026, to adopt policy that limits or prohibits student use of smartphones while at a school site or under the supervision and control of charter school employee(s), and subsequently, to update the policy every five years.

5. The governing body is required, by July 1, 2026, to develop, in conjunction with students, parents/guardians, and charter school employees, adopt, and update every five years, a policy to limit or prohibit student use of smartphones while at a school site or under the supervision and control of charter school employee(s) (Education Code 48901.7)

CSBA NOTE: Education Code 33355 requires charter schools to, by July 1, 2026, develop, adopt, implement and annually review weather protocols for extreme weather conditions.

6. On or before July 1, 2026, develop, adopt, implement and annually review weather protocols for extreme weather conditions

   The weather protocols shall incorporate the standardized guidelines compiled by the California Department of Education (CDE) and detail the specific measures to be taken during extreme weather conditions in accordance with Education Code 33355.

CSBA NOTE: Government Code 53235 requires members of the governing body in service as of January 1, 2025, except for members whose term of office ends before January 1, 2026, to receive ethics training before January 1, 2026, and at least once every 2 years thereafter.

7. Members of the governing body complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026 and at least every two years thereafter

CSBA NOTE: Pursuant to Education Code 52064.5, as amended by SB 153 (Ch. 38, Statutes of 2024), if the governing body is unable to review local indicator data (data adopted by the State Board of Education (SBE) to measure school site performance in regard to specified state priorities), due to any emergency specified in Education Code 46392, the governing body is required to review such data at its next meeting of the governing body, adopt a resolution describing the emergency event and the date on which the local indicator data was reviewed, and submit the resolution to the California Department of Education (CDE).

8. If the governing body is unable to review local indicator data due to any emergency specified in Education Code 46392, the local indicator data shall be reviewed at the next meeting of the governing body, and a resolution describing the emergency event and the date on which the local indicator data was reviewed shall be adopted and submitted to CDE (Education Code 52064.5)

9. Develop a plan for offering independent study to affected students pursuant to Education Code 46393 if the governing body submits an affidavit to the Superintendent of Public Instruction (SPI) pursuant to Education Code 46392 necessitated by an emergency condition that resulted in a school closure (Education Code 46392, 46393)

CSBA NOTE: Pursuant to Education Code 215, as amended by SB 1318 (Ch. 645, Statutes of 2024), CDE is required, by July 1, 2026, to update its, "Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students," to address crisis intervention protocols in the event of a student suicide crisis. On or after July 1, 2026, the governing body is required to, during its next regularly scheduled review of its student suicide prevention policy, update its policy to include the best practices identified in CDE's updated Model Policy.

10. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)

Operations

~~5.~~ 11. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)

~~6.~~ 12. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

Admission/Enrollment

~~7.~~ 13. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)

~~8.~~ 14. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

CSBA NOTE: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts ~~must~~are required to ensure that each charter school that is deemed to be a public school of the district, and is not its own local educational agency (LEA) for special education purposes, receives an equitable share of special education funding and services for students with disabilities who are enrolled in the charter school.

If a charter school is operating as a public school of the district for purposes of special education, the district retains responsibility and ~~must~~is required to determine how to ensure that students with disabilities receive a free appropriate public education (FAPE). However,

as indicated in the California Office of Administrative Hearings ruling in *Student v. Horizon Instructional Systems Charter School*, a charter school operating as its own LEA for purposes of special education, including a charter school offering an independent study program, is the entity responsible for providing FAPE.

~~9.~~ 15. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)

~~10.~~ 16. Admit all students who wish to attend the charter school, according to the following criteria and procedures:

a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school's former attendance area (Education Code 47605)

   If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admission preference for students who are currently enrolled in that public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5 (Education Code 47605)

c. Other admission preferences may be permitted by the Board of the district on an individual school basis consistent with law

   Preferences shall not result in limited enrollment access for students with disabilities, academically low-achieving students, English learners, neglected or delinquent students, students experiencing homelessness, foster youth, students who are economically disadvantaged, or on the basis of nationality, race, ethnicity, or sexual orientation. Mandatory parental volunteer hours shall not be the basis of a preference or a criterion for admission or continued enrollment. (Education Code 47605)

~~11.~~ 17. Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, experiencing homelessness, economically disadvantaged, or a foster youth

The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on its website ~~the California Department of~~

~~Education's (CDE)~~CDE's notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605)

~~12.~~ 18. Comply with the requirements of Education Code 48850-48859 regarding enrollment, identification, and placement of students experiencing homelessness and unaccompanied youth (Education Code 48850, 48851, 48852.5, 48852.6; 42 USC 11431-11435)

~~13.~~ 19. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)

~~14.~~ 20. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

Nondiscrimination

CSBA NOTE: Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

~~15.~~ 21. Not discriminate against any student on the basis of the characteristics listed in Education Code 220, or on the basis of one, or a combination of two or more protected characteristics (Education Code 200, 210.2, 47605)

~~CSBA NOTE: Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives.~~

~~16.~~ 22. Not discriminate in the use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources ~~(Education Code 243)~~ , including that the continued use of an adopted textbook, instructional material, supplemental instructional material, curriculum for classroom instruction or any book or other resource in a school library shall not be authorized if the use would subject a student to unlawful discrimination pursuant to Education Code 220 (Education Code 243, 244)

CSBA NOTE: Pursuant to Education Code 234.7, charter schools were mandated to adopt policies, by July 1, 2018, with language that is equivalent to the model policy language developed by the California Attorney General in "Promoting a Safe and Secure Learning

Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"). The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that charter schools "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website.

Since the legal landscape regarding a charter school's response to immigration enforcement is in flux and additional legislation is currently pending, it is recommended that charter schools consult with CSBA's District and County Office of Education Legal Service or other legal counsel when adopting this policy.

~~17.~~ 23. ~~Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to~~ Adopt policies equivalent to the model policy language developed by the California Attorney General pursuant to Education Code 234.7 regarding immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and ~~fulfill~~comply with the other applicable requirements of Education Code 234.7

~~18.~~ 24. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school website or on the website of the charter operator (Education Code 221.61)

~~19.~~ 25. If the charter school offers competitive athletics, annually post on the school's website or on the website of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)

~~20.~~ 26. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding

The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)

~~21.~~ 27. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

~~CSBA NOTE: Item #22 applies to charter schools that serve high school students and participate in the California Interscholastic Federation (CIF). Pursuant to Education Code 33353, as amended by AB 1327 (Ch. 366, Statutes of 2023), a charter school is required to post on its website, on or before April 1, 2025, the standardized incident form developed by~~

~~the California Department of Education (CDE) to track racial discrimination, harassment, or hazing, that occurs at high school sporting games or events.~~

~~22.~~ 28. If the charter school serves high school students and participates in the California Interscholastic Federation, post the standardized incident form developed by CDE to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events on the charter school's website ~~on or before April 1, 2025~~, and, upon CDE's request, submit information related to any completed standardized incident forms received by the charter school (Ed. Code 33353)

CSBA NOTE: Education Code 220.5, as added by AB 1955 (Ch. 95, Statutes of 2024), prohibits a charter school or a member of the governing body, from enacting or enforcing any policy, rule, or administrative regulation that would require an employee or a contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person without the student's consent, unless otherwise required by state or federal law. It is recommended that charter schools consult CSBA's District and County Office of Education Legal Services or other legal counsel before disclosing a student's gender identity without the student's consent.

29. A charter school or a member of the governing body, shall not enact or enforce any policy, rule, or administrative regulation that would require an employee or a contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person without the student's consent, unless otherwise required by state or federal law (Education Code 220.5)

Tuition and Fees

~~23.~~ 30. Not charge tuition (Education Code 47605)

CSBA NOTE: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in ~~CDE advisory~~CDE's Fiscal Management Advisory 23-02, "Pupil Fees, Deposits, and Other Charges," because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article 9, Section 5, applies to charter schools. Charter schools may only charge fees which are explicitly authorized by law for charter schools.

Additionally, CDE's Fiscal Management Advisory 23-02, "Pupil Fees, Deposits, and Other Charges," clarifies that the prohibition under Education Code 49010-49011 applies to elective extracurricular activities, and includes costs for equipment used for extracurricular activities.

~~24.~~ 31. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools (Education Code 49010, 49011)

~~25.~~ 32. Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school

The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall

provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

School Plans

~~CSBA NOTE: Pursuant to Education Code 52064.3, by January 31, 2025, charter schools that are identified by CDE as needing an improvement plan pursuant to 34 CFR 300.600-300.647 are required to complete an Individuals with Disabilities Education Act Addendum adopted by SBE relating to improvements in services for students with disabilities. See BP 0460 - Local Control and Accountability Plan for more information.~~

~~26.~~ 33. Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the template adopted by the State Board of Education (SBE) (Education Code 52060)

CSBA NOTE: Pursuant to Education Code 52064.3, by July 31, 2027, charter schools that are identified by CDE as needing an improvement plan pursuant to 34 CFR 300.600-300.647 are required to complete an Individuals with Disabilities Education Act (IDEA) Addendum adopted by SBE relating to improvements in services for students with disabilities. See BP 0460 - Local Control and Accountability Plan for more information.

~~27.~~ 34. As part of the LCAP adoption and annual update to the LCAP, the governing body ~~of the charter school~~ shall separately adopt a local control funding formula budget overview for parents/guardians and as appropriate, an Individuals with Disabilities Education Act Addendum, based on the templates developed by SBE (Education Code 47604.33, 47606.5, 52064, 52064.1, 52064.3)

CSBA NOTE: Pursuant to Education Code 47606.5, ~~as amended by SB 114 (Ch. 48, Statutes of 2023),~~ charter schools are required to present a report on the annual update to the local control and accountability plan and the local control funding formula budget overview for parents/guardians on or before February 28 of each year at a regularly scheduled meeting of the governing body. Education Code 47606.5, as amended by SB 153, requires the annual update to be presented as a nonconsent item at the meeting of the governing body.

~~28.~~ 35. Present a report on the annual update to the LCAP and the local control funding formula budget overview for parents/guardians on or before February 28 of each year, as a nonconsent item at a regularly scheduled meeting of the governing body ~~of the charter school~~ (Education Code 47606.5)

~~29.~~ 36. If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)

CSBA NOTE: Education Code 47606.5, as amended by SB 153, requires all Learning Recovery Emergency Funds received by the charter school to be included in the local control and accountability plan (LCAP)/annual update to the LCAP for the period of July 1, 2025 through June 30, 2028.

37. Include all Learning Recovery Emergency Funds received by the charter school in the LCAP/annual update to the LCAP (Education Code 47606.5)

CSBA NOTE: Education Code 32282~~, as amended by SB 10 (Ch. 856, Statutes of 2023),~~ requires schools that serve students in any of grades 7-12 to include in their comprehensive safety plan a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose.

Additionally, Education Code 32282~~, as amended by SB 323 (Ch. 599, Statutes of 2023),~~ requires that comprehensive safety plans include adaptations for student with disabilities and that, after the first evaluation or review is conducted and after each annual evaluation, or review, a school employee, a student's parent/guardian or educational rights holder, or student may bring concerns about an individual student's ability to access the disaster safety procedures described in the comprehensive school safety plan/school safety plan to the principal.

In addition, Education Code 32282~~, as amended by SB 671 (Ch. 626, Statutes of 2023), also~~ requires a charter school's safety plan to include procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, an activity sponsored by the school, or a school bus serving the school.

Pursuant to Education Code 32282, schools are required to include in their comprehensive safety plans adaptations for students with disabilities in accordance with the federal Americans with Disabilities Act, IDEA, and Section 504 of the federal Rehabilitation Act of 1973. Additionally, Education Code 32282, as amended by AB 2887 (Ch. 419, Statutes of 2024), expands comprehensive school safety plan components to include procedures for responding to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds.

Education Code 32282, as amended by AB 1858 (Ch. 530, Statutes of 2024), expands comprehensive school safety plan components to include procedures to prepare for active shooters or armed assailants and specifications that apply if active shooter and armed assailant drills are conducted.

Pursuant to Education Code 32282, as amended by SB 153 and AB 176 (Ch. 998, Statutes of 2024), charter schools are required, beginning July 1, 2025, to include in their comprehensive safety plans an instructional continuity plan with specified components to establish communication with students and their families and provide instruction to students when in-person instruction is disrupted due to an emergency.

~~30.~~ 38. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan in accordance with law by March 1 each year (Education Code 47605)

~~31.~~ 39. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus

~~In addition~~Additionally, ensure that each school bus, student activity bus, youth bus, or child

care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

Curriculum and Instruction

CSBA NOTE: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet this requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither ~~the State Board of Education~~SBE nor the Superintendent of Public Instruction (SPI) may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

~~32.~~ 40. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)

CSBA NOTE: Pursuant to Education Code 49056, ~~as added by SB 291 (Ch. 863, Statutes of 2023),~~ charter schools that maintain any of grades K-8 are required to provide at least one or more periods of recess that total 30 minutes on regular instructional days and at least 15 minutes on early release days, except that for any student with a disability, recess is required to be in accordance with the student's individualized education program or Section 504 plan.

~~33.~~ 41. Provide one or more periods of recess that total 30 minutes on regular instructional days and at least 15 minutes on early release days as required by law (Education Code 49056)

~~34.~~ 42. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)

~~35.~~ 43. If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school (Education Code 51931, 51934)

~~36.~~ 44. If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources (Education Code 49381)

~~37.~~ 45. If the charter school serves students in middle or high school and offers one or more courses in health education, include in those courses instruction in mental health, as specified (Education Code 51925-51929)

CSBA NOTE: Education Code 51225.7, as amended by AB 2165 (Ch. 702, Statutes of 2024), requires charter schools, before exempting a student or the student's

parent/guardian from the requirement to complete and submit a Free Application For Student Financial Aid, a form for purposes of the California Dream Act, or an opt-out form permitting such forms to not be completed, to provide specified information to the student and the student's parent/guardian.

~~38.~~ 46. If the charter school serves students in grade 12, comply with the requirements for student completion and submission of the Free Application for Federal Student Aid and California Dream Act Application (Education Code 51225.7, 51225.8)

~~CSBA NOTE: Education Code 52770, as added by AB 1173 (Ch. 11, Statutes of 2023), requires a charter school that serves students in any of grades 9-12 that is planning to hold a college or career fair, to notify each community college district that has overlapping jurisdiction of the date, time, and location of the fair, and provide an opportunity for the community college district to participate.~~

~~39.~~ 47. If the charter school is planning to hold a college or career fair, the charter school shall notify each apprenticeship program in the same county as the charter school and each community college district that has overlapping jurisdiction with the charter school with the planned date, time, and location of the fair, and give each community college district that has overlapping jurisdiction the opportunity to participate in the college or career fair (Education Code 52770, Labor Code 3074.2)

~~CSBA NOTE: Pursuant to Education Code 49603, as amended by AB 1605 (Ch. 142, Statutes of 2023), charter schools offering instruction in any of grades 9-12 that provide on-campus access to employers, shall not prohibit access to the military services.~~

~~40.~~ 48. If a charter school offers instruction in any of grades 9-12, and provides on-campus access to employers, not prohibit access to the military services (Education Code 49603)

CSBA NOTE: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.6. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

~~41.~~ 49. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

~~42. Develop a plan for offering independent study to affected students pursuant to Education Code 46393 if the governing body of the charter school submits an affidavit pursuant to Education Code 46392 necessitated by an emergency condition that resulted in a school closure (Education Code 46392, 46393)~~

CSBA NOTE: A charter school may apply to the SPI to obtain apportionment credit for days and minutes lost due to emergency closure. Education Codes 46392, as amended by SB 1429 (Ch. 477, Statutes of 2024), adds snowstorms to the list of emergencies, which

includes fire, flood, impassable roads, epidemic, earthquake, the imminence of a major safety hazard as determined by the local law enforcement agency, a strike involving transportation services to students provided by a nonschool entity or an order provided for in Education Code 41422, for which a charter school may apply to the SPI to obtain apportionment credit for days and minutes lost due to emergency closure and material decreases in attendance due to emergency events.

50. A charter school may apply to the SPI to obtain apportionment credit for days and minutes lost due to emergency closure and material decreases in attendance due to emergency events (Education Code 46392)

~~43.~~ 51. Accept and provide full or partial credit for coursework satisfactorily completed by a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, student who is migratory, or a newcomer student while attending another school (Education Code 51225.2)

~~44.~~ 52. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

CSBA NOTE: Education Code 51225.38, as added by AB 2429 (Ch. 67, Statutes of 2024), requires the governing body that has elected to require its students to complete a course in health education for graduation from high school to include instruction in the dangers associated with fentanyl use.

53. If the charter school serves students in high school and requires its students to complete a course in health education for graduation from high school, commencing with the 2026–27 school year, include in such course instruction in the dangers associated with fentanyl use (Education Code 51225.38)

CSBA NOTE: Education Code 48980.6, as added by AB 1796 (Ch. 143, Statutes of 2024), requires charter schools to annually notify parents/guardians of students admitted to, or advancing to, grades 7-12, of any dual enrollment or International Baccalaureate courses offered by the local educational agency.

54. At the beginning of the first semester or quarter of the regular school term, notify parents/guardians of students admitted to, or advancing to, grades 7-12, of any dual enrollment or International Baccalaureate courses offered by the charter school (Education Code 48980.6)

Special Education

~~45.~~ 55. Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary

The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)

~~46.~~ 56. If the charter school is an independent member of a special education local plan area and has a master contract with a nonpublic, nonsectarian school:

a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract (Education Code 56365)

b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year (Education Code 56366.1)

High School Graduation

~~47.~~ 57. Exempt a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, or student who is migratory who transfers between schools after the second year of high school, or a newcomer student ~~for newly immigrant students in grades 11-12~~ who is in their third or fourth year of high school, from any of the charter school's graduation requirements that exceed state requirements, unless the charter school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)

CSBA NOTE: Pursuant to Education Code 51225.31, charter schools are required to exempt an eligible student with disabilities who entered the ninth grade in the 2022-23 school year or later, from all coursework and other requirements adopted by the governing body that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma.

Additionally, pursuant to Education Code 51225.32, as added by SB 153, charter schools are authorized, until July 1, 2031, to extend such exemption and award a high school diploma to an eligible student with disabilities who was enrolled in grade 10 or higher in the 2022-23 school year.

~~48.~~ 58. In accordance with Education Code 51225.31, exempt an eligible student with disabilities from all coursework and other requirements adopted by the ~~charter school board~~governing body that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma (Education Code 51225.31, 51225.32)

~~49.~~ 59. Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)

~~50.~~ 60. Require students to meet the state minimum course requirements for graduation as specified in Education Code 51225.3, as well as any additional graduation requirements required by the governing body (Education Code 51225.3)

Student Expression

~~51.~~ 61. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

CSBA NOTE: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

~~52.~~ 62. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

Staffing and Professional Development

~~53.~~ 63. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) as required for the teacher's certificated assignment

~~Teachers employed by the charter school during the 2019-20 school year shall have until July 1, 2025 to obtain the required certificate required.~~ (Education Code 47605, 47605.4)

~~54.~~ 64. If the charter school offers transitional kindergarten (TK), require credentialed teachers first assigned to a TK class to meet one of three specified criteria establishing qualification for the position ~~by August 1, 2025~~, and to maintain adult to student ratios as specified in Education Code 48000 (Education Code 48000)

~~55.~~ 65. Correct any misassignments if notified by the district that an assignment of a charter school employee is not legally authorized (Education Code 44258.9)

CSBA NOTE: Pursuant to Education Code 45125.1, ~~as amended by SB 531 (Ch. 616, Statutes of 2023),~~ an employee of any entity that has a contract with a charter school who offers work experience opportunities for students or workplace placements as part of a student's individualized education program is exempt from the requirement to have a valid criminal records summary if specified requirements are met.

~~56.~~ 66. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who interacts with students outside of the immediate supervision and control of the student's parent/guardian or a school employee has a valid criminal records summary, unless an exception applies (Education Code 44830.1, 45122.1, 45125.1)

CSBA NOTE: Education Code 44841, as added by AB 2345 (Ch. 65, Statutes of 2024), prohibits hiring any person for purposes of a short-term staff permit, provisional internship permit, or a teaching permit for statutory leave, unless that person has a certification in cardiopulmonary resuscitation that meets the standards established by the American Heart Association or the American Red Cross.

67. Not hire any person for purposes of a short-term staff permit, provisional internship permit, or a teaching permit for statutory leave, unless that person has a certification in cardiopulmonary resuscitation (CPR) that meets the standards established by the American

Heart Association or the American Red Cross (Education Code 44841)

~~57.~~ 68. Report to CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)

~~58.~~ 69. If the charter school chooses to make the state teachers' retirement plan and/or the public employees retirement system available to its employees, meet the requirements of Education Code 47611 (Education Code 47610)

~~59.~~ 70. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

~~60.~~ 71. If the charter school employs security officers and/or security officers work on the charter school campus, provide the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training, as specified (Education Code 38001.5; Business and Professions Code 7583.45)

~~CSBA NOTE: Pursuant to Education Code 49406, as amended by SB 88 (Ch. 380, Statutes of 2023), a charter school that provides transportation to students under contract is required to have, as a condition of the contract, a tuberculosis risk assessment, and if indicated, the examination for infectious tuberculosis within 60 days of the initial hire, which may, until July 1, 2025, and at the discretion of the governing body, not be required for a private contracted driver who transports students infrequently and without prolonged contact.~~

~~61.~~ 72. If the charter school provides transportation to students under contract, require drivers to submit and clear tuberculosis risk assessment, unless otherwise exempt by law (Education Code 49406)

CSBA NOTE: Education Code 44939.5, as amended by AB 2534 (Ch. 570, Statutes of 2024), requires charter schools when considering an applicant for a certificated position to inquire with each local educational agency that previously employed the applicant if the applicant was the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct that were required to be reported to the Commission on Teacher Credentialing.

73. When a charter school considers an applicant for a certificated position, inquire with each local educational agency that previously employed the applicant whether the applicant was the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct that were required to be reported to CTC

Additionally, when a charter school responds to an inquiry from a local educational agency considering an applicant for employment as to whether it has made a report of egregious misconduct regarding such applicant to CTC, provide the inquiring local educational agency with a copy of all relevant information within its possession that was reported to CTC. (Education Code 44939.5)

CSBA NOTE: Education Code 44691, as added by AB 1913 (Ch. 814, Statutes of 2024), requires charter schools to provide annual training to their employees on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs.

74. As part of the annual mandated reporter training, provide training, on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs (Education Code 44691)

Parent/Guardian Involvement

~~62.~~ 75. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)

~~63.~~ 76. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)

~~64.~~ 77. If 15 percent or more of the students at the charter school speak a single primary language other than English, provide all notices, reports, statements, or records sent to parents/guardians in English and in the primary language (Education Code 48985)

Nutrition

CSBA NOTE: Pursuant to Education Code 49501.5, ~~as amended by SB 348 (Ch. 600, Statutes of 2023),~~ students ~~must~~are required to be provided adequate time to eat, as determined by the charter school in consideration of the recommendations provided by CDE ~~on or before June 30, 2025.~~. Additionally, pursuant to Education Code 49501.5, ~~as amended by SB 348,~~ if a charter school offers independent study, the charter school ~~must~~is required to make available a nutritionally adequate breakfast and lunch on any school day that a student is scheduled for educational activities, as defined in Education Code 49010, lasting two or more hours, at a school site, resource center, meeting space, or other satellite facility.

~~65.~~ 78. Provide a nutritionally adequate breakfast and lunch free of charge during each school day to students requesting a meal regardless of the student's free or reduced-price meal eligibility, including, if the charter school offers independent study, to a student enrolled in independent study on any school day in which the student is scheduled for in-person educational activities of two or more hours (Education Code 49501.5)

If the charter school participates in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and is a high poverty school, as defined, the charter school shall apply to operate a federal universal meal service provision, and upon approval, apply such service. (Education Code 49501.5, 49564.3)

~~66.~~ 79. If the charter school participates in the NSLP or SBP, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for

students who reach certain academic goals (Education Code 49431.9)

~~**Student Health**~~

CSBA NOTE: Education Code 49431, 49431.2, 49431.5, and 49531, as amended by AB 2316 (Ch. 914, Statutes of 2024), prohibits charter schools, beginning December 31, 2027, from offering or selling, except for food items sold as part of a school fundraising event, foods containing artificial food dyes that have been linked to hyperactivity and behavioral issues in some children.

80. Not offer or sell, except for food items sold as part of a school fundraising event, foods containing foods dyes specified in Education Codes 49431, 49431.2, 49431.5, and 49531

Student Health

~~CSBA NOTE: Pursuant to Education Code 215, on or before January 1, 2025, charter schools must review and update their policy on student suicide prevention, and revise their training materials to incorporate best practices identified by CDE.~~

~~67. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)~~

~~CSBA NOTE: Pursuant to Education Code 49428.5, each school serving students in any of grades 6-12 is required to create a poster that identifies approaches and resources about student mental health, and prominently display such poster in public areas that are accessible to and commonly frequented by students at each school site. See BP 5141.5 - Mental Health.~~

~~68.~~ 81. Each charter school that serves students in any of grades 6-12 shall create and prominently display an age appropriate and culturally relevant poster that identifies approaches and resources about student mental health (Education Code 49428.5)

CSBA NOTE: Education Code 215.5, as amended by SB 1063 (Ch. 642, Statutes of 2024), requires charter schools that serve students in grades 7-12 and issue or reissue student identification cards to have printed on either side of the card the telephone number for the 988 Suicide and Crisis Lifeline and the National Suicide Prevention Lifeline (1-800-273-8255). Pursuant to Education Code 215.5, as amended by SB 1063, a charter school may have printed on the card the Crisis Text Line (texting HOME to 741741); the telephone number for campus police or security or, if the campus does not have a campus police or security telephone number, the local nonemergency telephone number; a local suicide prevention hotline telephone number; and/or a quick response (QR) code that links to the county's mental health resources website.

~~69.~~ 82. If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the ~~National~~988 Suicide and Crisis Lifeline, the National Suicide Prevention Lifeline ~~and~~, the National Domestic Violence Hotline, and may have printed on either side of the identification card a quick response (QR) code that links to the mental health resources website of the county in which the school is located on the identification cards (Education Code 215.5)

~~70.~~ 83. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)

~~71.~~ 84. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)

~~72.~~ 85. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition

In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)

~~CSBA NOTE: Pursuant to Education Code 35179.4, as amended by AB 1653 (Ch. 589, Statutes of 2023), if a charter school offers an interscholastic athletic program, the Board is required to have a written emergency action plan that describes the location of emergency medical equipment and procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, including concussion and heat illness. Additionally, as amended by AB 1653, the emergency action plan is required to include a description of the manner and frequency at which the procedures to be followed in the event of medical emergencies will be rehearsed.~~

~~73.~~ 86. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, including concussion and heat illness, the location of emergency medical equipment, and the rehearsal of such procedures; acquire at least one automated external defibrillator (AED) for the school; and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)

~~74.~~ 87. If the charter school sponsors or hosts an on-campus event in or around a swimming pool that is not part of an interscholastic athletic program, provide for the presence of at least one adult with a valid certification of ~~cardiopulmonary resuscitation~~CPR training throughout the duration of the event (Education Code 35179.6)

~~75.~~ 88. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)

~~CSBA NOTE: Pursuant to Education Code 49414.3 and, as added by AB 1283 (Ch. 574, Statutes of 2023), Education Code 49414.7, the charter school is permitted to make emergency naloxone hydrochloride or other opioid antagonist and emergency stock albuterol inhalers~~

~~available for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from opioid overdose or respiratory distress.~~

~~76.~~ 89. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, or to make emergency stock albuterol inhalers available to persons suffering, or reasonably believed to be suffering, from respiratory distress, comply with the requirements of Education Code 49414.3 and 49414.7, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

CSBA NOTE: Education Code 234.6, as amended by SB 939 (Ch.907, Statutes of 2024), requires charter schools to ensure the resources described below are readily accessible in a prominent location on the school's website in a manner that is easily accessible to parents/guardians and students.

90. Post resources related to neurodiversity developed by the University of California and California State University Collaborative for Neurodiversity and Learning in a prominent location on the charter school's website in a manner that is readily and easily accessible to parents/guardians and students

Student Conduct/Discipline

~~CSBA NOTE: Pursuant to Education Code 49056, as added by SB 291 (Ch. 863, Statutes of 2023), beginning with the 2024-2025 school year, a student may not be denied recess unless the student's participation poses an immediate threat to the physical safety of the student or to the physical safety of one or more of the student's peers. Education Code 44807.5, which authorized the Board to permit the use of recess restriction for disciplinary purposes, was repealed by SB 291.~~

~~77.~~ 91. Prohibit the denial of recess to a student unless the student's participation poses an immediate threat to the student's physical safety or to the physical safety of one or more of the student's peers (Education Code 49056)

~~78.~~ 92. Adopt a policy on bullying and cyberbullying prevention, post specified information on bullying and harassment prevention on the charter school's website, and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 234.6, 32283.5)

~~79.~~ 93. Adopt and display a written policy on sexual harassment, include the policy as part of any orientation for new and continuing students, and post a poster notifying students of the policy (Education Code 231.5, 231.6)

~~80.~~ 94. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)

CSBA NOTE: Pursuant to Education Code 48900, ~~as amended by SB 274 (Ch. 597, Statutes of 2023),~~ charter schools are prohibited from suspending students enrolled in kindergarten or any of grades 1-12 for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties through July 1, 2029. Additionally, school administrators, by the end of the fifth business day, are required to inform the referring employee, verbally or in writing, of the actions taken and if none, the rationale for not providing timely interventions or supports.

~~81.~~ 95. Until June 30, 2029, neither recommend for expulsion nor suspend a student in grades K-12 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties (Education Code 48901.1)

~~82.~~ 96. Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension (Education Code 47606.2, 48913.5)

CSBA NOTE: The following Item is for charter schools that serve students in middle school, junior high school, high school, or adult school and should be modified to reflect the students served by the charter school. Pursuant to Education Code 49414.6, as added by SB 997 (Ch. 872, Statutes of 2024), a charter school may not prohibit a student in middle school, junior high school, or high school, while on a school site or participating in school activities, from carrying fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose.

97. Not prohibit students in middle schools, junior high schools, high schools, or adult schools, while on a school site or participating in school activities, to carry fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose (Education Code 49414.6)

CSBA NOTE: The following item is for charter schools that serve students 12 years of age or older and is not required of charter schools that do not serve such students. Pursuant to Education Code 49414.35, as added by AB 2998 (Ch. 974, Statutes of 2024), charter schools may not prohibit students 12 years of age or older, while on a school site or participating in school activities, from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, a naloxone hydrochloride nasal spray or any other opioid overdose reversal medication. Students who administer such an opioid antagonist may not be held liable in a civil action or be subject to criminal prosecution due their acts or omissions, and the charter school and employees of the charter school may not be subject to professional review, liable in a civil action, or subject to criminal prosecution for a student's acts in administering an opioid antagonist, unless an act or omission of the students, employee, or charter school constitutes gross negligence or willful or wanton misconduct.

98. Not prohibit a student 12 years of age or older, while on a school site or participating in school activities, from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, naloxone hydrochloride or another opioid antagonist (Education Code 49414.35)

CSBA NOTE: Education Code 33317.3, as added by AB 1984 (Ch. 368, Statutes of 2024), requires, commencing with the 2026–27 school year, charter schools to provide to CDE data on

student transfers due to disciplinary reasons, including whether the student transferred to an alternative school based on a referral by the school.

99. Beginning with the 2026–27 school year, provide to CDE data on student transfers due to disciplinary reasons, including whether the student transferred to an alternative school based on a referral by the school (Education Code 33317.3)

CSBA NOTE: Pursuant to Education Code 48900, as amended by AB 2711 (Ch. 840, Statutes of 2024), students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports may not be suspended solely for that disclosure.

100. Not suspend students who voluntarily disclose their use of a controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports (Education Code 48900)

Student and Parent/Guardian Records

~~83.~~ 101. Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law (Education Code 49076.7)

~~84.~~ 102. Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)

~~85.~~ 103. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)

~~86.~~ 104. If the charter school serves high school students, submit to the Student Aid Commission (CSAC), for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year

However, such information shall not be submitted when students opt out or are permitted by the rules of CSAC to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

~~87.~~ 105. Upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070, update, and reissue if requested, a former student's records to include the student's updated legal name or gender (Education Code 49062.5, 49070)

Facilities

~~88.~~ 106. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374

b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government

~~CSBA NOTE: Pursuant to Education Code 35292.6, as amended by AB 230 (Ch. 421, Statutes of 2023), the requirement to stock an adequate supply of free menstrual products extends to grades 3-12.~~

~~89.~~ 107. If the charter school serves students in any of grades 3-12, stock the school's restrooms at all times with an adequate supply of menstrual products available and accessible free of cost in all women's restrooms, all-gender restrooms, and in at least one men's restroom (Education Code 35292.6)

CSBA NOTE: Education Code 17586, as added by AB 2565 (Ch. 531, Statutes of 2024), requires charter schools serving students in grades kindergarten-12 that undertake an addition, alteration, reconstruction, rehabilitation, or retrofit of a school building, to install interior locks on each door of any room with an occupancy of 5 or more persons in that school building.

108. If a charter school undertakes an addition, alteration, reconstruction, rehabilitation, or retrofit of a school building, install interior locks on each door of any room with an occupancy of five or more persons in that school building (Education Code 17586)

Finance

~~90.~~ 109. Promptly respond to all reasonable inquiries from the district, the county office of education, or the ~~Superintendent of Public Instruction (SPI),~~SPI, including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)

~~91.~~ 110. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

~~92.~~ 111. Identify and report to the SPI any portion of the charter school's average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

~~93.~~ 112. Annually prepare and submit financial reports to the Board and the County Superintendent in accordance with the following reporting cycle:

a. By July 1, a preliminary budget for the current fiscal year

For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)

b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31 (Education Code 47604.33)

c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31 (Education Code 47604.33)

d. By September 15, a final unaudited report for the full prior year

The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)

e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit

The audit report shall also be submitted to the State Controller and CDE. (Education Code 47605)

~~94.~~ 113. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds, and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

Accountability

~~95.~~ 114. Annually adopt a school accountability report card (Education Code 33126, 47612; California Constitution, Article 16, Section 8.5)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
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State	Description
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. And Prof. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Nondiscrimination declaration of purpose
Ed. Code 210.2	Educational equity definition
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 221.61	Posting of Title IX information on website
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 243	Prohibition of discrimination; instructional materials
Ed. Code 244	Prohibition of discrimination; instructional materials adoption
Ed. Code 17586	Interior locks on buildings

Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33317.3	Student transfer reporting
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 33355	Extreme weather protocols
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35012	Student board member participation in expulsion hearings
Ed. Code 35120	Student board membership
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44238.9	District oversight
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 44841	CPR certification
Ed. Code 44939.5	Certificated applicant screening
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting pupils

Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46300	Transitional kindergarten and kindergarten students in attendance calculation
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010	Minimum age of admission to first grade
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Students in foster care and students experiencing homelessness
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48901.7	Smartphone policy
Ed. Code 48901.8	Social media policy
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48980.6	Dual enrollment offerings notification
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49010	Student fees
Ed. Code 49011	Student fees; definition
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions; directory information
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records

Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49406	TB risk assessment
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49400-49417	Student health; General powers of school boards
Ed. Code 49428	Notification of mental health services
Ed. Code 49428.5	Employment of medical personnel
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49531	Food dyes prohibition
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49603	On campus access to employers and military services
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation exemption for students with disabilities
Ed. Code 51225.32	Graduation requirements for students with disabilities
Ed. Code 51225.38	Dangers associated with fentanyl
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application

Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 52770	College and career fairs; community college districts
Ed. Code 53234-53235.2	Ethics training for governing body
Ed. Code 52770	College and career fairs
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56040.6	Deaf, hard of hearing student considerations
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 56521.1-56521.2	Emergency Interventions
Ed. Code 60600-60649	Assessment of academic achievement
Ed. Code 60900	Charter school closure
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act
H&S Code 104420	Tobacco Use Prevention Education grant program

H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.78	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act

Management Resources	**Description**
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School (2012) OAH Case No. 2011060763
California Attorney General	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024 (https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf)
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
California Department of Education Publication	California School Accounting Manual
California Department of Education Publication	Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx

California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 23-02, November 2023https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template https://www.cdpr.ca.gov/wp-content/uploads/2024/08/hsa-school-district-ipm-plan.pdf
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017 https://www.csba.org/CharterSchoolsOversight
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018 https://www.csba.org/unchartedwaters
Multi-Agency Charter SATF's Publication	Audit Best Practices for Detecting and Curtailing Charter School Fraud, September 2024 https://www.sco.ca.gov/Files-EO/charter-school-audits-task-force-final-report.pdf
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014 https://www.ed.gov/media/document/title-v-part-b-nonregulatory-guidance-charter-schools-program-january-2014-16985.pdf
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training

Website	California Bureau of Security and Investigative Services
Website	California Department of Pesticide Regulation
Website	California State Controller
Website	California Student Aid Commission
Website	National Association of Charter School Authorizers
Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
7160	Charter School Facilities
7160	Charter School Facilities

Policy 0440: District Technology Plan

Status: ADOPTED

Original Adopted Date: 06/01/1995 **| Last Revised Date:** ~~12~~06/01/~~2014~~2025 **| Last Reviewed Date:** ~~12~~06/01/~~2014~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice. ~~Although~~ State law previously required districts to adopt a technology plan ~~is no longer~~as a precondition for certain state technology ~~grant programs due to the self-repeal of Education Code 51870-51871.5, the California Department of Education (CDE), in its California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, strongly encourages districts to develop and have a comprehensive~~funding. Although that requirement no longer exists, many districts continue to utilize technology ~~plan approved by~~plans, and the importance of technology plans is likely to grow with the expanding use of artificial intelligence (AI). For more information regarding the ~~Governing Board or district administration. In developing or revising a plan, districts may use the~~use of AI, see BP 0441 - Artificial Intelligence, BP/E(1) 4040 – Employee Use of Technology, BP 5131.9 – Academic Honesty, and BP/E(1) 6163.4 – Student Use of Technology ~~Plan Builder available on the CDE's web site~~.

Pursuant to 20 USC 7119, districts that receive funds under the federal Student Support and Academic Enrichment grant program (20 USC 7101-7122) ~~must~~are required to use a portion of those funds to improve the use of technology in order to improve the academic achievement and digital literacy of all students. Such funds may be expended for the purposes specified in 20 USC 7119, with no more than 15 percent being used to purchase technology infrastructure. For districts or consortia that receive grants of $30,000 or more, such expenditures ~~must~~are required to be aligned with a needs assessment conducted pursuant to 20 USC 7116.

The Governing Board recognizes that technological resources, including resources that utilize artificial intelligence (AI), can enhance student achievement by increasing student access to information, supporting teacher effectiveness, and facilitating the administration of student assessments. Effective use of technology can also increase the efficiency of the district's ~~noninstructional operations and governance.~~non-instructional operations and governance. However, the Board also recognizes the potential for technological resources to undermine student achievement, health, and well-being.

The Superintendent shall ensure that technological resources provided to students and staff be aligned to district goals, objectives, and academic standards and shall be used in a safe and responsible manner. Students and staff shall be allowed to use such technology in accordance with district policies, including, but not limited to, policies on AI, academic honesty, data privacy, nondiscrimination, copyright protections, student use of technology, and employee use of technology.

~~CSBA NOTE: The CDE's California K-12 Education Technology Plan Template, Criteria, and Guiding Questions recommends that the district's technology plan describe the district's use of technology for a three-year period, as provided below. The following paragraph may be revised to reflect district practice.~~

The Superintendent or designee shall develop, ~~for Board approval~~and regularly propose revisions to, a comprehensive ~~three-year~~ technology plan based on an assessment of current uses of technology in the district and an identification of future needs~~.~~, which shall be submitted to the Board for consideration and approval. The Superintendent or designee may appoint an advisory committee consisting of a variety of staff and community stakeholders to assist with the development of the technology plan.

CSBA NOTE: The following list should be revised to reflect district practice.

The district's technology plan shall include, but not be limited to, the following:

1. What technological resources will be utilized by the district

2. How these technological resources will be equitably accessible to all students and staff and to all schools

3. How these technological resources will be used to improve educational services

4. What professional development opportunities or materials regarding these technological resources will be made available to staff

5. How AI may be used by students and staff in accordance with Board Policy 0441 – Artificial Intelligence, Board Policy/Exhibit (1) 4040 – Employee Use Of Technology, Board Policy 5131.9 – Academic Honesty, and Board Policy/Exhibit (1) 6163.4 – Student Use Of Technology

CSBA NOTE: Education Code 48985.5, as amended by AB 2690 (Ch. 241, Statutes of 2024), requires districts, at the beginning of the first semester or quarter of the regular school year, to annually inform parents/guardians about the risk of social media being used as a way to market and sell synthetic drugs.

Pursuant to Education Code 48901.8, as added by SB 1283 (Ch. 891, Statutes of 2024), Governing Boards are authorized to limit or prohibit student use of social media when students are at a school site or while the students are under the supervision and control of an employee or employees of that district.

47 USC 223, as amended by the TAKE IT DOWN Act of 2025 (P.L. 119-12), imposes criminal

penalties for creating and posting AI-generated deepfakes, as well as for threatening to post intimate images without consent, and empowers the Federal Trade Commission to hold social media platforms accountable to remove such images.

6. How students will acquire the knowledge and skills sufficient for digital citizenship, social media and AI literacy, and identifying online misinformation

CSBA NOTE: Pursuant to Government Code 8586.5, the California Cybersecurity Integration Center (CSIC) serves as the central organizing hub of the state government's cybersecurity preparedness and response activities and coordinates cyber intelligence and information sharing, and is required to coordinate information sharing, including cyber threat information, with school districts.

Government Code 11549.3 authorizes districts, at district expense, to request the Military Department, in consultation with CSIC, to perform an independent security assessment of the district or individual district school. Districts are encouraged to consult with the California Office of Emergency Services (OES) and utilize resources such as the State Threat Assessment System and Regional Fusion Centers to help assess potential threats. For more information see OES' website.

Pursuant to Education Code 35266, districts that experience a cyberattack, as defined, which impacts more than 500 students or personnel, are required to report such cyberattack to CSIC.

7. How the district will prevent and respond to cyberattacks, address other cybersecurity concerns, and what steps students and staff can take to enhance security of the systems they use

~~The~~ The district's technology plan shall be integrated into the district's vision and goals for student learning and shall contain research-based strategies and methods for the effective use of technology. When required for state or federal grant programs in which the district participates, the plan shall also address all components required for receipt of such grants.

The Superintendent or designee shall ensure that any use of technological resources in the district protects the private and confidential information of students and employees in accordance with law.

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State	Description
Bus. and Prof. Code 22584-22585	~~K-12~~ ~~Pupil~~Student Online Personal Information Protection Act
Civ. Code 3120-3123	Digital Bill of Rights
Ed. Code 10550-10555	Telecommunications standards
Ed. Code 11800	K-12 High Speed Network grant program
Ed. Code 35266	Cybersecurity
Ed. Code 48901.8	Social media; limitations or prohibitions
Ed. Code 48985.5	Fentanyl and synthetic drugs danger notification
Ed. Code 49060-49085	Student records
Ed. Code 51006	Computer education and resources
Ed. Code 51007	Programs to strengthen technological skills
Ed. Code 51865	California distance learning policy
Ed. Code 60010	Instructional materials; definition
Gov. Code 11549.3	Office of Information Security
Gov. Code 8586.5	Office of Emergency Services; California Cybersecurity Information Center
Pen. Code 502	Computer crimes; remedies

Federal	Description
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 7101-7122	Student Support and Academic Enrichment Grants
47 U.S.C. 223	Use of technology in obscene or harassing manner
34 CFR Part 99	Family Educational Rights and Privacy
47 CFR 54.500-54.523	Universal service support for schools
47 USC 254	Universal service discounts (E-rate)

Management Resources	Description

California Department of Education Publication	Empowering Learning: A Blueprint for California Education Technology 2014-2017, April 2014
California Department of Education Publication	California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, November 2015
Court Decision	McMahon v. Albany Unified School District (2002) 104 Cal.App.4th 1275
Website	CSBA District and County Office of Education Legal Services
Website	Technology Information Center for Administrative Leadership
Website	California Cybersecurity Integration Center
Website	California Department of Education, Education Technology Office
Website	California Educational Technology Professionals Association
Website	California Office of Emergency Services
Website	Computer-Using Educators
Website	Federal Communications Commission
Website	CSBA

Cross References

Code	Description
0000	Vision
0200	Goals For The School District
0400	Comprehensive Plans
0415	Equity
0441	Artificial Intelligence
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media

1114	District-Sponsored Social Media
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3260	Fees And Charges
3260	Fees And Charges
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3311.4	Procurement Of Technological Equipment
3312	Contracts
3512	Equipment
3512-E(1)	Equipment
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.6	Personnel Files
4131	Staff Development
4212.6	Personnel Files
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4312.6	Personnel Files
4331	Staff Development
5125	Student Records
5125	Student Records

5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.9	Academic Honesty
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.6	Visual And Performing Arts Education
6142.92	Mathematics Instruction
6142.93	Science Instruction
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.54	Test Integrity/Test Preparation
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.1	Library Media Centers
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6178	Career Technical Education
6178	Career Technical Education
6200	Adult Education
6200	Adult Education
7000	Concepts And Roles
7214	General Obligation Bonds
7214	General Obligation Bonds
9140	Board Representatives

Regulation 0440: District Technology Plan

Status: ADOPTED

Original Adopted Date: 06/01/1995 **| Last Revised Date:** 06/01/2025 ~~12/01/2014~~ **| Last Reviewed Date:** 06/01/2025 ~~12/01/2014~~

~~CSBA NOTE: Items #1-5 below reflect components of education technology plans recommended in the California Department of Education's (CDE) California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, available on its web site, and may be revised to reflect district practice.~~

~~The district's technology plan shall address, at a minimum, the following components:~~

1. ~~Background Information: A guide to the district's use of technology for the next three years, including:~~

   a. ~~Specific starting and ending dates of the plan~~

   b. ~~An overview of the district's location and demographics~~

   c. ~~A description of how stakeholders from the district and community were involved in the planning process~~

   d. ~~A description of the relevant research behind the strategies and/or methods in the plan and how the research supports the plan's curricular and professional development goals~~

2. ~~Curriculum: Clear goals and realistic strategies for using telecommunications and information technology to improve educational services, including:~~

   a. ~~A description of teachers' and students' current access to instructional technology and current use of digital tools, including district policies or practices to ensure equitable technology access for all students~~

   b. ~~Goals and an implementation plan, including annual activities, for:~~

      i. ~~How technology will be used to improve teaching and learning, how these goals align with district curricular goals and other plans, how the district budget and local control and accountability plan support these goals, and whether future funding proposals or partnerships may be needed for successful implementation~~

      ii. ~~How and when students will acquire the technology skills and information literacy skills needed for college and career readiness~~

      iii. ~~Internet safety and the appropriate and ethical use of technology in the classroom~~

3. Professional Development: A professional development strategy to ensure that staff understands how to use new technologies to improve education services, including:

   a. A summary of teachers' and administrators' current technology proficiency and integration skills and needs for professional development

   b. Goals and an implementation plan, including annual activities, for providing professional development opportunities based on district needs assessment data and the curriculum component of the technology plan

4. Infrastructure, Hardware, Technical Support, Software, and Asset Management: An assessment of the telecommunication services, hardware, software, asset management, and other services that will be needed to improve education services, including:

   a. A description of existing hardware, Internet access, electronic learning resources, technical support, and asset management in the district

   b. A description of technology hardware, electronic learning resources, networking and telecommunications infrastructure, physical plant modifications, technical support, and asset management needed by district teachers, students, and administrators to support the activities in the curriculum and professional development components of the plan

5. Monitoring and Evaluation: An evaluation process that enables the school to monitor progress toward the specific goals and mid-course corrections in response to new developments and opportunities as they arise, including:

   a. The process for evaluating the plan's overall progress and impact on teaching and learning

   b. The schedule for evaluating the effect of plan implementation and a description of the process and frequency of communicating evaluation results to technology plan stakeholders

CSBA NOTE: Items #6-7 below may be revised to reflect district practice.

Among the technological tools available to facilitate governance and management are CSBA's GAMUT Online, a service which provides online access to CSBA's sample board policies as well as the hosting of the district's local policies. In addition, CSBA offers GAMUT Meetings, a service that allows development of and access to Governing Board meeting agendas and materials from any computer with Internet access.

6. Noninstructional Uses of Technology: A description of how technology will be used to improve district governance, district and school site administration, support services, and communications

7. Cost: An estimate of the cost for each year of the plan and each of its major components

Policy 0441: Artificial Intelligence

Status: ADOPTED

Original Adopted Date: 06/01/2025 **| Last Revised Date:** 06/01/2025 **| Last Reviewed Date:** 06/01/2025

CSBA NOTE: This policy addresses the use of artificial intelligence (AI) in a district by students and staff and may be modified to reflect district practice.

In 2024, CSBA formed an Artificial Intelligence Task Force to equip Governing Boards with the necessary knowledge and tools to navigate the complexities of AI. Boards are encouraged to utilize the resources produced by the Task Force when modifying this policy to reflect district practice.

Pursuant to Education Code 33328.5, as added by SB 1288 (Ch. 893, Statutes of 2024), the Superintendent of Public Instruction is required to convene a working group related to AI in public schools in order to develop guidance on the safe use of AI in education and, subsequently, to develop a model policy on the safe and effective use of AI. Districts are encouraged to continue to monitor the development of new AI technologies.

The Governing Board recognizes the transformative potential of artificial intelligence (AI) to increase student access to information, support teacher effectiveness, and facilitate the administration of student assessments, as well as the potential for AI to undermine student achievement, health, and well-being. Therefore, the Board is committed to supporting the use of AI by students and staff in accordance with the following principles:

1. Student-Centered: AI should be used to personalize and enhance the learning experience for each student and to support digital citizenship and literacy

2. Staff-Centered: AI should be used as a tool to augment and support, rather than replace, staff in the performance of their duties and responsibilities

3. Ethical Use and Transparency: AI should be used ethically and transparently by all staff and students, with careful consideration of potential biases, and in compliance with all applicable intellectual property and copyright laws

4. Accountability and Responsibility: AI should be used in a manner that ensures accountability by those who use it and that those who use it are responsible for such use, including when and how it is used

5. Equity and Access: AI should be implemented in a manner that ensures equitable access and opportunity for all students, regardless of background or ability, and for all schools across the district

6. Secure and Private: The district should prioritize security and privacy when changing existing practices or adopting new practices regarding AI

7. Professional Development: The district should provide ongoing professional development for staff in all aspects of AI, with a particular focus on the ethical and responsible use of AI

8. Community Engagement: The district should engage with the community to share these principles, to educate the community on AI, and to discuss the permitted and prohibited uses of AI in the district

9. Continuous Improvement: The district should regularly evaluate the use of AI by students and staff, and adapt its policies, procedures, and professional development to align with best practices and evolving technologies

The Superintendent shall ensure that the use of AI in the district is consistent with this policy, Board Policy 0440 – District Technology Plan, Board Policy/Exhibit (1) 4040 – Employee Use of Technology, Board Policy 5131.9 – Academic Honesty, Board Policy 6154 – Homework/Makeup Work, Board Policy 6162.5 – Student Assessment, and Board Policy/Exhibit (1) 6163.4 – Student Use of Technology.

Artificial intelligence means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer, from the input it receives, how to generate outputs that can influence physical or virtual environments. (Education Code 33328.5)

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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	**Description**
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act
Ed. Code 10550-10555	Telecommunications standards
Ed. Code 11800	K-12 High Speed Network grant program
Ed. Code 33328.5	Statewide AI Task Force
Ed. Code 49060-49085	Student records
Ed. Code 51006	Computer education and resources
Ed. Code 51007	Programs to strengthen technological skills
Ed. Code 51865	California distance learning policy
Ed. Code 60010	Instructional materials; definition
Pen. Code 502	Computer crimes; remedies
Federal	**Description**

16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 7101-7122	Student Support and Academic Enrichment Grants
34 CFR Part 99	Family Educational Rights and Privacy
47 CFR 54.500-54.523	Universal service support for schools
47 USC 254	Universal service discounts (E-rate)

Management Resources	**Description**
Website	CSBA District and County Office of Education Legal Services
Website	Technology Information Center for Administrative Leadership
Website	California Department of Education, Education Technology
Website	California Department of Education, Learning With IA, Learning About AI
Website	California IT in Educational (CITE)
Website	Computer-Using Educators (CUE)
Website	Federal Communications Commission Cybersecurity Resource Recommendations
Website	U.S. Congress Bipartisan House Task Force Report on Artificial Intelligence
Website	CSBA
Website	CSBA AI Task Force

Cross References

Code	**Description**
0000	Vision
0200	Goals For The School District
0400	Comprehensive Plans
0415	Equity
0440	District Technology Plan
0440	District Technology Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1113	District And School Websites

1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3260	Fees And Charges
3260	Fees And Charges
3311.4	Procurement Of Technological Equipment
3312	Contracts
3512	Equipment
3512-E(1)	Equipment
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.6	Personnel Files
4131	Staff Development
4212.6	Personnel Files
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4312.6	Personnel Files
4331	Staff Development
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying

6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.6	Visual And Performing Arts Education
6142.92	Mathematics Instruction
6142.93	Science Instruction
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.54	Test Integrity/Test Preparation
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.1	Library Media Centers
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6178	Career Technical Education
6178	Career Technical Education
6200	Adult Education
6200	Adult Education

Policy 0450: Comprehensive Safety Plan

Status: ADOPTED

Original Adopted Date: 11/01/2011 **| Last Revised Date:** ~~03~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~03~~06/01/~~2024~~2025

CSBA NOTE: The following policy is optional and may be revised to reflect district practice. Pursuant to Education Code 32280-32289.5, districts are responsible for ensuring that a comprehensive school safety plan (CSSP) with specified components is in place for each district school. As required by Education Code 32282 and 32288, the California Department of Education (CDE) has posted on its website a compliance checklist for developing ~~comprehensive safety plans~~CSSPs and best practices for reviewing and approving the plans. ~~Comprehensive safety plans~~CSSPs are reviewed through the annual audits required by Education Code 41020 to ensure that they are updated and approved by March 1 of each year.

Additionally, Education Code 32280.5, as added by AB 960 (Ch. 528, Statutes of 2024), encourages each school with an enrollment of 100 students or more to, on or before, July 1, 2030, implement a web-based or app-based school safety program that includes specified components.

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for staff and student conduct, responsible behavior, and respect for others.

CSBA NOTE: Pursuant to Education Code 32281 and 32286, each school is required to adopt a ~~comprehensive safety plan~~CSSP (Option 1 below). However, districts with an average daily attendance (ADA) of 2,500 or less are authorized by Education Code 32281 to develop a districtwide comprehensive safety plan in lieu of developing school plans; thus, those districts may select either Option 1 or 2 to reflect district practice. Any district may choose to develop both district and school plans.

The Superintendent or designee shall ~~oversee~~be responsible for the development of a districtwide comprehensive safety plan that is applicable to each school site. (Education Code 32281)

CSBA NOTE: The following two paragraphs apply to all districts. Education Code 32286 requires that the school site council review and update the ~~comprehensive safety plan~~CSSP by March 1 of each year. In districts with ADA of 2,500 or less that choose to develop a districtwide plan in accordance with Option 2 above, the Superintendent or designee may conduct the annual review.

Pursuant to Education Code 32288, the updated plan(s) must be submitted to the Governing Board for approval. The Board may choose to delegate to the Superintendent or designee the responsibility to review and approve the updated plans, but the Board remains responsible for ensuring compliance with the law.

The ~~comprehensive safety plan~~CSSP(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

CSBA NOTE: Pursuant to Education Code 32282, ~~as amended by SB 323 (Ch. 599, Statutes of 2023),~~ the annual evaluation of the ~~comprehensive safety plan~~CSSP is required to include ensuring that the plan provides appropriate adaptations for students with disabilities.

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. Education Code 32280 states the legislative intent that all school staff be trained on the CSSP.

As necessary, the Superintendent or designee shall provide CSSP training to all school staff.

CSBA NOTE: Education Code 32288 requires that districts notify CDE if a school has not complied with the ~~comprehensive safety plan~~CSSP requirements. In the event that the Superintendent of Public Instruction determines that there has been a willful failure by a district to make any report required by Education Code 32280-32289, Education Code 32287 provides that the district may be fined up to $2,000.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education (CDE) of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

CSBA NOTE: The following section is optional. Pursuant to Education Code 32281, the Board may, after consulting with law enforcement officials, elect to have the district, rather than the school site council, develop those portions of the ~~comprehensive safety plan~~CSSP that include tactical responses to criminal incidents that may result in death or serious bodily injury.

Notwithstanding the process described above, any portion of a ~~comprehensive safety plan~~CSSP that addresses tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to safeguard students and staff, secure affected school premises, and apprehend criminal perpetrator(s), shall be developed by the Superintendent or designee in accordance with Education Code 32281. In developing such strategies, the Superintendent or designee shall consult with law enforcement officials and with representative(s) of employee bargaining unit(s), if they choose to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials and approve the tactical response plan, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

Safety Plan(s) Access and Reporting

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

~~CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 32281, the Board may choose to prohibit disclosure of those portions of the comprehensive safety plan that include tactical responses to criminal incidents.~~

However, those portions of the ~~comprehensive safety plan~~CSSP that include tactical responses to criminal incidents need not be publicly disclosed.

The Superintendent or designee shall share the ~~comprehensive safety plans~~CSSPs and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)

CSBA NOTE: Pursuant to Education Code 32289.5, the district is required to provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools, as specified.The Superintendent or designee shall also provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools in accordance with Education Code 32289.5. (Education Code 32289.5)

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Policy Reference Disclaimer:

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State	Description
5 CCR 11987-11987.7	School Community Violence Prevention Program requirements
5 CCR 11992-11993	Persistently dangerous schools; definition
CA Constitution Article 1, Section 28	Right to Safe Schools
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 32270	School safety cadre
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32290	Safety devices
Ed. Code 35147	School site councils and advisory committees
Ed. Code 35183	School dress code; uniforms
Ed. Code 35266	Reporting of ~~cyber attacks~~cyberattacks
Ed. Code 35291	Rules
Ed. Code 35291.5	School-adopted discipline rules
Ed. Code 41020	Requirement for annual audit
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Ed. Code 49414.35	Emergency treatment for opioid overdose
Ed. Code 49414.6	student possession of opioid antagonist
Ed. Code 67381	Availability of information regarding crimes
Gov. Code 11549.3	Independent security assessment
Gov. Code 54957	Closed session meetings for threats to security
Gov. Code 8586.5	California Cybersecurity Integration Center
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act

Pen. Code 422.55	Definition of hate crime
Pen. Code 626.8	Disruptions
Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 7111-7122	Student support and academic enrichment grants
20 USC 7912	Transfers from persistently dangerous schools
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act
6 USC 665k	Federal Clearinghouse on School Safety Evidence-Based Practices
Management Resources	**Description**
California Department of Education	Instructional Continuity Plan Guidance (https://www.cde.ca.gov/re/di/or/icpguidance.asp)
CSBA Publication	Comprehensive School Safety Plans, July 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/SafeSchoolsToolkit/Safety-Toolkit-3.ashx?la=en&rev=1a2c5d79d89c4ca59bda1e45b9647228)
CSBA Publication	School Safety: Firearm Safety and Storage, May 2023
CSBA Publication	Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/CommunitySchools/2010_10_PolicyBrief_CommunitySchools.ashx?la=en&rev=ec0c6be9ac6d4204ab9f9e5b1395833a)
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010 (https://www.csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/~/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/SchoolSafety/2010_07_PolicyBrief_Cyberbullying.ashx)
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022

Federal Bureau of Investigation Publication	Uniform Crime Reporting Handbook, 2004 (https://ucr.fbi.gov/additional-ucr-publications/ucr_handbook.pdf)
U.S. Department of Education Publication	Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007 (https://www.ed.gov/sites/ed/files/admins/lead/safety/emergencyplan/crisisplanning.pdf
U.S. ~~Secret Service &~~ Department of ~~Education Pub~~Homeland Security Publication	Behavioral Threat Assessment ~~in Schools: A Guide to Managing Threatening Situations~~ and ~~to Creating Safe School Climates, 2004~~Management in Practice 2024 https://www.dhs.gov/sites/default/files/2025-02/2025_0214_cp3_behavioral-threat-assessment-and-management-in-practice.pdf
Website	California Department of Education, Language Services Policy and Process
Website	Schoolsafety.gov
Website	California Department of Education, Safe Schools Planning
Website	California Military Department
Website	California Department of Technology, Independent Security Assessment
Website	U.S. Department of Homeland Security, Fusion Centers
Website	California State Threat Assessment System
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Secret Service, National Threat Assessment Center
Website	Centers for Disease Control and Prevention
Website	Federal Bureau of Investigation
Website	National Center for Crisis Management
Website	National School Safety Center
Website	California Department of Education, Safe Schools
Website	California Department of Education, School Safety Elements and Resources (https://www.cde.ca.gov/ls/ss/vp/elementsresources.asp)
Website	California Governor's Office of Emergency Services
Website	California Healthy Kids Survey
Website	U.S. Department of Education

Website	CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
1330	Use Of School Facilities
1330	Use Of School Facilities
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records

1400	Relations Between Other Governmental Agencies And The Schools
2210	Administrative Discretion Regarding Board Policy
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515	Campus Security
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.1	Fire Drills And Fires
3516.2	Bomb Threats
3516.3	Earthquake Emergency Procedure System

3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3543	Transportation Safety And Emergencies
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4157	Employee Safety
4157	Employee Safety
4158	Employee Security
4158	Employee Security
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4257	Employee Safety
4257	Employee Safety
4258	Employee Security

4258	Employee Security
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4340	Bargaining Units
4357	Employee Safety
4357	Employee Safety
4358	Employee Security
4358	Employee Security
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.41	Use Of Seclusion And Restraint

5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.61	Drug Testing
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.8	Mobile Communication Devices
5132	Dress And Grooming
5132	Dress And Grooming
5136	Gangs
5136	Gangs
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142	Safety
5142	Safety
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
5144	Discipline
5144	Discipline

5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.9	Hate-Motivated Behavior
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6020	Parent Involvement
6020	Parent Involvement
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6158	Independent Study
6158	Independent Study
6159	Individualized Education Program
6159	Individualized Education Program
6164.2	Guidance/Counseling Services

6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9011	Disclosure Of Confidential/Privileged Information
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Regulation 0450: Comprehensive Safety Plan

Status: ADOPTED

Original Adopted Date: 11/01/2011 **| Last Revised Date:** ~~03~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~03~~06/01/~~2024~~2025

CSBA NOTE: The following optional administrative regulation should be revised to reflect district practice.

Pursuant to Education Code 234.5, the California Department of Education (CDE) has posted on its website a list of statewide resources for youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying, and youth affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.

Additionally, schoolsafety.gov, a website developed by the federal government, provides schools with actionable recommendations to create safe and supportive learning environments and includes the Federal Clearinghouse on School Safety Evidence-Based Practices, required by 6 USC 665k, to serve as a resource to identify and publish online evidence-based practices and recommendations to improve school safety.

Development and Review of Comprehensive School Safety Plan

CSBA NOTE: The following section reflects requirements for the development of site-level comprehensive school safety plans (CSSP) pursuant to Education Code 32280-32289 and is for use by districts that selected Option 1 in the accompanying Board policy. Districts with an average daily attendance of 2,500 or less that selected Option 2 in the accompanying Board policy (i.e., that have developed a districtwide comprehensive safety plan applicable to all school sites in lieu of individual site plans, as authorized by Education Code 32281) should omit this section.

The school site council shall consult with local law enforcement, the local fire department, and other first responders in the writing and development of the comprehensive school safety plan~~.~~ (CSSP). When practical, the school site council shall also consult with other school site councils and safety planning committees. (Education Code 32281, 32282)

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 32280, as amended by AB 2887 (Ch. 419, Statutes of 2024), it is the intent of the Legislature that districts develop the CSSP in cooperation with local emergency medical services personnel and other persons who may be interested in the health and safety of students and the prevention of campus crime and violence.

Additionally, the school site council may invite community leaders, local emergency medical services personnel, and other persons who may be interested in the health and safety of students and the prevention of campus crime and violence to participate in the planning process. (Education Code 32280)

The school site council may delegate the responsibility for developing a ~~comprehensive safety plan~~CSSP to a school safety planning committee composed of the following members: (Education Code 32281)

1. The principal or designee

2. One teacher who is a representative of the recognized certificated employee organization

3. One parent/guardian whose child attends the school

4. One classified employee who is a representative of the recognized classified employee organization

CSBA NOTE: Item #5 below may be modified to specify other groups or individuals who will be represented on the committee. For example, the committee might include representatives of social service agencies, other city or county agencies, health care and emergency service providers, community-based organizations, and/or students.

5. Other members, if desired

Before adopting the ~~comprehensive safety plan~~CSSP, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting, if available: (Education Code 32288)

1. The local mayor

2. A representative of the local school employee organization

3. A representative of each parent/guardian organization at the school, including the parent teacher association and parent teacher clubs

4. A representative of each teacher organization at the school

5. A representative of the school's student body government

6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations

2. Local civic leaders

3. Local business organizations

~~CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 323 (Ch. 599, Statutes of 2023), after the first evaluation or review is conducted, and after each annual evaluation or review, a school employee, a student's parent/guardian or educational rights holder, or a student may bring concerns about an individual student's ability to access disaster safety procedures described in the comprehensive school safety plan to the principal.~~

After the first evaluation or review is conducted, and after each annual evaluation or review, a school employee, a student's parent/guardian or educational rights holder, or a student may bring concerns about an individual student's ability to access disaster safety procedures described in the ~~comprehensive school safety plan~~CSSP to the principal. (Education Code 32282)

If the principal determines there is merit to a concern, the principal shall direct the school site council or school safety planning committee~~,~~ to make appropriate modifications to the ~~comprehensive school safety plan~~CSSP during the evaluation of the ~~comprehensive safety plan~~CSSP. The principal may direct the school site council or the school safety planning committee to make such modifications before the evaluation, as appropriate. (Education Code 32282)

Content of the Comprehensive Safety Plan

Each ~~comprehensive safety plan~~CSSP shall include an assessment of the current status of any crime committed on campus and at school-related functions. (Education Code 32282)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. In assessing the current status of school crime as required by Education Code 32282, districts may contract with a consultant, work with local law enforcement, develop their own local assessment, and/or use available instruments such as the, "California Healthy Kids Survey," or the Centers for Disease Control and Prevention's, "Youth Risk Behavior Survey."

The assessment may include, but not be limited to, reports of crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

CSBA NOTE: Education Code 32282 requires that the following components be included in the districtwide and/or school site comprehensive safety plan. The district may expand this list to require other components at its discretion.

The plan shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164-11174.3

2. Routine and emergency disaster procedures including, but not limited to:

~~CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 323, schools are required to include in their comprehensive safety plans adaptations for students with disabilities in accordance with the federal Americans with Disabilities Act, the Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973.~~

   a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973

CSBA NOTE: Education Code 32282 requires districts to incorporate earthquake emergency procedures into the ~~comprehensive safety plan~~CSSP, as specified in Items #2b and #2c below. See BP/AR 3516 - Emergencies and Disaster Preparedness Plan and AR 3516.3 - Earthquake Emergency Procedure System for further details about required components of these procedures.

   b. An earthquake emergency procedure system ~~in accordance with Education Code 32282~~as specified

   c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

CSBA NOTE: Beginning with the 2026-27 fiscal year, Education Code 32282, as amended by AB 2968 (Ch. 582, Statutes of 2024), adds requirements for each school in a high-risk zone to coordinate with the fire department to identify appropriate refuge shelters for all students and staff to be used in the event of a shelter-in-place order by local authorities and notify the fire department to prioritize the defense of that structure in the event of a fire. Additionally, Education Code 32282, as amended by AB 2968, also requires each school in a high-risk zone to develop a communication and evacuation plan, which can be used in the event of an early notice evacuation warning, allowing enough time to evacuate all students and staff.

In addition, Education Code 32282, as amended by AB 2968, requires schools serving more than 50 students in a high or very high fire hazard severity zone, to coordinate such procedure with state emergency services organizations, and as a

part of the CSSP to develop a communication and evacuation plan to be used in the event of an early notice evacuation warning.]

d. Commencing with the 2026–27 school year, a procedure to identify appropriate refuge shelter for all students and staff to be used in the event of an evacuation order and, for any school in a high or very high fire hazard severity zone, a communication and evacuation plan to be used in the event of an early notice evacuation warning that allows enough time to evacuate all students and staff

3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations

4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

CSBA NOTE: Education Code 234.1 requires the Governing Board to adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and requires school personnel who witness such acts to take immediate steps to intervene when safe to do so~~; see~~. See BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment. ~~In addition~~Additionally, the district's complaint process must include a timeline for investigating and resolving complaints and an appeals process; see BP/AR 1312.3 - Uniform Complaint Procedures.

5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4

6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

8. A safe and orderly school environment conducive to learning

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

CSBA NOTE: Pursuant to Education Code 32282, schools are required to include in their ~~comprehensive safety plans~~CSSPs procedures for conducting tactical responses to criminal incidents, as specified in Item #10. Such procedures must be based on the specific needs and context of each school and community.

Pursuant to Education Code 32281, the Board may elect to have district administrators, rather than the school site council, develop those portions of the ~~comprehensive safety plan~~CSSP that include tactical responses to criminal incidents that may result in death or serious bodily injury; see the accompanying Board policy.

10. Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on campus and at school-related functions

~~CSBA NOTE: Pursuant to Education 32282, as amended by SB 671 (Ch. 626, Statutes of 2023), schools are required to include in their comprehensive safety plans procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school.~~
CSBA NOTE: Pursuant to Education Code 32282, as amended by AB 1858 (Ch. 530, Statutes of 2024), a district is required to comply with the requirements specified in Item #11 below, if the CSSP includes procedures to prepare for active shooters or other armed assailants by conducting a drill.

11.If procedures to prepare for active shooters or other armed assailants by conducting a drill are included in the CSSP, the CSSP shall specify that:

a. The school will not conduct a high-intensity drill, as defined in Education Code 32282

b. Real weapons, gunfire blanks, or explosions will not be used in the conducting of the drill

c. A trauma-informed approach as specified in Education Code 32282 will be used in the design and execution of any drill

~~11.~~ Procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school~~.~~

CSBA NOTE: Pursuant to Education Code 32282, as amended by AB 2887, the CSSP is required to include procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds.

12. Procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds

~~CSBA NOTE: Pursuant to Education 32282, as amended by SB 10 (Ch. 856, Statutes of 2023), schools that serve students in any of grades 7-12 are required to include in their comprehensive safety plans a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose.~~

CSBA NOTE: Item #13 is for districts that serve students in middle school, junior high school, high school, or adult school and should be modified to reflect the students served by the district.

~~12.~~ 13. For schools that serve students in any of grades 7-12, a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose

CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 153 (Ch. 38, Statutes of 2024), the CSSP is required to include an instructional continuity plan to establish communication and provide instruction to students when in-person instruction is disrupted due to an emergency. For more information regarding instructional continuity plans, see CDE's "Instructional Continuity Plan Guidance," available on its website.

14. An instructional continuity plan to establish communication with students and their families and provide instruction to students when in-person instruction is disrupted due to an emergency, as specified in Education Code 32282

CSBA NOTE: The following list reflects material previously listed on CDE's website related to Safe Schools Planning. The components are optional and should be revised to reflect district practice.

Among the strategies for providing a safe environment, the ~~comprehensive safety plan~~CSSP may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

CSBA NOTE: Education Code 32261 and 32282 encourage, but do not require, all ~~comprehensive safety plans~~CSSPs to include policies and procedures aimed at the prevention of bullying, as defined in Education Code 48900(r).

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

CSBA NOTE: Education Code 32261 encourages, but does not require, ~~comprehensive safety plans~~CSSPs to include Item #3, below.

3. Strategies aimed at preventing potential incidents involving crime and violence on school campuses, including vandalism, drug and alcohol abuse, gang membership and violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including sexual harassment

4. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education and literacy, character/values education, social and emotional learning, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

5. Parent/guardian and community involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

CSBA NOTE: When providing parents/guardians with school safety materials and emergency communications, CDE encourages districts to do so in language(s) understandable to parents/guardians, as appropriate for the school site.

6. Provision of safety materials and emergency communications in language(s) understandable to parents/guardians

CSBA NOTE: ~~The California School Board Association's~~CSBA's Research and Policy Fact Sheet, "School Safety: Firearm Safety and Storage," provides guidance and best practices related to the safe storage of firearms.

7. Annual notification to parents/guardians related to the safe storage of firearms

8. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

9. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

10. District policy prohibiting the possession of firearms and ammunition on school grounds

11. Measures to prevent or minimize the influence of gangs on campus

CSBA NOTE: Education Code 32281 authorizes the principal, upon receiving verification from law enforcement, to notify parents/guardians and employees in writing that a violent crime has occurred on the school site. A "violent crime" is any act for which a student could be expelled and which meets the definition listed in Education Code 67381, including willful homicide, forcible rape, robbery, and aggravated assault, as defined in the, "Federal Bureau of Investigation's Uniform Crime Reporting Handbook." Education Code 32281 encourages that the notice be sent no later than the second workday after receiving verification from law enforcement.

20 USC 7912 requires that all students attending a "persistently dangerous" school be provided notice of the designation and an option to transfer to a different school within the district. See BP/AR 5116.1 - Intradistrict Open Enrollment.

12. Procedures for receiving verification from law enforcement when a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

13. Procedures for the early identification and threat assessment of, and appropriate response to, suspicious and/or threatening digital media content

14. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

CSBA NOTE: Pursuant to Government Code 8586.5, the California Cybersecurity Integration Center (CSIC) serves as the central organizing hub of the state government's cybersecurity preparedness and response activities and coordinates cyber intelligence and information sharing, and~~, as amended by AB 1023 (Ch. 555, Statutes of 2023),~~ is required to coordinate information sharing, including cyber threat information, with school districts. Government Code 11549.3 authorizes districts, at district expense, to request the Military Department, in consultation with CSIC, to perform an independent security assessment of the district or individual district school. Districts are encouraged to consult with the California Office of Emergency Services (OES) and utilize resources such as the State Threat Assessment System and Regional Fusion Centers to help assess potential threats. For more information see OES' website.

Pursuant to Education Code 35266 districts that experience a cyberattack, as defined, which impacts more than 500 students or personnel, are required to report such cyberattack to CSIC.

15. Independent security assessment of the school's network infrastructure and selected web applications to identify vulnerabilities and provide recommendations to improve cybersecurity

CSBA NOTE: Education Code 32282.1 does not require, but encourages, that ~~comprehensive safety plans~~CSSPs include the strategies described in Item #16 below, to the extent the district uses the listed professionals. CDE's, "The Comprehensive School Safety Plan: Recommended Components," available on its website, includes athletic coaches in the list of professionals and specifies that community intervention professionals include those who speak languages other than English.

16. Guidelines for the roles and responsibilities of mental health professionals, athletic coaches, community intervention professionals, school counselors, school resource officers, and police officers on school campuses~~.~~

Guidelines may include, but are not limited to, the following:

a. Strategies to create and maintain a positive school climate, promote school safety, and increase student achievement

b. Strategies to prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support

c. Protocols to address the mental health care of students who have witnessed a violent act at any time, including, but not limited to, while on school grounds, while coming or going from school, during a lunch period whether on or off campus, or during or while going to or coming from a school-sponsored activity

17. Strategies for suicide prevention and intervention

CSBA NOTE: Policies and/or plans for maintaining a safe school environment during a pandemic, as described in Item #18 below, may be included in the district's comprehensive safety plan. Such policies may include BP 3516.5 - Emergency Schedules, BP 4113.5 - Working Remotely, BP 4119.41 - Employees with Infectious Disease, BP/AR 5141.22 - Infectious Diseases, and BP/AR 6158 - Independent Study.

18. District policy and/or plan related to pandemics

CSBA NOTE: Penal Code 626.8 provides that a person may be guilty of a misdemeanor for infringing with or disrupting a school activity, remaining on campus after having been asked to leave, reentering within seven days of being asked to leave, establishing a continued pattern of unauthorized entry, or willfully or knowingly creating a disruption with the intent to threaten the immediate physical safety of a student in preschool or grades K-8 who is arriving at, attending, or leaving school; see BP/AR 3515.2 - Disruptions.

19. Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff

20. Crisis prevention and intervention strategies, which may include the following:

a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)

c. Assignment of staff members responsible for each identified task and procedure

d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

e. Coordination of communication to schools, Governing Board members, parents/guardians, and the media

f. Communication with parents/guardians of reunification plans and the necessity of cooperating with first responders

g. Development of a method for the reporting of violent incidents

h. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

CSBA NOTE: Education Code 49390 and 49393 require certificated and classified employees of the district, or other school officials such as Board members, whose duties bring the employee or other school official in contact on a regular basis with students in any of grades 6-12, as part of a middle school or high school, who are alerted to or observe any threat or perceived threat of a homicidal act, as defined, to immediately report the threat or perceived threat to law enforcement in accordance with Education Code 49393. "Threat or perceived threat" means any writing or action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the student. It may also include a warning by a parent, student, or other individual.

21. Training on assessment and reporting of potential threats, violence prevention, and intervention techniques~~. Such training shall include preparation to implement the elements of the comprehensive safety plan~~

    Such training shall include preparation to implement the elements of the CSSP

CSBA NOTE: Pursuant to Education Code 32284, the ~~comprehensive safety plan~~CSSP may, at the discretion of the Board, include procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No state funds may be used for this purpose.

22. Environmental safety strategies, including, but not limited to, procedures for preventing and mitigating exposure to toxic pesticides, lead, asbestos, vehicle emissions, and other hazardous substances and contaminants

23. Continuity of operations procedures to ensure that the district's essential functions are not disrupted during an emergency, to the extent possible

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing~~ ~~Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11987-11987.7	School Community Violence Prevention Program requirements
5 CCR 11992-11993	Persistently dangerous schools; definition
CA Constitution Article 1, Section 28	Right to Safe Schools
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 32270	School safety cadre
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32290	Safety devices
Ed. Code 35147	School site councils and advisory committees
Ed. Code 35183	School dress code; uniforms
Ed. Code 35266	Reporting of ~~cyber~~ ~~attacks~~cyberattacks
Ed. Code 35291	Rules
Ed. Code 35291.5	School-adopted discipline rules
Ed. Code 41020	Requirement for annual audit
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Ed. Code 49414.35	Emergency treatment for opioid overdose
Ed. Code 49414.6	student possession of opioid antagonist
Ed. Code 67381	Availability of information regarding crimes
Gov. Code 11549.3	Independent security assessment

Gov. Code 54957	Closed session meetings for threats to security
Gov. Code 8586.5	California Cybersecurity Integration Center
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 626.8	Disruptions

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 7111-7122	Student support and academic enrichment grants
20 USC 7912	Transfers from persistently dangerous schools
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act
6 USC 665k	Federal Clearinghouse on School Safety Evidence-Based Practices

Management Resources	**Description**
California Department of Education	Instructional Continuity Plan Guidance (https://www.cde.ca.gov/re/di/or/icpguidance.asp)
CSBA Publication	Comprehensive School Safety Plans, July 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/SafeSchoolsToolkit/Safety-Toolkit-3.ashx?la=en&rev=1a2c5d79d89c4ca59bda1e45b9647228)
CSBA Publication	School Safety: Firearm Safety and Storage, May 2023
~~CSBA Publication~~	Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/CommunitySchools/2010_10_PolicyBrief_CommunitySchools.ashx?la=en&rev=ec0c6be9ac6d4204ab9f9e5b1395833a)
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010 (https://www.csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/~/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/SchoolSafety/2010_07_PolicyBrief_Cyberbullying.ashx)
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
Federal Bureau of Investigation Publication	Uniform Crime Reporting Handbook, 2004 (https://ucr.fbi.gov/additional-ucr-publications/ucr_handbook.pdf)
U.S. Department of Education Publication	Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007 (https://www.ed.gov/sites/ed/files/admins/lead/safety/emergencyplan/crisisplanning.pdf
U.S. ~~Secret Service &~~ Department of ~~Education Pub~~Homeland Security Publication	Behavioral Threat Assessment ~~in Schools: A Guide to Managing Threatening Situations~~ and ~~to Creating Safe School Climates, 2004~~Management in Practice 2024 https://www.dhs.gov/sites/default/files/2025-02/2025_0214_cp3_behavioral-threat-assessment-and-management-in-practice.pdf
Website	California Department of Education, Language Services Policy and Process
Website	Schoolsafety.gov
Website	California Department of Education, Safe Schools Planning
Website	California Military Department
Website	California Department of Technology, Independent Security Assessment
Website	U.S. Department of Homeland Security, Fusion Centers
Website	California State Threat Assessment System
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Secret Service, National Threat Assessment Center
Website	Centers for Disease Control and Prevention
Website	Federal Bureau of Investigation
Website	National Center for Crisis Management
Website	National School Safety Center
Website	California Department of Education, Safe Schools
Website	California Department of Education, School Safety Elements and Resources (https://www.cde.ca.gov/ls/ss/vp/elementsresources.asp)

Website	California Governor's Office of Emergency Services
Website	California Healthy Kids Survey
Website	U.S. Department of Education
Website	CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
1330	Use Of School Facilities
1330	Use Of School Facilities

1330.1	Joint Use Agreements
1340	Access To District Records
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1400	Relations Between Other Governmental Agencies And The Schools
2210	Administrative Discretion Regarding Board Policy
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3513.3	Tobacco-Free Schools
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3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515	Campus Security
3515	Campus Security
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3515.3	District Police/Security Department
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3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan

3516.1	Fire Drills And Fires
3516.2	Bomb Threats
3516.3	Earthquake Emergency Procedure System
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3543	Transportation Safety And Emergencies
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
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4157	Employee Safety
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4219.11	Sex Discrimination and Sex-Based Harassment
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage

4257	Employee Safety
4257	Employee Safety
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4258	Employee Security
4312.41	Employee Drug Testing
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4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.21	Professional Standards
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4319.23	Unauthorized Release Of Confidential/Privileged Information
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5112.5	Open/Closed Campus
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5113	Absences And Excuses
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5113.1	Chronic Absence And Truancy
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5145.6-E(1)	Parent/Guardian Notifications
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5145.7	Sex Discrimination and Sex-Based Harassment
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6020	Parent Involvement
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6158	Independent Study
6158	Independent Study

6159	Individualized Education Program
6159	Individualized Education Program
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9011	Disclosure Of Confidential/Privileged Information
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 1113: District And School Websites

Status: ADOPTED

Original Adopted Date: 07/01/2007 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

CSBA NOTE: The following optional policy ~~is for use by districts that maintain their own website(s) and~~ may be revised to reflect district practice. District strategies for effective use of websites may be incorporated into the district's comprehensive communications plan; see BP 1100 - Communication with the Public.

~~To enhance communication~~ The Governing Board recognizes the value of district and school websites to communicate with students, parents/guardians, staff, and community members~~, the Governing Board encourages the~~. The Superintendent or designee ~~to develop and~~shall maintain district and school websites. The use of district and school websites shall support the district's vision and goals and ~~shall~~ be coordinated with other district communications strategies.

Design Standards

The Superintendent or designee shall establish design standards for district and school websites in order to maintain a consistent identity, professional appearance, and ease of use.

CSBA NOTE: The following paragraph is optional. Pursuant to Civil Code 1798.99.28-1798.99.40, businesses that provide online services, products, or features that are likely to be accessed by children are required to prioritize the best interests of students in designing such products or features, to ensure that children are not exposed to harmful or potentially harmful content, contact, or conduct. Though this law is not necessarily applicable to districts, it is good guidance for districts seeking to create a safe online space for students.

District design standards shall require an evaluation of products, features, and content accessible to students on district and school websites to prevent access to harmful or potentially harmful material.

CSBA NOTE: Pursuant to Title II of the Americans with Disabilities Act (ADA) (42 USC 12131-12134) and Section 504 of the Rehabilitation Act of 1973 (29 USC 705, 794; 34 CFR 104.1-104.39), districts have an obligation to provide an equal opportunity to individuals with disabilities to participate in and receive the benefits of the educational program, and must provide accommodations or modifications when necessary to ensure equal treatment.

~~A U.S. Department of Justice~~

28 CFR 35.200-35.205 and 89 Fed.Reg. 31337 establish specific requirements and technical ~~assistance publication, "Accessibility of State and Local Government Websites to People with Disabilities," states that an agency with a website that is otherwise inaccessible to individuals with~~

~~disabilities may meet its legal obligations by providing an alternative~~standards for making accessible ~~way for them to use~~ the ~~programs or services (e.g., a staffed telephone information line), but points out that these alternatives are unlikely to provide an equal degree of access in terms of hours of operation or range of options and programs available.~~web content offered by government entities to the public through web and mobile applications. See the accompanying administrative regulation for accessibility guidelines.

The district's design standards shall address the accessibility of district and school websites to individuals with disabilities, including compatibility with commonly used assistive technologies.

Website Content

The Superintendent or designee shall develop content guidelines for district and school websites and assign staff to review and approve content prior to posting.

CSBA NOTE: The following optional paragraph ensures consistency of district policies regarding advertising and may be revised to reflect district practice.

Board policy pertaining to advertising in district and school publications, as specified in Board Policy 1325 - Advertising and Promotion, shall also apply to advertising on district and school websites.

Privacy Rights

CSBA NOTE: Business and Professions Code 22580-22582 prohibit an operator of a website from knowingly using, disclosing, compiling, or allowing a third party to use, disclose, or compile the personal information of a minor for the purpose of marketing or advertising specified types of products or services. Business and Professions Code 22584-22585 prohibit the operator of a website that provides services to K-12 students from selling or disclosing specified student information or knowingly using that student information to engage in targeted advertising to students or parents/guardians or to amass a profile about a student. However, Business and Professions Code 22584, as amended by AB 810 (Ch. 935, Statutes of 2024), exempts such actions if it will further school purposes. Business and Professions Code 22586 provides a similar prohibition for the operator of a website used, designed, and marketed primarily for preschool or prekindergarten purposes from knowingly engaging in specified activities, including targeted advertising, selling, or disclosing a student's information, and using specified information to amass a profile about a student except in furtherance of preschool or prekindergarten purposes. See BP 5125 - Student Records for further information regarding protection of student information.

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school websites.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. The district should carefully consider whether to place personally identifiable information on district or school websites since release of such information may put individuals, including students, at risk and also may violate Education Code 49073, which prohibits disclosure of student directory information to any private profit-making entity; see BP/AR/E(1) 5125.1 - Release of Directory Information.

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school websites.

CSBA NOTE: The following options address the use of students' photographs on district or school websites. Option 1 is for use by districts that, pursuant to Education Code 49061 and 34 CFR 99.3, include photographs in the definition of directory information, as specified in AR 5125.1 - Release of Directory Information, and publish student photographs along with student names unless a parent/guardian requested in writing that no photographs of the child be released without prior written consent. Option 2 is for use by districts that do not allow student photographs to be published along with student names unless specific consent for such publication is received from the parent/guardian.

Photographs of individual students shall not be published on district or school websites accompanied by the student's name or other personally identifiable information without the prior written consent of the student's parent/guardian.

CSBA NOTE: The remainder of this policy is for use by all districts.

If students' names are not included, photographs of individual students or groups of students, such as at a school event, may be published on school or district websites.

CSBA NOTE: Posting of employees' home addresses, personal telephone numbers, or personal email addresses on district or school websites is prohibited by law in certain circumstances in order to maintain employee privacy and safety. See BP 1340 - Access to District Records, AR 3580 - District Records, and BB 9012 - Board Member Electronic Communications.

Employees' home addresses, personal telephone numbers, and personal email addresses shall not be posted on district or school websites.

CSBA NOTE: Pursuant to Government Code 7928.205, as amended by AB 1785 (Ch. 551, Statutes of 2024), the district is prohibited from publicly posting online the information specified below of any elected or appointed official, such as a Board member, without first obtaining the written permission of that individual.

The home address ~~or~~, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school websites without the prior written permission of that individual. (Government Code 3307.5, 7928.205, 7920.535)

No public safety official shall be required to consent to the posting on the Internet of the public safety official's photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or the officer's family. (Government Code 3307.5)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	~~K-12 Pupil~~Student Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Ed. Code 234.1	Policy prohibiting discrimination, harassment, intimidation, and bullying
Ed. Code 234.6	Resources on neurodiversity
Ed. Code 32526	Use of learning recovery funds
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
Ed. Code 42103	Budget notification
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985.5	Synthetic drug use

Ed. Code 48985.5	Synthetic drugs
Ed. Code 49006	Seclusion and restraint
Ed. Code 49061	Definitions; directory information
Ed. Code 49073	Release of directory information
Ed. Code 5092	Filling Vacancies
Ed. Code 60048	Commercial brand names, contracts or logos
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950	California Civil Rights Department posters
Gov. Code 3307.5	Publishing identity of public safety officers
Gov. Code 7920.000-7930.215	California Public Records Act
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents

Federal	**Description**
16 CFR 312.1-312.13	Children's Online Privacy Protection Act
28 CFR 35.200-35.205	Web accessibility requirements
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act

Management Resources	**Description**
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave, January 2023
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment, January 2024
CA Civil Rights Department Publication	The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022

CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee, January 2023
Court Decision	Aaris v. Las Virgenes Unified School District (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOJ, Civil Rights Division Publication	~~Accessibility of State and Local Government Websites to People with Disabilities, February 2020~~Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, April 24, 2024, Vol. 89, pages 31320-31396 (https://www.federalregister.gov/documents/2024/04/24/2024-07758/nondiscrimination-on-the-basis-of-disability-accessibility-of-web-information-and-services-of-state)
Website	California Interscholastic Federation
Website	Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments
Website	California Cybersecurity Integration Center
Website	CSBA District and County Office of Education Legal Services
Website	Governor's Office of Planning and Research, The California Environmental Quality Act
Website	California Department of Education, Web Accessibility Standards
Website	California School Public Relations Association

Website	California Interscholastic Federation
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, ~~June~~ ~~2018~~December 2024 (https://www.w3.org/TR/WCAG21/)

Cross References

Code	Description
0000	Vision
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures

1312.3-E(2)	Uniform Complaint Procedures
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3515	Campus Security
3515	Campus Security
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology

4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4132	Publication Or Creation Of Materials
4161.8	Family Care And Medical Leave
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4232	Publication Or Creation Of Materials
4261.8	Family Care And Medical Leave
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4332	Publication Or Creation Of Materials
4361.8	Family Care And Medical Leave
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5131.2	Bullying
5131.2	Bullying
5131.41	Use Of Seclusion And Restraint
5141.5	Mental Health

6020	Parent Involvement
6020	Parent Involvement
6145.2	Athletic Competition
6145.2	Athletic Competition
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6190	Evaluation Of The Instructional Program
7150	Site Selection And Development
7150	Site Selection And Development
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9012	Board Member Electronic Communications
9223	Filling Vacancies
9310	Board Policies
9320	Meetings And Notices
9322	Agenda/Meeting Materials

Regulation 1113: District And School Websites

Status: ADOPTED

Original Adopted Date: 03/01/2000 | **Last Revised Date:** 06/01/~~2024~~2025 | **Last Reviewed Date:** 06/01/~~2024~~2025

CSBA NOTE: The following optional administrative regulation is for use by districts that maintain their own website(s) and should be revised to reflect district practice.

Design Standards

The Superintendent or designee shall develop design standards for district and school websites that include, but are not limited to, guidelines to ensure the clear organization of the material, readability of the font type and size, and simplicity of the navigation structure linking the content on the website. Such standards shall take into consideration the ease of use on a wide range of devices.

CSBA NOTE: Pursuant to Title II of the Americans with Disabilities Act ~~(ADA)~~ (42 USC 12131-12134) and Section 504 of the Rehabilitation Act of 1973 (29 USC 705, 794; 34 CFR 104.1-104.39), districts have an obligation to provide an equal opportunity to individuals with disabilities to participate in and receive the benefits of the educational program. ~~The U.S. Department of Education's Office for Civil Rights June 2010~~28 CFR 35.200-35.205 and ~~May 2011 Dear Colleague Letters interpret that such obligations include the requirement that district websites be~~89 Fed. Reg. 31337 establish specific requirements and technical standards for making accessible the web content offered by government entities to ~~individuals with disabilities.~~

~~While there are no explicit standards detailed in law or regulations addressing accessible features,~~the public through web and mobile applications.

These requirements include use of the World Wide Web Consortium's Web Content Accessibility Guidelines 2.1 ~~and~~. Additionally, the Web Accessibility Initiative Accessible Rich Internet Applications Suite are widely used tools that may serve as guidelines for district and school websites. ~~Additionally~~In addition, examples of technical standards for accessibility are available on the California Department of Education's website.

In accordance with the requirements of the Americans with Disabilities Act ~~and~~, Section 504 of the federal Rehabilitation Act of 1973, and the associated federal regulations, district and school websites shall contain features that ensure accessibility for individuals with disabilities~~, which may~~. Such features include, but are not limited to, captions for videos and multimedia presentations, text alternatives to images, provision of sufficient time to use the content, avoidance of flashing images, adequate contrast in visual presentations, and/or other features that meet applicable standards for website accessibility. The Superintendent or designee shall regularly review district and school websites and modify them as needed to ensure legal compliance with accessibility standards.

Website Content

CSBA NOTE: The following section may be revised to reflect district practice.

Government Code 54954.2 requires the district to post a "prominent, direct link" to the current Governing Board meeting agenda on the primary homepage of the district's website. However, districts that use an integrated agenda management platform (i.e., a website dedicated to providing the entirety of the agenda information for the ~~Governing~~ Board) are exempt from this requirement if a direct link to the platform is posted on the homepage and the current agenda is the first agenda available at the top of the platform. Government Code 54954.2 specifies that agendas posted either through a direct link or through use of an integrated agenda management platform must be (1) retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications, (2) platform independent and machine readable, and (3) available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

As applicable, district and school websites shall provide current information regarding the district's mission and goals, district/school programs and operations, district/school news, agendas and minutes of Governing Board meetings, School Accountability Report Cards, school calendars, and links to educational resources.

With approval of the principal, individual teachers may create web pages linked to the district or school website to provide information pertaining to class assignments, expectations, and activities.

CSBA NOTE: In determining whether to limit or allow the ability of certain groups or individuals to provide content for district or school websites, it is recommended that districts ~~should~~ consult ~~with~~ CSBA's District and County Office of Education Legal Services or district legal counsel on matters pertaining to protected speech and equal access; see BP/AR 5145.2 - Freedom of Speech/Expression and BP/AR 6145.5 - Student Organizations and Equal Access.

Student work may be published on district or school websites provided that both the student and the student's parent/guardian provide written permission or the work is part of an existing publication such as a school newspaper.

CSBA NOTE: Federal copyright law (17 USC 106) grants a copyright owner the exclusive rights to reproduce, distribute, make derivative works of, publicly perform, or publicly display the copyrighted work or to authorize others to do so. However, pursuant to 17 USC 107, "fair use" (i.e., the reproduction of limited portions of copyrighted materials without the copyright owner's permission) is allowed for such purposes as criticism, comment, news reporting, teaching, scholarship, or research; see BP/AR 6162.6 - Use of Copyrighted Materials. Even if use of certain copyrighted materials in the district meets the criteria for a fair use exception, text, art, or photos that are not clearly stated to be in the "public domain" and available for free use should not be replicated on a district or school website without prior permission of the copyright owner.

Any copyrighted material to be posted on a district or school website shall first be submitted to the Superintendent or designee together with the permission of the copyright owner to reprint the material. Any copyrighted material submitted without the copyright owner's permission shall only

be posted on a district or school website if the Superintendent or designee determines that the material is in the public domain or that the intended use meets the criteria for fair use or another exception pursuant to 17 USC 107-122. When any copyrighted material is posted, the website shall include a notice crediting the copyright owner and, as necessary, shall note that permission to reprint the material was granted.

Whenever a district or school website includes links to external websites, it shall include a disclaimer that the district is not responsible for the content of external websites.

Roles and Responsibilities

Any employee assigned as a district or school webmaster shall be responsible for the uploading of material to the website(s) upon approval of the Superintendent or designee. The employee shall review district and school websites to ensure consistency with district standards, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed.

The Superintendent or designee may assign additional staff members to conduct editorial reviews of all materials submitted for publication on district or school websites and to make corrections as needed in spelling, grammar, or accuracy of content.

The Superintendent or designee shall provide staff development opportunities related to district content guidelines, design standards, and accessibility laws and standards to district communications and technology staff, district and school webmasters, and/or other appropriate staff.

~~**Security**~~

~~CSBA NOTE: Government Code 11549.3 authorizes districts, at district expense, to request the Military Department, in consultation with the California Cybersecurity Integration Center, to perform an independent security assessment of the district or individual district schools. Districts are encouraged to consult with the California Office of Emergency Services (OES) and utilize resources such as the State Threat Assessment System and Regional Fusion Centers to help assess potential threats. For more information, see OES' Cybersecurity Integration Center website.~~

~~Pursuant to Education Code 35266, districts that experience a cyberattack which impacts more than 500 students or personnel are required to report such cyberattack to the California Cybersecurity Integration Center.~~

~~The Superintendent or designee shall establish security procedures for the district's computer network to prevent unauthorized access and changes to district and school websites. To the extent possible, the host computer(s) shall be in a lockable room with restricted access.~~

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Ed. Code 35258	Internet access to school accountability report cards
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Ed. Code 48950	Speech and other communication
Ed. Code 48985.5	Synthetic drug use
Ed. Code 48985.5	Synthetic drugs
Ed. Code 49006	Seclusion and restraint
Ed. Code 49061	Definitions; directory information
Ed. Code 49073	Release of directory information
Ed. Code 5092	Filling Vacancies
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Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950	California Civil Rights Department posters
Gov. Code 3307.5	Publishing identity of public safety officers

Gov. Code 7920.000-7930.215	California Public Records Act
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents

Federal	**Description**
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28 CFR 35.200-35.205	Web accessibility requirements
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act

Management Resources	**Description**
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave, January 2023
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CA Civil Rights Department Publication	The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee, January 2023
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Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)

U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOJ, Civil Rights Division Publication	~~Accessibility of State and Local Government Websites to People with Disabilities, February 2020~~Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, April 24, 2024, Vol. 89, pages 31320-31396 (https://www.federalregister.gov/documents/2024/04/24/2024-07758/nondiscrimination-on-the-basis-of-disability-accessibility-of-web-information-and-services-of-state)
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Website	Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments
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Website	CSBA District and County Office of Education Legal Services
Website	Governor's Office of Planning and Research, The California Environmental Quality Act
Website	California Department of Education, Web Accessibility Standards
Website	California School Public Relations Association
Website	California Interscholastic Federation
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, ~~June 2018~~December 2024 (https://www.w3.org/TR/WCAG21/)

Cross References

Code	Description
0000	Vision
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
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1112	Media Relations
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
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1340	Access To District Records
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3100	Budget
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools

3515	Campus Security
3515	Campus Security
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
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5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5131.2	Bullying
5131.2	Bullying
5131.41	Use Of Seclusion And Restraint
5141.5	Mental Health
6020	Parent Involvement
6020	Parent Involvement
6145.2	Athletic Competition
6145.2	Athletic Competition
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6173	Education For Homeless Children

6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6190	Evaluation Of The Instructional Program
7150	Site Selection And Development
7150	Site Selection And Development
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9012	Board Member Electronic Communications
9223	Filling Vacancies
9310	Board Policies
9320	Meetings And Notices
9322	Agenda/Meeting Materials

Exhibit 1113-E(1): District And School Websites

Status: ADOPTED

Original Adopted Date: 10/01/2020 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEBSITE

CSBA NOTE: The following exhibit lists material that the law explicitly requires be posted on district or school websites. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related requirements. The exhibit does not include other postings that may be recommended throughout CSBA's sample policy manual but are not required by law.

This exhibit is a non-exhaustive list of materials which the law explicitly requires be posted on district or school websites. Other posting requirements may exist and may be identified in the future.

Materials to Prominently Display

The following must be posted in a prominent location on the district's website, such as on the home page when required by law:

1. ~~The~~In accordance with Administrative Regulation 0460 – Local Control and Accountability Plan, the district's local control and accountability plan (LCAP), any updates or revisions to the LCAP, and the local control funding formula budget overview (Education Code 52064.1, 52065~~). See AR 0460 - Local Control and Accountability Plan.~~)

2. ~~A~~In accordance with Board Bylaw 9320 - Meetings and Notices and Board Bylaw 9322 - Agenda/Meeting Materials, a direct link to the current board agenda containing the time and location of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, or a link to the district's agenda management platform where the current agenda shall be the first available (Government Code 54954.2, 54956~~). Post~~)

   The agenda shall be posted at least 72 hours before a regular board meeting or 24 hours before a special meeting. ~~See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.~~
   (Government Code 54954.2)

3. ~~The district's policy on student suicide prevention including, for grades K-6, the age appropriateness of the policy (Education Code 234.6). See BP 5141.52 - Suicide Prevention.~~

CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education (CDE) is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies on the district's website.

4. 3.The In accordance with Administrative Regulation 5131.2 - Bullying and Administrative Regulation 5145.3 - Nondiscrimination/Harassment, the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media (Education Code 234.6). See AR 5131.2 - Bullying and AR 5145.3 - Nondiscrimination/Harassment.)

5. The district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.

6. 4.The In accordance with Administrative Regulation 5145.3 - Nondiscrimination/Harassment, the definition of discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8 (Education Code 234.6). See AR 5145.3 - Nondiscrimination/Harassment.)

7. Information regarding Title IX prohibitions against discrimination based on a student's sex, including sex stereotypes, sex characteristics, gender, gender identity, sexual orientation, pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery, and parental, family, and marital status; that inquiries about the application of Title IX may be referred to the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights (OCR); the name and contact information of the Title IX Coordinator; how to locate the district's nondiscrimination policy and grievance procedures; how to report information about conduct that may constitute sex discrimination under Title IX; the rights of students and the public as specified in Education Code 221.8; the responsibilities of the district under Title IX; web links to information about those rights and responsibilities on the websites of the Office for Equal Opportunity and OCR; a description of how to file a complaint of noncompliance under Title IX with specified components; and a link to Title IX information posted on the California Department of Education's (CDE) website (Education Code 221.6, 221.61, 234.6; 34 CFR 106.2, 106.8, 106.10). See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.

8. 5. A link to statewide CDE-In accordance with Administrative Regulation 5145.3 - Nondiscrimination/Harassment, a link to statewide California Department of Education (CDE)-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5, 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
)

~~9.~~ 6. ~~Posters~~In accordance with Administrative Regulation 4030 - Nondiscrimination in Employment and Administrative Regulations 4161.8/4261.8/4361.8 - Family Care and Medical Leave, posters published by the California Civil Rights Department (CRD) including, "California Law Prohibits Workplace Discrimination and Harassment," and for districts with five or more employees, "The Rights of Employees Who Are Transgender or Gender Nonconforming," "Your Rights and Obligations as a Pregnant Employee," and "Family Care and Medical Leave and Pregnancy Disability Leave" (Government Code 12950~~). See AR 4030 - Nondiscrimination in Employment and AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.~~)

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474 effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in Item #7, below, to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024

7. In accordance with Administrative Regulation 5145.3 - Nondiscrimination/Harassment and Administrative Regulation 5145.7 - Sexual Harassment, information regarding Title IX prohibitions against discrimination based on a student's sex; that inquiries about the application of Title IX may be referred to the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights (OCR) Assistant Secretary; the name and contact information of the Title IX Coordinator; the rights of students and the public as specified in Education Code 221.8; the responsibilities of the district under Title IX; web links to information about those rights and responsibilities on the websites of the Office for Equal Opportunity and OCR; a description of how to file a complaint of noncompliance under Title IX with specified components; and a link to Title IX information posted on CDE's website (Education Code 221.6, 221.61, 234.6; 34 CFR 106.8)

8. In accordance with Board Policy 5141.52 - Suicide Prevention, the district's policy on student suicide prevention including, for grades K-6, the age appropriateness of the policy (Education Code 234.6)

CSBA NOTE: Education Code 234.6, as amended by SB 939 (Chapter 907, Statutes of 2024), requires districts, to ensure that resources related to neurodiversity are readily accessible in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students.

9. In accordance with Board Policy and Administrative Regulation 5145.3 – Nondiscrimination/Harassment, the resources related to neurodiversity posted on CDE's website (Education Code 234.6)

10. In accordance with Board Policy 5145.9 - Hate-Motivated Behavior, the district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6)

11. ~~If~~ In accordance with Board Policy 7212 - Mello-Roos Districts, if the district has formed a community facilities district (Mello-Roos district) for the acquisition or improvement of school facilities, a copy of the annual report for the fiscal year if requested pursuant to Government Code 53343.1, the report provided to the California Debt and Investment Advisory Commission pursuant to Government Code 53359.5, and the report provided to the State Controller's office pursuant to Government Code 12463.2 (Government Code 53343.2~~).~~)

    Post within seven months after the last day of the fiscal year. ~~See BP 7212 - Mello-Roos Districts.~~ (Government Code 53343.2)

CSBA NOTE: Pursuant to Education Code 42103, beginning January 1, 2027, the requirement to publish notification of the hearing date and location for inspection for the district's proposed budget in a newspaper of general circulation is repealed and instead requires the information to be posted prominently on the district's website homepage at least three days before the availability of the proposed budget for public inspection.

12. In accordance with Administrative Regulation 3100 – Budget, beginning January 1, 2027, at least three days before the availability of the proposed budget for public inspection the location and dates at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing (Education Code 42103)

Other Postings

The following materials are also required to be posted on the district website. However, there are no specific requirements related to where they are posted on the website.

~~11.~~ 13. ~~The~~In accordance with Administrative Regulation 0430 - Comprehensive Local Plan for Special Education, the Special Education Local Plan Area's approved comprehensive local plan for special education, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans (Education Code 56205.5~~).~~ ~~See AR 0430 - Comprehensive Local Plan for Special Education.~~)

~~12.~~ 14. ~~The~~In accordance with Board Policy 0410 - Nondiscrimination in District Programs and Activities and Administrative Regulation 4030 - Nondiscrimination in Employment, the district's nondiscrimination policy and regulation, including the complaint procedure and the compliance coordinator's contact information (34 CFR 100.6, 106.8~~).~~ ~~See BP 0410 - Nondiscrimination in District Programs and Activities and AR 4030 - Nondiscrimination in Employment.~~)

~~13.~~ 15. ~~Contact~~In accordance with Administrative Regulation 6173 - Education for Homeless Children, contact information for the district's liaison(s) for homeless students and other persons as required by Education Code 48852.6, and information regarding the educational rights and resources available to persons experiencing homelessness (Education Code 48852.6~~).~~ ~~See AR 6173 - Education for Homeless Children.~~)

~~14.~~ 16. ~~For~~In accordance with Administrative Regulation 6145.2 - Athletic Competition, for all schools offering competitive athletics, the total enrollment of the school classified by

gender, the number of students enrolled at the school who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9~~).~~)

The information shall be posted at the end of the school year on the school's website or, if the school does not have a website, on the district's website. ~~See AR 6145.2 - Athletic Competition.~~(Education Code 221.9)

~~15.~~ 17. ~~If~~In accordance with Administrative Regulation 5117 - Interdistrict Transfer, if the district has interdistrict attendance agreement(s), the procedures and timelines for requesting an interdistrict transfer permit, including, but not limited to, a link to the board's policy on interdistrict attendance, the date that the district will begin accepting applications, reasons that the district may approve/deny the request, the process for appeal, that failure to meet timelines will be deemed an abandonment of the request, and the condition under which an existing interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2~~). See AR 5117 - Interdistrict Transfer.~~)

~~16.~~ 18. ~~If~~In accordance with Administrative Regulation 5117 - Interdistrict Transfer, if the district has elected to be a school district of choice, application information including, at a minimum, any applicable form, the timeline for a transfer, and an explanation of the selection process (Education Code 48301~~). See AR 5117 - Interdistrict Transfer.~~)

~~17.~~ 19. ~~For~~In accordance with Administrative Regulation 6152.1 - Placement in Mathematics Courses, for districts that offer grade 9, the district's policy and protocols related to student placement in mathematics courses (Education Code 51224.7~~). See AR 6152.1 - Placement in Mathematics Courses.~~)

~~18.~~ 20. ~~The~~In accordance with Board Policies 4119.21/4219.21/4319.21 - Professional Standards and Board Policies 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions, the section(s) of the district's employee code of conduct addressing interactions with students~~.~~ (Education Code 44050)

These section(s) or a link to them shall be posted on each school's website or, if a school does not have its own website, on the district's website in a manner that is accessible to the public without a password. (Education Code 44050) ~~See BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions.~~

~~19.~~ 21. ~~The~~In accordance with Board Policy and Administrative Regulation 3551 - Food Services Operations/Cafeteria Fund, the district's meal payment collection policy and procedures (U.S. Department of Agriculture (USDA) Memorandum SP 46-2016~~). See BP/AR 3551 - Food Services Operations/Cafeteria Fund.~~)

~~20.~~ 22. ~~If the district includes information about the free and reduced-priced meal program on its website, a~~In accordance with Exhibit (1) 3555 - Nutrition Program Compliance, which includes the required nondiscrimination statement about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district ~~(USDA FNS Instruction 113-1). For the required wording of the statement, see E(1) 3555 - Nutrition Program Compliance.~~.

This statement is to be posted if the district includes information about the free and reduced-priced meal program on its website (USDA FNS Instruction 113-1)

~~21.~~ 23. ~~The~~In accordance with Administrative Regulation 3514.2 - Integrated Pest Management, the school's or district's integrated pest management plan, whenever a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5~~.~~ (Education Code 17611.5)

The plan shall be posted on the school's website or, if the school does not have a website, then on the district's website. (Education Code 17611.5~~).~~ ~~See AR 3514.2 Integrated Pest Management.~~)

~~22.~~ 24. ~~When~~In accordance with Board Policy 7150 - Site Selection And Development, when the California Environmental Quality Act requires an environmental impact report, negative declaration, or mitigated negative declaration, those environmental review documents, public notice of the preparation and availability of such documents within a reasonable period of time prior to certification of the environmental impact report, adoption of a negative declaration, or determination that a proposed subsequent project will have no additional significant effect on the environment, and specified notices when written requests for notices have been filed (Public Resources Code 21082.1, 21092, 21092.2~~).~~ ~~See BP 7150 - Site Selection And Development.~~)

~~23.~~ 25. ~~When~~In accordance with Administrative Regulation 7214 - General Obligation Bonds, when a citizens' oversight committee is formed after the approval of a bond under the 55 percent majority threshold, the committee's minutes, documents received, and reports issued (Education Code 15280~~).~~ ~~See AR 7214 - General Obligation Bonds.~~)

~~24.~~ 26. ~~Copy~~In accordance with Board Policy 0510 - School Accountability Report Card, copy of each school's school accountability report card, on or before February 1 of each year (Education Code 35258~~).~~ ~~See BP 0510 - School Accountability Report Card.~~)

~~25.~~ 27. ~~Results~~In accordance with Board Policy 6190 - Evaluation of the Instructional Program, results of the Western Association of Schools and Colleges (WASC) or other accrediting agency's inspection of a school, within 60 days of receiving the results~~.~~ ~~(~~ (Education Code 35178.4)

This notification ~~could~~may be made in writing to parents/guardians instead of or in addition to posting the results on the district's website~~.)~~ ~~In addition~~. Additionally, if a school loses its WASC or other agency's accreditation, the district and school shall post on their websites a notice of the loss of accreditation and potential consequences. (Education Code 35178.4~~).~~ ~~See BP 6190 - Evaluation of the Instructional Program.~~)

~~26.~~ 28. The district's COVID-19 testing plan (Education Code 32096~~).~~)

~~CSBA NOTE: Pursuant to Education Code 32526, as amended by SB 141 (Ch. 194, Statutes of 2023), a district is required to make publicly available on its website interim expenditure reports on the use of Learning Recovery Emergency Funds by December 1, 2024 and annually thereafter, and a final report on expenditures no later than December 15, 2029.~~

~~27.~~ 29. ~~Using~~ In accordance with Board Policy 0460 – Local Control and Accountability Plan, and using the template developed by CDE, the use of Learning Recovery Emergency Funds,

with interim reports posted ~~by December 1, 2024 and~~ annually thereafter, and a final report by December 15, 2029 (Education Code 32526~~).~~)

~~28.~~ 30. ~~An~~In accordance with Board Policy 5141.5 - Mental Health, an age appropriate and culturally relevant digitized poster that identifies approaches and shares resources about student mental health, distributed to students online at the beginning of each school year (Education Code 49428.5~~). See BP 5141.5 - Mental Health~~)

CSBA NOTE: Pursuant to Education Code 33353, ~~as amended by AB 1327 (Ch. 366, Statutes of 2023),~~ districts that participate in the California Interscholastic Federation (CIF) are required to post, ~~on or before April 1, 2025,~~ the standardized incident form developed by the ~~California Department of Education~~CDE to track racial discrimination, harassment, or hazing, that occurs at high school sporting games or events, including information on how to submit a completed incident form.

~~29.~~ 31. ~~The~~In accordance with Board Policy and Administrative Regulation 6145.2 – Athletic Competition, the standardized incident form developed by CDE to track racial discrimination, harassment, or hazing, that occurs at high school sporting games or events, including information on how to submit a completed incident form (Education Code 33353~~).~~)

~~CSBA NOTE: Pursuant to Education Code 5092, as amended by AB 1326 (Ch. 68, Statutes of 2023), the Board is required to post a notice upon filling a Board vacancy by provisional appointment.~~

~~30.~~ 32. ~~If~~In accordance with Board Bylaw 9223 - Filling Vacancies, if a provisional appointment is made to fill a governing board vacancy, notice of both the actual vacancy or the filing of a deferred resignation and the provisional appointment~~.~~ (Education Code 5092)

Post within 10 days of making the provisional appointment. (Education Code 5092~~). See BB 9223 - Filling Vacancies.~~)

CSBA NOTE: Pursuant to Education Code 48985.5, ~~as added by AB 889 (Ch. 123, Statutes of 2023),~~ ~~each~~each school and district that maintains a website is required to post on its website~~,~~ information about the dangers associated with the use of synthetic drugs that are not prescribed by a physician, such as fentanyl, and of the possibility that dangerous synthetic drugs can be found in counterfeit pills~~. Such districts are also required to ensure that each district school that maintains its own website posts the information on the school's website.~~, and as amended by AB 2690 (Ch. 241, Statutes of 2024), the risk of social media being used as a way to market and sell synthetic drugs.

~~31.~~ 34. ~~The~~ In accordance with Board Policy 5131.6 – Alcohol and Other Drugs, on the website of each school and the district website, post information about the dangers associated with using synthetic drugs that are not prescribed by a physician, such as fentanyl, and of the possibility that dangerous synthetic drugs can be found in counterfeit pills , and the risk~~s~~ of social media being used as a way to market and sell synthetic drugs (Education Code 48985.5~~).~~)

CSBA NOTE: Pursuant to Education Code 49006, ~~as amended by AB 1466 (Ch. 582, Statutes of 2023),~~ districts are required to annually post on the district website their report on the use of behavioral restraints and seclusion for students enrolled or served by the district for all or part of the prior school year.

~~32.~~ 35. ~~The~~ In accordance with Administrative Regulation 5131.41 – Use of Seclusion and Restraint, the annual report to CDE on the use of behavioral restraints and seclusion (Education Code 49006~~).~~)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	~~K-12 Pupil~~Student Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Ed. Code 234.1	Policy prohibiting discrimination, harassment, intimidation, and bullying
Ed. Code 234.6	Resources on neurodiversity
Ed. Code 32526	Use of learning recovery funds
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
Ed. Code 42103	Budget notification
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985.5	Synthetic drug use
Ed. Code 48985.5	Synthetic drugs
Ed. Code 49006	Seclusion and restraint

Ed. Code 49061	Definitions; directory information
Ed. Code 49073	Release of directory information
Ed. Code 5092	Filling Vacancies
Ed. Code 60048	Commercial brand names, contracts or logos
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950	California Civil Rights Department posters
Gov. Code 3307.5	Publishing identity of public safety officers
Gov. Code 7920.000-7930.215	California Public Records Act
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents

Federal	**Description**
16 CFR 312.1-312.13	Children's Online Privacy Protection Act
28 CFR 35.200-35.205	Web accessibility requirements
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act

Management Resources	**Description**
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave, January 2023
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment, January 2024
CA Civil Rights Department Publication	The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee, January 2023

Court Decision	Aaris v. Las Virgenes Unified School District (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOJ, Civil Rights Division Publication	~~Accessibility of State and Local Government Websites to People with Disabilities, February 2020~~Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, April 24, 2024, Vol. 89, pages 31320-31396 (https://www.federalregister.gov/documents/2024/04/24/2024-07758/nondiscrimination-on-the-basis-of-disability-accessibility-of-web-information-and-services-of-state)
Website	California Interscholastic Federation
Website	Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments
Website	California Cybersecurity Integration Center
Website	CSBA District and County Office of Education Legal Services
Website	Governor's Office of Planning and Research, The California Environmental Quality Act
Website	California Department of Education, Web Accessibility Standards
Website	California School Public Relations Association
Website	California Interscholastic Federation

Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, ~~June~~ ~~2018~~December 2024 (https://www.w3.org/TR/WCAG21/)

Cross References

Code	Description
0000	Vision
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures

1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3515	Campus Security
3515	Campus Security
3515.3	District Police/Security Department
3515.3	District Police/Security Department
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6152.1	Placement In Mathematics Courses
6162.6	Use Of Copyrighted Materials
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Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2017 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

CSBA NOTE: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 **mandates** districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan, and Education Code 8212 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination ~~(such as discriminatory harassment, intimidation, or bullying).~~. For example, districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. The following policy contains a list of programs and activities subject to these procedures pursuant to state law; see the section "Complaints Subject to UCP~~",~~"," below.

~~The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written district policies and procedures for required statements, including prohibition of discrimination (such as discriminatory harassment, intimidation, and bullying) against students pursuant to Education Code 234.1 and (2) records of required activities, such as annual notification provided to students, parents/guardians, employees, and other school community members.~~
The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process.

~~The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). Pursuant to 34 CFR 106.1-106.82, as amended by the 89 Fed. Reg. 33474, districts are required to follow the Title IX grievance procedures when investigating and resolving Title IX sex discrimination complaints based on conduct that occurred on or after August 1, 2024. See BP/AR 5145.7 - Sex~~

~~Discrimination and Sex-Based Harassment and AR/E(1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. As such a complaint may also fall within the scope of the UCP, it is unclear whether districts would additionally be required to follow the UCP. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose.~~

The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107).

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, OCR's February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is addressed through BP/AR 1312.3 – Uniform Complaint Procedures or the federal Title IX complaint procedures in accordance with 5145.71 – Title IX Sexual Harassment Complaint Procedures, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the section "Non-UCP Complaints" below, the accompanying administrative regulation, BP/AR 5145.7 - Sexual Harassment, and AR 5145.71 - Title IX Sexual Harassment 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 the 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 UCP

CSBA NOTE: The FPM process includes a review of a district's policies and procedures to determine whether all district programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. According to CDE, the district's policy must list all such programs and activities and, at the district's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the district.

~~For further information regarding requirements for the following programs and activities, see the law cited and/or related CSBA policy and/or administrative regulation.~~

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

1. Accommodations for pregnant and parenting students (Education Code 46015)

2. Adult education programs (Education Code 8500-8538, 52334.7, 52500~~-52617)~~ , 52616.18)

3. After School Education and Safety programs (Education Code 8482-8484.65)

4. Agricultural career technical education (Education Code 52460-52462)

5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)

6. Child care and development programs (Education Code 8200-8488)

7. Compensatory education (Education Code 54400)

8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)

9. Course periods without educational content (Education Code 51228.1-51228.3)

~~CSBA NOTE: As noted above, it is unclear whether districts are required to follow the UCP in addition to the Title IX grievance procedures when investigating and resolving a Title IX sex discrimination complaint based on conduct that occurred on or after August 1, 2024. As a result, Item #10 below does not list discrimination, harassment, intimidation, or bullying in district programs and activities based on sex. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to including discrimination, harassment, intimidation, or bullying in district programs and activities based on sex in Item #10. See Item #3 in the Non-UCP Complaint section.~~
CSBA NOTE: Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

10. ~~Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, physical or mental disability, medical condition, or genetic information; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)~~
Discrimination, harassment, intimidation, or bullying in district programs and activities,

including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, a person's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or based on the person's association with a person or group with one or more of these actual or perceived characteristics (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 5 CCR 4610; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

However, the UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

CSBA NOTE: Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Governing Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any Board action to ban or censor a textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction on any of the bases described above may also constitute unlawful discrimination under Education Code 220. In addition, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220.

Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, or Education Code 244, as added by SB 153, may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

Education Code 242, as added by AB 1078, requires CDE to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

For more information regarding instructional materials adoption, see BP/AR/E(1) 6161.1 - Selection and Evaluation of Instructional materials, CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

CSBA NOTE: Pursuant to Education Code 51225.1 and 51225.2, exemptions from district adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program, are applicable to "newcomer students," as defined in Education Code 51225.2, who are in the third or fourth year of high school. Additionally, pursuant to Education Code 51225.25, as added by AB 2473 (Ch. 831, Statutes of 2024), a "student participating in a newcomer program," as that term was defined by Education Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024, is entitled to the rights specified in Education Code 51225.1 and 51225.2, as described above. The district may, in its discretion, extend the rights established in Education Code 51225.1 to other students participating in a newcomer program.

Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. Additionally, discrimination includes, but is not limited to, the Board's adoption or approval of use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library if the use would subject a student to unlawful discrimination pursuant to Education Code 220. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

The UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

CSBA NOTE: Pursuant to Education Code 51225.1 and 51225.2, as amended by AB 714 (Ch. 342, Statutes of 2023), exemptions from district adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program, are applicable to "newcomer students," as defined in Education Code 51225.2, who are in the third or fourth year of high school.

12. 11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and newcomer students (Education Code 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 49069.5, 51225.1, 51225.2)

~~13.~~ 12. Every Student Succeeds Act (Education Code 12030, 52059.5, 64000; 20 USC 6301 et seq.)

CSBA NOTE: Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library based on a violation of Education Code 243, or Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 242, CDE has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

For more information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library, see BP 0410 – Nondiscrimination in District Programs and Activities, BP/AR/E(1) 6161.1 – Selection and Evaluation of Instructional Materials, BP 6161.11 – Supplementary Instructional Materials, and BP 6163.1 – Library Media Centers. Also see CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

13. Instructional Materials and Curriculum: Diversity (Education Code 243)

A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

14. Local control and accountability plan (Education Code 52075)

15. Migrant education (Education Code 54440-54445)

16. Physical education instructional minutes (Education Code 51210, 51222, 51223)

17. Student fees (Education Code 49010-49013)

18. Reasonable accommodations to a lactating student (Education Code 222)

19. Regional occupational centers and programs (Education Code 52300-52334.7)

20. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

22. State preschool programs (Education Code ~~8207-8225~~8200-8488, 33315)

CSBA NOTE: Pursuant to Education Code 8212~~,~~ and CDE's ~~2023-24~~ FPM instrument, ~~which is subject to change as the 2024-25 FPM instrument has not yet been released,~~ the district ~~must~~is required to use the UCP, with modifications as necessary, to resolve complaints alleging deficiencies related to health and safety issues in license-exempt CSPPs. Pursuant to 5 CCR 4610, such complaints ~~must~~are required to be addressed through the procedures described in 5 CCR 4690-4694. See ~~the section~~ "Health and Safety Complaints in License-Exempt Preschool Programs" in the accompanying administrative regulations.

23. State preschool health and safety issues in license-exempt programs (Education Code 8212)

CSBA NOTE: Pursuant to Education Code 33315, as amended by AB 3074 (Ch. 665, Statutes of 2024), the district is required to use the UCP to resolve complaints related to school or athletic team names, mascots, or nicknames.

24. School or athletic team names, mascots, or nicknames pursuant to Education Code 221.3

CSBA NOTE: 5 CCR 4621 ~~mandates that~~requires district policy to ensure that complainants are protected from retaliation as specified in ~~item #23~~Item #25 below.

~~24.~~ 25. 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

~~25.~~ 26. Any other state or federal educational program the SPI or designee deems appropriate

CSBA NOTE: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances~~,~~ (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a

student might feel pressured to "voluntarily" agree to it. Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The following optional paragraph provides for a neutral mediator and should be revised to reflect district practice.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process 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 ~~federal,~~ state~~,~~ and ~~local~~federal laws and regulations.

CSBA NOTE: The following paragraph is ~~mandated~~required pursuant to 5 CCR 4621. Since appropriate disclosure will vary in each case depending on the facts and circumstances, it is recommended that districts consult ~~CSBA's~~CSBA's District and County Office of Education Legal Services or district legal counsel.

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 different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to 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 requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

CSBA NOTE: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the district is investigated by OCR or CDE, these are important documents in demonstrating that the district has complied with federal law, state law, and its own policies and regulations.

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

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency (5 CCR 4611)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services (5 CCR 4611)

~~CSBA NOTE: 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. While the phrases "gender" and "gender expression" are not explicitly included, they are implied by the definitions of those terms that are explicitly included.~~

CSBA NOTE: The complaint procedures specified in the Title IX regulations (34 CFR 106.44-106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~3. Any complaint alleging that a student, while in an education program or activity, was subjected to conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 106.2~~

~~Discrimination on the basis of sex includes sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Such a complaint shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44)~~

3. Any complaint alleging that a student, while in an education program or activity, was subjected to sexual harassment, as defined in 34 CFR 106.30

Such a complaint shall be addressed through the federal Title IX complaint procedures as specified in Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.

~~CSBA NOTE: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district must establish an impartial and prompt process for addressing such complaints. In addition, 5 CCR 4611 requires that employment discrimination~~

~~complaints be referred to the Civil Rights Department.~~

~~However, pursuant to 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, districts are required to follow the Title IX grievance procedures when investigating and resolving employment complaints alleging sex discrimination based on conduct that occurred on or after August 1, 2024. See BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment and AR/E(1) 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. As such a complaint may also fall within the process specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the complaint procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose. See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.~~
CSBA NOTE: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district is required to establish an impartial and prompt process for addressing such complaints. Additionally, 5 CCR 4611 requires that employment discrimination complaints be referred to the Civil Rights Department. See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.

~~4. Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department~~

~~Employment complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~

4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department

CSBA NOTE: 5 CCR 4610 limits the applicability of the UCP for complaints regarding special education and child nutrition, as provided in Items #5-7 below.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education (5 CCR 3200-3205)

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance (5 CCR 15580-15584)

7. Any ~~allegation of~~complaint alleging discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance (5 CCR 15582)

CSBA NOTE: Education Code 35186 requires the district to use UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

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

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Ed. Code 18100-18203	School libraries
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33315	Uniform complaint procedures
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.~~2~~25	Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education

Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

Federal	**Description**
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color, or national origin

34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy; adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024

	(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
California Department of Education Publication	Uniform Complaint Procedure ~~2021-22~~ Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
~~CSBA Publication~~	~~Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024~~
~~CSBA Publication~~	~~Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024~~
~~CSBA Publication~~	~~Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024~~
Federal Register	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
~~U.S. DOJ Publication~~	~~Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007~~

Website	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office
Website	U.S. Department of Agriculture
Website	California Department of Social Services
Website	U.S. Department of Justice
~~Website~~	~~California Civil Rights Department~~
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
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0430	Comprehensive Local Plan For Special Education
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0450	Comprehensive Safety Plan
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1113	District And School Websites
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1114	District-Sponsored Social Media

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1312.4-E(2)	Williams Uniform Complaint Procedures
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4119.1	Civil And Legal Rights

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4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4119.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4219.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4219.23	Unauthorized Release Of Confidential/Privileged Information
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4244	Complaints
4244	Complaints
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~~4319.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
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Regulation 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2017 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: 5 CCR 4621 mandates that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8212 mandates districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination, harassment, intimidation, or bullying. For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 110.25 to adopt policies and procedures to address discrimination on the basis of age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.~~

~~Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Governing Board to (1) refuse to approve the use any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any Board action to ban or censor a textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction on any of the bases described above may also constitute unlawful discrimination under Education Code 220. In addition, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220.~~

~~Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, or Education Code 244, as added by SB 153, may be brought under the district's UCP or~~

~~may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.~~

~~Education Code 242, as added by AB 1078, requires the California Department of Education (CDE) to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.~~

~~Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, students experiencing homelessness, former juvenile court school students, children of military families, students who are migratory, and, as amended by AB 714 (Ch. 342, Statutes of 2023), newcomer students as defined in Education Code 51225.2 who are in the third or fourth year of high school; assignment of students to courses without educational content; and physical education instructional minutes. See the section "Complaints Subject to UCP" in the accompanying Board policy.~~

~~For a complaint which is based on allegations part of which fall under UCP and part of which fall outside of UCP, districts may need to initiate two separate investigations: one to investigate the allegations that fall under UCP and the other to investigate the allegations that fall outside of UCP.~~

CSBA NOTE: 5 CCR 4621 **mandates** that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8212 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination. For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age.

Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library based on a violation of Education Code 243, or Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), may be brought under the district's UCP

or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 242, the California Department of Education (CDE) has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, students experiencing homelessness, former juvenile court school students, children of military families, students who are migratory, newcomer students as defined in Education Code 51225.2 who are in the third or fourth year of high school, and pursuant to Education Code 51225.25, as added by AB 2473 (Ch. 831, Statutes of 2024), a "student participating in a newcomer program," as that term was defined by Education Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024 as well as any other students participating in a newcomer program for whom the district has extended such rights; assignment of students to courses without educational content; and physical education instructional minutes. See "Complaints Subject to UCP" in the accompanying Board policy.

For a complaint which is based on allegations part of which fall under UCP and part of which fall outside of UCP, such as the non-UCP complaints identified in the accompanying Board policy, districts may need to initiate two separate investigations: one to investigate the allegations that fall under UCP and the other to investigate the allegations that fall outside of UCP.

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

Compliance Officers

~~CSBA NOTE: 5 CCR 4621 mandates the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, harassment, intimidation, or bullying and retaliation. During its Federal Program Monitoring (FPM) process, CDE staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the lead compliance officer.~~

~~The following paragraph specifies that the compliance officer will be the same person designated to serve as the Title IX Coordinator for addressing complaints of sex discrimination and sex-based harassment pursuant to AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. Districts may modify this regulation to designate different district employees to serve these functions.~~
CSBA NOTE: 5 CCR 4621 requires the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, harassment, intimidation, or bullying, and retaliation. During its Federal Program Monitoring (FPM) process, CDE staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below.

The following paragraph specifies that the compliance officer will be the same person designated to serve as the Title IX Coordinator for addressing complaints of unlawful discrimination, harassment, intimidation, or bullying pursuant to AR 5145.3 – Nondiscrimination/Harassment, and complaints of sexual harassment pursuant to AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Districts may modify this regulation to designate different district employees to serve these functions. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment, who is responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying, and in Administrative Regulation 5145.7 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment, who is responsible for handling complaints regarding ~~sex discrimination and sex-based~~sexual harassment.

_____
(title or position)
_____
(unit or office)
_____
(address)
_____
(telephone number)
_____
(email)

CSBA NOTE: The following paragraph is for use by districts that have designated more than one compliance officer.

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 another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of 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.

CSBA NOTE: 5 CCR 4621 ~~mandates~~ ~~that~~ requires the district's policy ~~requires~~ to include that employees responsible for compliance and/or for investigating and resolving complaints ~~to~~ be knowledgeable about the laws and programs at issue in the complaints they are assigned. Compliance officers must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

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, 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.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. 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)

CSBA NOTE: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below.

In addition, 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. (5 CCR 4622)

CSBA NOTE: 5 CCR 4622 requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. The following list reflects those required components and additional content of the notice listed in CDE's FPM instrument.

~~A sample of the annual notice is available through CDE's website.~~ It is the district's responsibility to update the notice as necessary to reflect new law.

The notice shall include, but need not be limited to, all of the following:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in "Complaints Subject to UCP" in the accompanying Board policy

2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such ~~persons~~person(s) will be knowledgeable about the laws and programs that they are assigned to investigate

3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred

4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct

5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the district, students who are migratory, and newcomer students as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the

complaint, unless this time period is extended by written agreement of the complainant

9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision

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

11. A statement that copies of the district's UCP are available free of charge

CSBA NOTE: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, a district and ~~district~~ ~~school~~its schools are required to post information related to Title IX on their websites, including specified information about complaint procedures under Title IX; see AR 5145.3 - Nondiscrimination/Harassment. A school or district that does not maintain a website may comply by posting the information on the website of its district or county office of education ~~(COE), however a school, district, or COE is not required to establish a website if it does not maintain one.~~. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8.

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 and 34 CFR 106.8 shall be posted on ~~the~~ district and ~~district~~ school websites, published in handbooks~~,~~ or catalogs~~, announcements, bulletins, and application forms~~, and may be provided through district-supported social media, if available.

~~CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's, "2007 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on the balancing of four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law. Education Code~~

~~48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.~~
CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

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 UCP policy, regulation, forms, and notices 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.

Filing of Complaints

~~CSBA NOTE: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination, harassment, intimidation, or bullying may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sex Discrimination and Sex-Based Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.~~
CSBA NOTE: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

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. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints~~, except for those that allege sex discrimination, including sex-based harassment,~~ 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 in the filing of the complaint. (5 CCR ~~4600; 34 CFR 106.2~~4600s)

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 may be filed by any individual, public agency, or organization (5 CCR 4600)

CSBA NOTE: Education Code 49013 and 52075 **mandate** districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against 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 (Education Code 49013, 52075)

   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. (Education Code 49013)

CSBA NOTE: Pursuant to 5 CCR 4630, complaints related to the LCAP must be filed within a year of the date that the County Superintendent of Schools, the reviewing authority for districts, approves the district's LCAP.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred (5 CCR 4630)

   For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)

4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying (5 CCR 4630)

5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination (5 CCR 4630)

   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)

6. When a complaint alleging unlawful discrimination, 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

CSBA NOTE: ~~Districts should~~It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault, as this may affect the district's ability to conduct a thorough investigation or provide supportive measures to the victim.

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim 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

CSBA NOTE: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution (ADR) procedures such as mediation; see the accompanying Board policy. The following section may be modified to specify the ADR method and timelines used within the district.

Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. 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, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all 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~~complaint within the parameters of law, the compliance officer shall proceed with an 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

~~CSBA NOTE:~~CSBA NOTE: The timeline specified below may be modified to reflect district practice. 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. ~~Thus, the timeline specified below may be modified to reflect district practice.~~

The compliance officer shall begin an investigation into the complaint within 10 business days of receiving the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or 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.

CSBA NOTE: During the investigation, the compliance officer should consider all relevant circumstances, such as how the alleged misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

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. The compliance officer 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 the parties of the status of the investigation.

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

~~CSBA NOTE: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.~~

CSBA NOTE: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant.

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 any other obstruction of the investigation may result in the dismissal of the complaint ~~because of a lack of evidence to support the allegation.~~ Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or 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)

Timeline for Investigation Report

~~CSBA NOTE: Pursuant to 5 CCR 4631, the district's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.~~

~~Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. However, under certain circumstances, some of the same rights should be extended to a respondent in order to make the process equitable. For example, since the respondent to a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is usually an individual, the respondent should be notified when the complainant has agreed to an extension of timelines. Options 1 and 2 reflect these recommendations and may be modified to reflect district practice. When questions arise as to what rights to provide to a respondent, the district should consult CSBA's District and County Office of Education Legal Services or district legal counsel accordingly.~~

~~Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.~~

CSBA NOTE: Pursuant to 5 CCR 4631, the district's investigation report is required to be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board.

Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. Districts may want to consider extending some of the same rights to a respondent. When questions arise as to what rights to provide to a respondent, it is recommend that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel accordingly.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

OPTION 1: (Districts that do not allow complainants to appeal to the Board)

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

~~For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.~~

END OF OPTION 1

OPTION 2: (Districts that allow complainants to appeal to the Board)

CSBA NOTE: The remainder of this section is for use by districts that select Option 2.

Unless extended by written agreement with the complainant, the investigation report 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 "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the 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~~If the Board decides not to hear the complaint, 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)~~ (5 CCR 4631)

~~For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.~~

END OF OPTION 2

Investigation Report

CSBA NOTE: 5 CCR 4631 specifies components that are required to be part of the district's investigation report. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to the U.S. Department of Education's Office for Civil Rights (OCR~~,~~), or if litigation is filed.

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered

2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law

3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600

4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610

5. Procedures to be followed for initiating an appeal to CDE

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

~~CSBA NOTE: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), now the Student Privacy Policy Office, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the respondent when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the respondent (e.g., an order that the respondent stay away from the alleged victim), FPCO~~

~~interprets FERPA as allowing the district to disclose that information.~~

~~Given the potential liability from improperly disclosing such information, districts are advised to consult with CSBA's District and County Office of Education Legal Services or district legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the respondent.~~

CSBA NOTE: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program."

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

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure that UCP complaint procedures pertaining to CSPP health and safety issues include a statement that the district response and the investigation report must, whenever Education Code 48985 is applicable, be written in English and the primary language in which the complaint was filed; see ~~the section~~ "Health and Safety Complaints in License-Exempt Preschool Programs" below. The following paragraph extends this provision to all types of complaints to ensure compliance with Education Code 48985. In addition, based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

CSBA NOTE: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE (Education Code 262.3)

2. The 60 ~~days~~-day 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,~~Education's Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination

Corrective Actions

CSBA NOTE: The following section may be revised to reflect district practice.

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~~practices or procedures; or school climate surveys.

~~CSBA NOTE: Pursuant to Education Code 48900.5, as amended by AB 1165 (Ch. 22, Statutes of 2023), the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator; to have the perpetrator engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance; and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues; see AR 5131.2 - Bullying.~~
CSBA NOTE: Pursuant to Education Code 48900.5, the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator; to have the perpetrator engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance; and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues; see AR 5131.2 – Bullying.

For complaints involving retaliation or unlawful discrimination, 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

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student 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 cocurricular 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, 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, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

CSBA NOTE: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with required instructional minutes for physical education pursuant to Education Code 51222 and 51223, course periods without educational content pursuant to Education Code 51228.3, and the LCAP requirements pursuant to Education Code 52075. Districts that do not ~~maintain~~ ~~elementary~~

~~schools~~serve students in grades transitional kindergarten-6 should delete the reference to physical education below.

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

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, 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, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith 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 investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures

2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law

3. The material findings of fact in the district's investigation report are not supported by substantial evidence

4. The legal conclusion in the district's investigation report is inconsistent with the law

5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy

CSBA NOTE: 5 CCR 4633 requires the district to submit the following documents to CDE within 10 days after the district has been notified that an appeal has been filed. The district's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the district.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. 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
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

CSBA NOTE: Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances. Pursuant to 5 CCR 4635, if CDE's decision was issued based on evidence in the investigation file CDE received from the district or evidence uncovered after further investigation of the allegations that were the basis of the appeal, either party may request reconsideration by the SPI or designee within 30 days of the appeal decision.

Pursuant to 5 CCR 4650, CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist~~, including~~ such as the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report, (2) the complainant requests anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named, or (3) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile.

Health and Safety Complaints in License-Exempt Preschool Programs

CSBA NOTE: The following section is for use by districts that operate any license-exempt CSPP program. Education Code 8212 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program. Pursuant to Education Code 8212, the district ~~must~~is required to use the UCP, with modifications as

necessary, to resolve such complaints. Pursuant to 5 CCR 4610, such complaints ~~must~~are required to be addressed through the procedures described in 5 CCR 4690-4694.

See the accompanying exhibits for a sample classroom notice and complaint form.

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from ~~the CDE~~CDE's website. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure

compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)

Policy Reference UPDATE Service
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5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
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Ed. Code 32280-32289.5	School safety plans
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Ed. Code 60040-60052	Requirements for instructional materials
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H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
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	/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
California Department of Education Publication	Uniform Complaint Procedure ~~2021-22~~ Program Instrument
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0430	Comprehensive Local Plan For Special Education
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0450	Comprehensive Safety Plan
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1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1220	Citizen Advisory Committees

1220	Citizen Advisory Committees
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
3260	Fees And Charges
3260	Fees And Charges
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
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4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
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4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights

4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4119.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
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4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
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4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4244	Complaints
4244	Complaints
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
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~~4319.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
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5116.1	Intradistrict Open Enrollment
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5131.62	Tobacco
5131.62	Tobacco
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5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5144	Discipline
5144	Discipline

5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
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5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
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6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition

6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
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6161.11	Supplementary Instructional Materials
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
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6171	Title I Programs
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6173	Education For Homeless Children

6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
6175	Migrant Education Program
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6200	Adult Education
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9000	Role Of The Board
9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
9124	Attorney
9200	Limits Of Board Member Authority
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials

Exhibit 1312.3-E(1): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2020 **| Last Revised Date:** ~~12~~06/01/~~2021~~2025 **| Last Reviewed Date:** ~~12~~06/01/~~2021~~2025

CSBA NOTE: Education Code 8212~~, as renumbered by AB 131 (Ch. 116, Statutes of 2021),~~ requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8207-8225~~, as renumbered by AB 131).~~). The notice ~~must~~is required to include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the uniform complaint procedures.

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

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8212, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

CSBA NOTE: Education Code 8212~~, as renumbered by AB 131,~~ requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the California Department of Education's ~~web site~~website will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists

locations where complaint forms may be available and should be modified to reflect district practice, including adding the school and district ~~web site~~website addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's uniform complaint procedures as required by law. A complaint form may be obtained at the school or district office, or downloaded from the school or district ~~web site.~~ website. You may also download a copy of the California Department of Education (CDE) complaint form when available from the following ~~web site~~website: 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~~CDE.

Policy Reference UPDATE Service
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4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4119.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures

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4312.9-E(1)	Employee Notifications
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4319.23	Unauthorized Release Of Confidential/Privileged Information
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4344	Complaints
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5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance
5117	Interdistrict Attendance
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5125	Student Records
5131.2	Bullying
~~5131.2~~	~~Bullying~~
5131.62	Tobacco
5131.62	Tobacco
5137	Positive School Climate

5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
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5148.3	Preschool/Early Childhood Education
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6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity

6142.7	Physical Education And Activity
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6145	Extracurricular And Cocurricular Activities
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6159.1	Procedural Safeguards And Complaints For Special Education
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6161.11	Supplementary Instructional Materials
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6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
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9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials

Exhibit 1312.3-E(2): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2020 **| Last Revised Date:** ~~12~~06/01/~~2021~~2025 **| Last Reviewed Date:** ~~12~~06/01/~~2021~~2025

CSBA NOTE: Pursuant to Education Code 8212, ~~as renumbered by AB 131 (Ch. 116, Statutes of 2021),~~ uniform complaint procedures are required to be used for complaints alleging that a license-exempt California State Preschool Program does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.

PRESCHOOL COMPLAINT FORM:
UNIFORM COMPLAINT PROCEDURES

Education Code 8212 requires that the district's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. 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: _____
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.)

☐ The preschool does not have outdoor shade that is safe and in good repair~~.~~

☐ Drinking water is not accessible and/or readily available throughout the day~~.~~

□ The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.

□ Restroom facilities are not available only for preschoolers and kindergartners.

□ The preschool program does not provide visual supervision of children at all times.

□ Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.

□ Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary and as you wish to fully describe the situation.

_____
_____
_____
_____
_____
_____

CSBA NOTE: Education Code 8212, ~~as renumbered by AB 131,~~ requires complaints identified above to be filed with the preschool administrator or designee. Districts should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:

_____
(preschool administrator or designee)

_____
(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)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing~~ ~~Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33315	Uniform complaint procedures
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools

Ed. Code 51225.1-51225.2~~2~~25	Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Federal	**Description**
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color, or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy; adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-

	brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
California Department of Education Publication	Uniform Complaint Procedure ~~2021-22~~ Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
~~CSBA Publication~~	~~Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024~~
~~CSBA Publication~~	~~Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024~~
~~CSBA Publication~~	~~Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024~~
Federal Register	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025

	(https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
~~U.S. DOJ Publication~~	~~Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007~~
Website	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office
Website	U.S. Department of Agriculture
Website	California Department of Social Services
Website	U.S. Department of Justice
~~Website~~	~~California Civil Rights Department~~
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1100	Communication With The Public
1113	District And School Websites

1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
3260	Fees And Charges
3260	Fees And Charges
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
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9321-E(1)	Closed Session
9321-E(2)	Closed Session
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Regulation 3512: Equipment

Status: ADOPTED

Original Adopted Date: 06/01/1998 **| Last Revised Date:** ~~09~~06/01/~~2016~~2025 **| Last Reviewed Date:** ~~09~~06/01/~~2016~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice.

The California Department of Education's (CDE) "California School Accounting Manual," distinguishes between "equipment" and "supplies" and defines equipment as having relatively permanent value (e.g., is serviceable for more than one year) and substantially increasing the value of the district's physical assets. Equipment is generally not of an expendable nature and does not easily deteriorate in use. Examples include ~~computer systems,~~ machinery, vehicles, ~~and~~ playground equipment, and technology-based equipment such as computer systems.

District equipment shall be used primarily for educational purposes and/or to conduct district business. The Superintendent or designee shall ensure that all employees, students, and other users understand the appropriate use of district equipment and that any misuse may be cause for disciplinary action or loss of user privilege.

School-connected organizations may be granted reasonable use of the equipment for ~~school~~district-related matters ~~as long as it~~, if such use does not interfere with the use by students or employees or otherwise disrupt district operations.

CSBA NOTE: ~~The following paragraph is optional.~~ It is ~~recommended that~~important for the district ~~check~~to be knowledgeable of its liability coverage for off-site use of district equipment and materials. Whenever an individual is authorized to borrow district equipment~~, he/she could~~ for a district-related purpose, it is recommended that the individual be required to complete a form identifying the equipment and the intended use and indicating that the individual will assume responsibility for any loss or damage to the equipment. See the accompanying Exhibit for a sample form that may be used for this purpose.

The Superintendent or designee shall approve the transfer of any district equipment from one work site to another and the removal of any district equipment for off-site use. When any equipment is taken off site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage. Equipment shall only be used for an approved district-related purpose.

Employees transferred to another work site shall take with them only those personal items that have been purchased with their own funds, unless otherwise authorized by the Superintendent or designee or applicable Board policy or administrative regulation.

CSBA NOTE: Education Code 35168 requires the district to maintain an inventory containing specified information for all equipment currently valued in excess of $500. For equipment purchased with federal funds, 2 CFR 200.313-200.314 only ~~require~~requires districts to maintain

inventory records of tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit~~, but the state's~~. However, CDE's Federal Program Monitoring (FPM) process reviews whether the district maintains an inventory record for every item of equipment with an acquisition cost of $500 or more per unit that is purchased with state and/or federal categorical funds. ~~CSBA~~For compliance, accountability, and internal control, the California School Accounting Manual recommends an inventory of all equipment currently valued in excess of $500~~ in order to simplify the district's inventory~~.

CDE's FPM will also consist of a review of whether the district maintains written procedures ~~and to comply~~for managing equipment in accordance with ~~law.~~federal requirements. Also see AR 3440 - Inventories.

The Superintendent or designee shall maintain an inventory of all equipment currently valued in excess of $500. (Education Code 35168; 5 CCR 3946)

Additionally, the Superintendent or designee shall maintain property records as specified in Administrative Regulation 3440 – Inventories, including updating property records when there is a change in the status of the property.

When equipment is unusable or is no longer needed, it may be sold, donated, or disposed of in accordance with Education Code 17540-17555 or 2 CFR 200.313, as applicable.

Equipment Acquired with Federal Funds

CSBA NOTE: 2 CFR 200.~~313 and 200.~~439 ~~require~~requires a district receiving federal grant funds to obtain prior written approval from its awarding agency before incurring the cost of a capital expenditure including general purpose equipment, and 2 CFR 200.313 requires prior approval from the awarding agency for the disposal or encumbrance of equipment; see AR 3230 - Federal Grant Funds.

The Superintendent or designee shall obtain prior written approval from the California Department of Education (CDE) or other awarding agency before purchasing equipment with federal funds. (2 CFR 200.~~48,~~439)

Additionally, the Superintendent or designee shall obtain prior approval from CDE or other awarding agency before disposing or encumbering equipment purchased with federal funds. (2 CFR 200.313~~,~~)

CSBA NOTE: 2 CFR 200.~~439)~~318 **mandates** that districts maintain written standards of conduct covering conflicts of interest and the actions of employees engaged in the selection, award, and administration of contracts, including disciplinary actions to be applied when officers, employees, or representatives of the district violate conflict of interest standards. CDE's FPM will include a review of whether the district's written standards provide for conduct pertaining to conflicts of interest and the actions of its employees and consequences for violations of the written standards of conduct. See AR 3230 – Federal Grant Funds for language that fulfills this mandate. The district should revise the following paragraph to reflect district practice. For additional information about conflicts of interest, see Board Bylaw 9270 - Conflict of Interest.

Persons involved in the selection, award, or administration of a contract supported by federal funds shall comply with the requirements specified in 2 CFR 200.313 and 200.318, including conflict of interest requirements, act in accordance with Administrative Regulation 3230 – Federal Grant Funds, and comply with Board Bylaw 9270 – Conflict of Interest.

All equipment purchased for federal programs funded through the consolidated application pursuant to Education Code 64000-64001 shall be labeled with the name of the project, identification number, and name of the district. (2 CFR 200.313; 5 CCR 3946)

For any equipment acquired in whole or in part with federal funds, the Superintendent or designee shall develop adequate maintenance procedures to keep the property in good condition. ~~He/she shall also~~Additionally, the Superintendent or designee shall develop adequate safeguards to prevent loss, damage, or theft of the property and shall investigate any loss, damage, or theft. (2 CFR 200.313)

Equipment purchased for use in a federal program shall be used in that program as long as needed, regardless of whether ~~or not~~ the program continues to be supported by federal funds. The equipment may be used in other activities currently or previously supported by a federal agency when such use does not interfere with the work on the project or program for which it was originally acquired or when use of the equipment is no longer needed for the original program. (2 CFR 200.313)

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State	Description
5 CCR 16023	Class 1 - Permanent ~~-~~records
5 CCR 3946	Control, safeguards, disposal of equipment purchased with consolidated application funds
5 CCR 4424	Comparability of services
Ed. Code 17540-17542	Sale or lease of personal property by one district to another
Ed. Code 17545-17555	Sale of personal property
Ed. Code 17605	Delegation of authority to purchase supplies and equipment
Ed. Code 35160	Authority of governing boards
Ed. Code 35168	Inventory of equipment

Ed. Code 64000-64001	Consolidated application process

Federal	**Description**
2 CFR 200.0-200.521	Federal uniform grant guidance
20 USC 6321	Fiscal requirements/comparability of services

Management Resources	**Description**
California Department of Education Publication	California School Accounting Manual
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	Office of Management and Budget

Cross References

Code	**Description**
0440	District Technology Plan
0440	District Technology Plan
3000	Concepts And Roles
3230	Federal Grant Funds
3230	Federal Grant Funds
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3300	Expenditures And Purchases
3311	Bids
3311	Bids
3440	Inventories
3511	Energy And Water Management
3511	Energy And Water Management
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3540	Transportation

3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4156.3	Employee Property Reimbursement
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4256.3	Employee Property Reimbursement
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4356.3	Employee Property Reimbursement
5142	Safety
5142	Safety
5144	Discipline
5144	Discipline
6000	Concepts And Roles
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6171	Title I Programs

6171	Title I Programs
6178	Career Technical Education
6178	Career Technical Education
9270	Conflict of Interest

Exhibit 3512-E(1): Equipment

Status: ADOPTED

Original Adopted Date: 09/01/1988 **| Last Revised Date:** 06/01/~~1998~~2025 **| Last Reviewed Date:** 06/01/~~1998~~2025

EQUIPMENT LOAN FORM

I assume the responsibility for the following district equipment:

Description~~:~~ and condition of equipment:

Equipment ID Number:

~~School-related~~ ~~purpose:~~ ~~(Note:~~ District-related purpose: (Note: items are not for personal use)

I will return the above equipment to _____ (_____(administrator or designee) no later than _____.~~)~~_____ (date~~)~~).

In borrowing the items listed above, I assume responsibility for any loss of or damage to the equipment or materials. If any items are damaged or lost, I will pay the cost of repairs or replacement.

Signed: _____
Date: _____
Approved: _____
Date: _____

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Ed. Code 35168	Inventory of equipment
Ed. Code 64000-64001	Consolidated application process

Federal	Description
2 CFR 200.0-200.521	Federal uniform grant guidance
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6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6171	Title I Programs
6171	Title I Programs
6178	Career Technical Education
6178	Career Technical Education
9270	Conflict of Interest

Regulation 3542: School Bus Drivers

Status: ADOPTED

Original Adopted Date: 11/01/1999 **| Last Revised Date:** ~~08~~06/01/~~2013~~2025 **| Last Reviewed Date:** ~~08~~06/01/~~2013~~2025

CSBA NOTE: The following administrative regulation is **mandated** ~~pursuant to 5 CCR 14103 (see the sections "Training" and "Authority" below) and is for use by~~for districts that employ their own school bus drivers or student activity bus drivers pursuant to 5 CCR 14103. For language fulfilling this mandate, see "Training" and "Authority" below. Districts that contract out for all transportation services may revise this regulation as appropriate to ensure that the contracting firm meets all legal requirements regarding qualifications and responsibilities.

Pursuant to Education Code 39879, the district is required to obtain specified written attestations from any private entity with which it contracts to provide student transportation. See BP 3540 – Transportation.

In order to provide a safe and efficient student transportation service, the district may employ its own school bus or student activity bus drivers or may contract with an agency that provides such transportation service. Such school bus or student activity bus drivers shall be required to comply with Board Policy 3540 - Transportation and other applicable district policies and regulations.

Qualifications

~~CSBA NOTE: Pursuant to Vehicle Code 12517, school bus drivers are required to possess a commercial driver's license issued by the California Department of Motor Vehicles (DMV), with a special endorsement authorizing school bus operation (indicated by the letter S on the driver's license). District employees who operate 15-passenger vans must possess a commercial driver's license with a passenger transport vehicle (PV) endorsement.~~

~~In addition, any driver employed to operate a school bus or student activity bus must possess a special certificate from the California Highway Patrol (CHP) permitting such service. Issuance of the certificate is based on successful completion of prescribed examinations conducted by the CHP and compliance with all applicable provisions of the Vehicle Code.~~

CSBA NOTE: Pursuant to Education Code 39877-39878, all drivers providing school-related student transportation for compensation, including drivers employed by the district, contracted by the district, or contracted by any entity with funding from the district, are required to meet the following qualifications. Education Code 39875 provides exceptions from such requirements. Additional driver requirements pursuant to Education Code 39877-39878 can be found in "Training" and "Responsibilities," below

All drivers employed to operate a school bus or student activity bus shall: (Education Code 39877, 39878)

1. Hold a valid California driver's license for the appropriate class of vehicle

2. Be at least 18 years of age

3. Pass a criminal background check, including fingerprint clearance consistent with Education Code 45125 for district employees and Education Code 45125.1 for all other compensated drivers

4. Have a satisfactory driving record that does not include any of the following:

    a. Within three years, has committed any violation that results in a conviction assigned a violation point count of two or more, as defined in Vehicle Code 12810 and 12810.5

    b. Within three years, has had driving privilege suspended, revoked, or on probation for any reason involving the unsafe operation of a motor vehicle

    c. Has been determined by the Department of Motor Vehicles (DMV) to be a negligent or incompetent operator

CSBA NOTE: Prior to excluding a candidate or removing a driver exclusively on the basis of Item #5, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

5. Not have demonstrated irrational behavior to the extent that a reasonable and prudent person would have reasonable cause to believe that the driver's ability to perform the duties of a driver may be impaired

6. Not have been convicted of an offense listed in Vehicle Code 13370(a)(1), (a)(5) or (b)

7. Provide the district or the private entity contracting with the district a report showing the driver's current public record as recorded by the DMV and participate in the DMV's pull-notice system

CSBA NOTE: Pursuant to Government Code 12954, the district may not discriminate against a person in any term or condition of employment based on the person's use of cannabis when off the job or away from the workplace. Additionally, Government Code 12954 prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information. However, state and federal law (Vehicle Code 34520; 49 CFR 382.101-382.605) require that any district employing school bus drivers establish a drug and alcohol testing program, with specified components. For more information see BP/AR 4112.42 – Drug and Alcohol Testing for School Bus Drivers. It is recommended that districts with questions about cannabis use or screening consult CSBA's District and County Office of Education Legal Services or district legal counsel.

8. Comply with the district's drug and alcohol testing in accordance with Administrative Regulation 4112.42 - Drug and Alcohol Testing for School Bus Drivers, subject to the cannabis discrimination limitations specified in Government Code 12954

9. Complete a medical examination not more than two years prior to the driver performing student transportation by a qualified health professional

   a. The driver shall provide a copy of the medical certificate to the district or the private entity contracting with the district

   b. The driver shall complete a medical examination pursuant to this paragraph every two years after the initial examination and provide a copy of the medical examiner's certificate of clearance to the district or the private entity contracting with the district

   c. Within the same month of reaching age 65 years, and annually thereafter, the driver shall undergo a medical examination and provide a copy of the medical examiner's certificate of clearance to the district or the private entity contracting with the district

10. Submit and clear a tuberculosis risk assessment pursuant to Education Code 49406

CSBA NOTE: Any driver employed to operate a school bus or student activity bus is required to possess a special certificate from the California Highway Patrol (CHP) permitting such service. Issuance of the certificate is based on successful completion of prescribed examinations conducted by the CHP and compliance with all applicable provisions of the Vehicle Code.

Additionally, all drivers employed to operate school buses or student activity buses shall possess, and ~~shall~~ retain in their immediate possession while operating the bus, ~~the following documents: (Vehicle Code 12517, 12517.4)~~

~~1.A valid driver's license issued by the California Department of Motor Vehicles (DMV) for the appropriate class of vehicle to be driven and endorsed for school bus and/or passenger transportation~~

~~2.A~~a certificate issued by the California Highway Patrol (CHP) which permits the operation of school buses or student activity buses, as applicable. (Vehicle Code 12517, 12517.4)

CSBA NOTE: Pursuant to Vehicle Code 12517.3, applicants for the certificate to drive a school bus or student activity bus ~~must~~are required to be fingerprinted by the CHP for submission to the Department of Justice (DOJ), or the fingerprinting may be conducted by the district, county office of education, or a public law enforcement agency using an electronic fingerprinting system (LiveScan) with terminals managed by the DOJ. The following optional paragraph is for use by districts that choose to use this method to conduct the fingerprinting themselves.

The Superintendent or designee may use an electronic fingerprinting system, managed by the California Department of Justice, to fingerprint an applicant for an initial certificate to drive a school bus or student activity bus. (Vehicle Code 12517.3)

CSBA NOTE: Pursuant to Vehicle Code 12517.2, a driver who is initially applying for or seeking renewal of a commercial driver's license or ~~a~~ certificate ~~authorizing him/her~~ to drive a school bus or student activity bus ~~must~~is required to provide evidence of having obtained a medical examination by a qualified health professional. The report ~~must~~is required to be on a form approved by the Department of Motor Vehicles (DMV~~,~~), which is available on its ~~web site~~website.

When initially applying for or renewing a license or certificate to drive a school bus or student activity bus, and annually upon reaching age 65 years, the driver shall submit to the DMV and to the Superintendent or designee a report of a medical examination conducted in accordance with the timelines and procedures specified in Vehicle Code 12517.2. (~~Vehicle Code 12517.2;~~ 13 CCR 1234)

The Superintendent or designee shall notify each driver of the expiration date of ~~his/her~~the individual's driver's license, certificate, and medical certificate, and shall ensure each document is renewed prior to expiration. (13 CCR 1234)

~~School bus and student activity bus drivers shall be subject to drug and alcohol testing in accordance with Board policy and the requirements of federal law.~~

The Superintendent or designee shall notify the DMV within five days whenever any driver refuses, fails to comply, or receives a positive test result on a drug or alcohol test; is dismissed for a cause related to student transportation safety; or is reinstated after being dismissed for a cause related to student transportation safety. (Vehicle Code 1808.8, 13376)

Training

CSBA NOTE: Education Code 40082, 40083, and 40085 specify training and experience required for initial and renewed certification as a driver of a school bus or student activity bus. The following section lists additional required and optional training and may be revised to reflect district practice.

In addition to any other training required to obtain or renew the certificate authorizing operation of a school bus or student activity bus, drivers shall receive training which includes, but is not limited to:

~~CSBA NOTE: Pursuant to Vehicle Code 12522, as part of the application process for a bus driver certificate, each driver must pass a DMV examination on first aid practices deemed necessary for school bus operators. Toward this end, the district is required to provide instruction for bus drivers on necessary first aid practices.~~CSBA NOTE: Education Code 56195.8 **mandates** that each entity providing special education adopt policy ensuring that school bus drivers have received the training described in Item #1 below.

~~1. First aid practices deemed necessary for school bus drivers, through a course of instruction that prepares drivers to pass the related DMV examination (Vehicle Code 12522)~~

~~CSBA NOTE: Education Code 56195.8 mandates that each entity providing special education adopt policy ensuring that school bus drivers have received the training described in item #2 below.~~

~~2.~~ 1. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)

~~3.~~ 2. The proper actions to be taken in the event that a school bus is hijacked (Education Code 39831)

CSBA NOTE: Education Code 39831.3 requires a district to adopt a transportation safety plan, including procedures to ensure that a student is not left unattended on a school bus or student activity bus. See AR 3543 - Transportation and Safety Emergencies

3. The district's Transportation Safety Plan

CSBA NOTE: Pursuant to Education Code 39877-39878, all drivers providing school-related student transportation for compensation, including drivers employed by a district, contracted by a district, or contracted by any entity with funding from a district, are required to meet the following training requirements.

All drivers employed to operate school buses or student activity buses shall complete training at least equivalent to the American Red Cross first aid training program, or hold a valid and current first aid certificate issued by the American Red Cross or equivalent. Additionally, all drivers shall complete training sufficient to gain proficiency in all of the following: (Education Code 39877, 39878)

a. Pretrip vehicle inspections

b. Safe loading and unloading of passengers

c. Proper use of seatbelts and child safety restraints

d. Handling accidents, incidents, and emergency situations

e. Providing proper accommodations for students with disabilities

f. Defensive driving

g. Operations in inclement weather

h. Operations at night or under impaired visibility conditions

CSBA NOTE: To determine additional topics for professional development, the district might review district data as provided in the optional paragraph below. Training courses and guides are also available through governmental agencies and professional associations. For instance, the National Highway Traffic Safety Administration provides an inservice training program for experienced school bus drivers, available on its ~~web site~~website, which addresses driver attitude, student management, highway-rail grade crossing safety, vehicle training, routes, loading and unloading students, driving under adverse weather conditions, emergency evacuation, and transporting students with special needs.

To determine any other needs for professional development, the Superintendent or designee shall periodically review accident reports involving district drivers and may seek input from drivers, district and school administrators, students, and/or other stakeholders on desired topics for professional development.

Authority

CSBA NOTE: 5 CCR 14103 **mandates** that the Governing Board adopt rules related to bus driver authority, including, but not limited to, specific administrative regulations related to suspension of riding privileges, and to make them available to parents/guardians, students, teachers, and other interested parties. For language related to suspension of riding privileges, see BP/AR 5131.1 - Bus Conduct.Students transported in a school bus or student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway, or road. (5 CCR 14103)

The driver shall have the authority to discontinue the operation of a school bus or student activity bus whenever ~~he/she~~the driver determines that it is unsafe to continue.

This regulation and ~~AR~~Administrative Regulation 5131.1 - Bus Conduct shall be made available to parents/guardians, students, teachers, and other interested parties. (5 CCR 14103)

Responsibilities

The driver's primary responsibility is to safely transport students to and from school and school activities. ~~He/she~~The driver shall follow procedures contained in district plans and regulations pertaining to transportation safety.

The driver shall stop to load or unload students only at school bus stops designated by the Superintendent or designee, or authorized by the Superintendent or designee for school activity trips. (Vehicle Code 22112)

The driver shall activate the amber warning light system, flashing red signal lights, and stop arm signal and shall escort students in accordance with Vehicle Code 22112.

The driver shall not require any student to leave the bus en route between home and school or other destinations. (5 CCR 14103)

CSBA NOTE: Vehicle Code 23125 prohibits a school bus driver from using a wireless telephone while driving the bus, except for work-related or emergency purposes. In addition, Vehicle Code 23123.5 prohibits the driver of any motor vehicle from using a wireless communications device for text-based communication, except when the device is specifically designed and configured to allow voice and hands-free operation. Requirements for "motor vehicles" are applicable to school buses and student activity buses pursuant to the definitions in Vehicle Code 415 and 545. At its discretion, the district may establish conditions that are more restrictive than law. See AR 3543 - Transportation Safety and Emergencies for language detailing these requirements.

The driver shall not drive a school bus or student activity bus while using a wireless telephone or using a wireless communications device for text-based communication, except when otherwise authorized by law and ~~AR~~Administrative Regulation 3543 - Transportation Safety and Emergencies.

CSBA NOTE: Pursuant to Education Code 39877-39878, all drivers providing school-related student transportation for compensation, including drivers employed by the district, contracted by the district, or contracted by any entity with funding from the district, are required to meet the following requirements.

All drivers employed to operate school buses or student activity buses shall not drive for more than 10 hours within a work period, or after the end of the 16th hour after coming on duty following eight consecutive hours off duty. Additionally, drivers shall maintain a daily log sheet and complete the daily pretrip inspection of the vehicle before the vehicle is driven. The pretrip inspection shall include a check of the vehicle for fluid leaks and the operability of all lights and the brakes, each of which shall be initialed by the driver. (Education Code 39877, 39878)

The driver shall report at the completion of each day's work on each vehicle operated by the driver, all of the following to the Superintendent or designee:

CSBA NOTE: Pursuant to 13 CCR 1215, school bus drivers ~~must~~are required to prepare and sign a written report at the completion of each day's work regarding the condition of the equipment listed in 13 CCR 1215, as provided in ~~item~~Item #1 below. For further information about this report, see AR 3543 - Transportation Safety and Emergencies.

1. The condition of the driver's bus at the completion of each work day (13 CCR 1215; 49 CFR 396.11, 396.13)

2. ~~His/her~~The driver's duty status for each 24-hour period, including, but not limited to, the number of hours on and off duty (13 CCR 1213)

3. Any traffic accident involving the driver's bus (13 CCR 1219)

   In addition to notifying the Superintendent or designee, the driver shall immediately notify the CHP of any traffic accident and, if the bus is operated under contract, ~~his/her~~the driver's employer. (13 CCR 1219)

CSBA NOTE: Items #4-8 below are optional and may be revised to reflect district practice.

4. Traffic violations by the driver

5. Consistently late school dismissals which cause transportation delays for the driver's bus

6. Overload runs by the driver

7. Recurring and serious student misbehavior on the driver's bus

8. Parent/guardian and student complaints regarding the driver or related to the driver's bus

Vehicle Idling

CSBA NOTE: 13 CCR 2480 prohibits idling of school buses, student activity buses, and other commercial motor vehicles within 100 feet of a school except under specified conditions. Failure to comply with the requirements specified in ~~items~~Items #1-2 below may result in specified civil and/or criminal penalties to the driver or the Superintendent or designee who directs school bus operations.The driver of a school bus or student activity bus shall do both of the following: (13 CCR 2480)

1. Turn off the bus engine upon stopping at a school or within 100 feet of a school and not restart the engine more than 30 seconds before beginning to depart

2. Not cause or allow the bus to idle at any location greater than 100 feet from a school for more than five consecutive minutes or for an aggregated period of more than five minutes in any one hour

However, vehicle idling may be allowed under limited conditions, including, but not limited to, all of the following occasions when idling is necessary to: (13 CCR 2480)

1. Stop for an official traffic control signal or device, for traffic conditions under which the driver has no control, or at the direction of law enforcement

2. Ascertain that the bus is in safe operating condition and properly equipped

3. Operate equipment designed to safely load, unload, or transport students with disabilities

4. Operate a heater, air conditioner, defroster, or other equipment as necessary to ensure the safety or health of passengers

5. Cool down a turbo-charged diesel engine before turning off the engine

6. Recharge a battery or other energy storage unit of a hybrid electric bus or vehicle

The Superintendent or designee shall notify all drivers, upon employment and at least once per year thereafter, of the requirements specified above and the potential legal and employment consequences of failure to comply. All complaints of noncompliance shall be reviewed and remedial action taken as necessary. The Superintendent or designee shall retain records of the training and of any complaints and enforcement actions for at least three years. (13 CCR 2480)

Reports

The Superintendent or designee shall retain records of all of the following: (13 CCR 1234)

1. Each driver's duty status and supporting documents provided pursuant to 13 CCR 1201 and 1213.

   Such records shall be retained for six months and made available to the CHP upon request.

2. The different types of vehicles and vehicle combinations each driver has demonstrated capability to operate.

3. Records of each driver's license, certificate, medical certificate, first aid certificate, and training as specified in 13 CCR 1234.

4. Daily vehicle inspection reports prepared by drivers pursuant to 13 CCR 1215.

5. School bus accident reports

   A report of each accident that occurred on public or private property involving a school bus with students aboard, including pertinent details of the accident, shall be retained for 12 months from the date of the accident. If the accident was not investigated by CHP, the Superintendent or designee shall forward a copy of the report to the local CHP within five business days of the date of the accident.

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State	Description
13 CCR 1200-1294	Motor carrier safety
13 CCR 1212-1228	School bus driver requirements
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
5 CCR 14103	Authority of the driver
5 CCR 14104	School bus driver instructor
Ed. Code 39800.5	Qualifications of driver of 15-passenger van

Ed. Code 39830-39843	School buses
Ed. Code 39875-39882	Compensated driver requirements
Ed. Code 40080-40090.5	Training required to obtain or renew bus driver certificate
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 49406	TB Risk Assessment
Ed. Code 56195.8	Adoption of policies
Gov. Code 12954	Employment discrimination; cannabis use
H&S Code 39640-39642	Vehicle idling; penalties
Pen. Code 241.3	Assault against school bus drivers
Pen. Code 243.3	Battery against school bus drivers
Veh. Code 12516-12517.4	Certification requirements
Veh. Code 12522	First aid training for school bus drivers
Veh. Code 12810	Traffic violation point counts; allocation of points
Veh. Code 12810.5	Traffic violation point count; number for presumption of negligent operation; proof of financial responsibility
Veh. Code 13370-13371	Suspension or revocation of bus driver certificate
Veh. Code 13376	Driver certificates; revocation or suspension
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause
Veh. Code 22112	School bus signals; roadway crossings
Veh. Code 23123-23125	Prohibitions against use of wireless telephone and text communications while driving; exceptions
Veh. Code 25257-25257.7	School bus equipment
Veh. Code 2570-2574	Contracts with private school bus contractors
Veh. Code ~~34501.6~~34500-34520.5	~~School buses; reduced visibility~~Safety regulations
Veh. Code 415	Definition of motor vehicle
Veh. Code 545	School bus; definition
Veh. Code 546	Definition of student activity bus

Federal	**Description**
49 CFR 382.101-382.727	Controlled substance and alcohol use and testing

49 CFR 396.1-396.25	Inspection, repair, and maintenance
49 CFR 40.1-40.413	Procedures for transportation workplace drug and alcohol testing programs
49 CFR 571.222	Federal motor vehicle safety standard #222

Management Resources	**Description**
Dept. of Motor Vehicles Publication	California Commercial Driver Handbook (https://www.dmv.ca.gov/web/eng_pdf/comlhdbk.pdf)
Nat'l Highwy Traffic Safety Admin. Pub.	School Bus Driver In-Service Safety Series, October 2011 (https://www.nhtsa.gov/sites/nhtsa.gov/files/hs811539b.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Motor Vehicles
Website	National Transportation Safety Board
Website	U.S. Department of Transportation, National Highway Traffic Safety Administration
Website	California Air Resources Board Zero Emission School Bus and Infrastructure Program
Website	California Department of Education, Office of School Transportation
Website	California Attorney General's Office
Website	California Highway Patrol

Cross References

Code	**Description**
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
3513.1	Cellular Phone Reimbursement
3514	Environmental Safety
3514	Environmental Safety
3516.5	Emergency Schedules
3540	Transportation
3541	Transportation Routes And Services
3541.1	Transportation For School-Related Trips

3541.1-E(1)	Transportation For School-Related Trips
3541.1-E(2)	Transportation For School-Related Trips
3541.2	Transportation For Students With Disabilities
3543	Transportation Safety And Emergencies
3580	District Records
3580	District Records
4111	Recruitment And Selection
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4131	Staff Development
4200	Classified Personnel
4200	Classified Personnel
4211	Recruitment And Selection
4212.4	Health Examinations
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4231	Staff Development
4311	Recruitment And Selection

4312.4	Health Examinations
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4331	Staff Development
5131.1	Bus Conduct
5131.1	Bus Conduct

Policy 4030: Nondiscrimination In Employment

Status: ADOPTED

Original Adopted Date: 05/01/2016 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: The following Board policy and accompanying administrative regulation are mandated pursuant to 2 CCR 11023. The California Fair Employment and Housing Act (FEHA) (Government Code 12900-12996) prohibits districts and district employees from harassing or discriminating against employees and job applicants on the basis of actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, reproductive health decision-making, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, or gender expression. Pursuant to Government Code 12940, these protections apply to employees, job applicants, persons who serve in an unpaid internship or other limited-duration program to gain unpaid work experience, volunteers, and independent contractors.~~

~~Additionally, protections are available under various provisions of federal law, including Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17), the Pregnant Workers Fairness Act (42 USC 2000gg-2000gg-6), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), the Americans with Disabilities Act (42 USC 12101-12213), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Genetic Information Nondiscrimination Act (42 USC 2000ff-2000ff-11).~~

~~The U.S. Equal Employment Opportunity Commission's (EEOC) April 2024, "Enforcement Guidance on Harassment in the Workplace," provides for components of an effective anti-harassment policy, including that the policy (1) defines what conduct is prohibited, (2) is widely disseminated, (3) is comprehensible to employees, (4) requires supervisors to report harassment when they are aware of it, (5) offers multiple avenues for reporting harassment, enabling employees to contact someone other than their harasser, (6) clearly identifies who complaints can be made to, including contact information, and (7) explains the complaint process, including anti-retaliation and confidentiality protections.~~

~~For policy addressing sex discrimination and sex-based harassment of and by employees, see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment, and for language regarding Title IX sex discrimination, including sex-based harassment, complaint procedures, see AR/E(1) 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

CSBA NOTE: The following Board policy and accompanying administrative regulation are **mandated** pursuant to 2 CCR 11023. In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination by district and district employees against employees and job applicants is unlawful when it is based on certain actual or perceived

characteristics of an individual. This includes, but is not limited to discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status.

Government Code 12920 and 12926, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases. Pursuant to Government Code 12940, these protections apply to employees, job applicants, persons who serve in an unpaid internship or other limited-duration program to gain unpaid work experience, volunteers, and independent contractors.

Additionally, protections are available under various provisions of federal law, including Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17), the Pregnant Workers Fairness Act (42 USC 2000gg-2000gg-6), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), the Americans with Disabilities Act (42 USC 12101-12213), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Genetic Information Nondiscrimination Act (42 USC 2000ff-2000ff-11).

For more information regarding sexual harassment of and by employees, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment, and regarding Title IX sexual harassment complaint procedures, see AR/E(1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy and accompanying administrative regulation, employees include ~~job applicants,~~ interns, volunteers, ~~and~~ contractors, job applicants, and other persons ~~who contracted~~with an employment relationship with the district ~~to provide services, as applicable.~~.

~~CSBA NOTE: 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status.~~

~~No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race; color; ancestry; national origin; age; religious creed; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; physical or mental disability;~~

~~medical condition; genetic information; veteran or military status; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; or association with a person or group with one or more of these actual or perceived characteristics.~~

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of one, or a combination of two or more, protected characteristics which include, but may not be limited to, the employee's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status; or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2)

~~CSBA NOTE: Government Code 12940 includes reproductive health decision-making as a characteristic for which employment discrimination is prohibited. Pursuant to Government Code 12926(y) "reproductive health decision-making" includes a person's decision to use or access a particular drug, device, product, or medical service for reproductive health.~~
CSBA NOTE: 2 CCR 11028 prohibits inquiry into an employee's immigration status or discrimination on the basis of such status, unless the district provides clear and convincing evidence that such inquiry is necessary to comply with federal immigration law. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.

~~Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decision-making, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)~~

~~CSBA NOTE: 2 CCR 11028 prohibits inquiry into an employee's immigration status or discrimination on the basis of such status, unless the district provides clear and convincing evidence that such inquiry is necessary to comply with federal immigration law. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.~~

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that such inquiry is necessary to comply with federal immigration law. (2 CCR 11028)

~~CSBA NOTE: Pursuant to Government Code 12954, as amended by SB 700 (Ch. 408, Statutes of 2023), the district may not discriminate against an employee in termination, or any term or condition of employment, or otherwise penalize a person, based on the person's use of cannabis when off the job or away from the workplace. However, Government Code 12954 does not interfere with the district's right to maintain drug-free schools or to prohibit employees from possessing, being impaired by, or using cannabis while at work. Government Code 12954 also does~~

~~not preempt state or federal laws requiring applicants to be tested for controlled substances as a condition of employment or to applicants in the building and construction trades or for positions requiring a federal background investigation. Districts with questions about employee cannabis use or screening should consult CSBA's District and County Office of Education Legal Services or district legal counsel. Also see BP 4111 - Recruitment and Selection, AR 4112.5 - Criminal Record Check, BP/AR 4118 - Dismissal/Suspension/Disciplinary Action, and BP/AR 4218 - Dismissal/Suspension/Disciplinary Action.~~

CSBA NOTE: Pursuant to Government Code 12954, the district may not discriminate against an employee based on the person's use of cannabis, as described below. However, Government Code 12954 does not preempt state or federal laws requiring applicants to be tested for controlled substances as a condition of employment or to applicants in the building and construction trades or for positions requiring a federal background investigation.

It is recommended that districts with questions about employee cannabis use or screening consult CSBA's District and County Office of Education Legal Services or district legal counsel. Also see BP 4111 – Recruitment and Selection, AR 4112.5 – Criminal Record Check, BP/AR 4118 – Dismissal/Suspension/Disciplinary Action, and BP/AR 4218 – Dismissal/Suspension/Disciplinary Action.

~~Unless~~ In addition, unless otherwise provided for in law, the district may not discriminate against an employee~~, including an applicant for employment,~~ in any term or condition of employment, or otherwise penalize a person, including termination, based on the ~~person's~~person's use of cannabis off the job and away from the workplace, or on a drug screening which finds that the person has nonpsychoactive cannabis metabolites in the ~~applicant's~~person's hair, blood, urine, or other bodily fluid. However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

CSBA NOTE: The following items illustrate unlawful discriminatory practices as specified in Government Code 12940.

Labor Code 1197.5 prohibits the payment of different wage rates to employees for similar work based on sex, race, or ethnicity and prohibits the use of prior salary history by itself to justify any disparity in compensation under the bona fide factor exception. Labor Code 1197.5~~, as amended by SB 497 (Ch. 612, Statutes of 2023),~~ creates a rebuttable presumption in favor of the ~~employee's~~employee's claim if a district retaliates against an employee within 90 days of the specified protected activity.

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment

~~CSBA NOTE: When disciplining an employee, the district must ensure that all the surrounding facts and circumstances are considered and analyzed within the parameters of any applicable~~

~~constitutional or legal framework.~~

~~In Kennedy v. Bremerton School District, the U.S. Supreme Court held that the district could not discipline an employee for non-coercive religious conduct while the employee was acting as a private citizen. Also see BP 4118 - Dismissal/Suspension/Disciplinary Action, 4218 - Dismissal/Suspension/Disciplinary Action, and BP 4119.1/4219.1/4319.1 - Civil and Legal Rights.~~

~~In Groff v. DeJoy, the U.S. Supreme Court held that Title VII's protections against religious discrimination require an employer who denies an employee's religious accommodation to show that the burden of granting the accommodation would result in substantial increased costs in relation to the conduct of its particular business.~~

~~EEOC's April 2024, "Enforcement Guidance on Harassment in the Workplace," notes that while Title VII requires districts to accommodate an employee's sincerely held religious belief, districts are also responsible for protecting employees against unlawful harassment, including harassment motivated by religion. EEOC's guidance suggests that in order to address the dual obligations under Title VII, a district should accommodate an employee's sincerely held religious practice, unless doing so would create a hostile work environment.~~

~~In May 2023, the U.S. Department of Education issued, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Schools," which includes the extent to which prayer in public schools is legally protected, constitutional principles that relate to religious expression in general, and requirements under federal and state laws relevant to prayer and religious expression. The guidance states that, "Nothing in the First Amendment, however, converts the public schools into religion-free zones, or requires students, teachers, or other school officials to leave their private religious expression behind at the schoolhouse door." The guidance also states that employees may pray when they are not acting in their official capacity and the prayer does not result in any coercion of students.~~

~~Employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations and districts are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.~~

CSBA NOTE: When disciplining an employee, the district must ensure that all the surrounding facts and circumstances are considered and analyzed within the parameters of any applicable constitutional or legal framework.

In *Kennedy v. Bremerton School District*, the U.S. Supreme Court held that the district could not discipline an employee for non-coercive religious conduct while the employee was acting as a private citizen. Also see BP 4118 - Dismissal/Suspension/Disciplinary Action, BP 4218 – Dismissal/Suspension/Disciplinary Action, and BP 4119.1/4219.1/4319.1 - Civil and Legal Rights.

In *Groff v. DeJoy*, the U.S. Supreme Court held that Title VII's protections against religious discrimination require an employer who denies an employee's religious accommodation to show that the burden of granting the accommodation would result in substantial increased costs in relation to the conduct of its particular business.

Since employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.

2. Taking adverse employment actions such as termination or denial of employment, promotion, job assignment, or training

3. Unwelcome conduct, whether verbal, physical, or visual, that is offensive and so severe or pervasive as to adversely affect an employee's employment opportunities or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment

CSBA NOTE: Item #4 below lists some, but not all, specific practices prohibited under Government Code 12940 or 2 CCR 11006-11086 in relation to certain protected categories. For example, because "sex" as defined in Government Code 12926 includes pregnancy, childbirth, breastfeeding, or related medical conditions, any of these conditions may be the basis for an employee's sex discrimination claim. As the specific prohibitions are too numerous to list in policy, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise as to any specific claim.

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

   a. ~~Sex discrimination as specified in Board Policy and Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment~~ Sex discrimination based on one, or a combination of two or more protected characteristics, which include, but may not be limited to, an employee's pregnancy, childbirth, breastfeeding, or any related medical condition, or on an employee's gender, gender expression, gender identity, or sexual orientation

   b. Religious creed discrimination based on an employee's religious belief ~~or~~, observance, and practice, including religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement

   c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

   d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process

with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

e. Requiring an ~~applicant or~~ employee to disclose information relating to the employee's reproductive health decision-making

~~CSBA NOTE: Retaliation against complainants or other participants in the grievance procedures is prohibited by Government Code 12940 and 34 CFR 110.34. In addition to the general prohibition against retaliation, Government Code 12940 provides that an employee who requests accommodation for a physical or mental disability or religious belief is protected from retaliation as specified below. CSBA recommends that this protection be extended to all protected characteristics, as provided below.~~

CSBA NOTE: Pursuant to Government Code 12940, as amended by SB 1100 (Ch. 877, Statutes of 2024), it is an unlawful employment practice for the district to include a statement in a job advertisement, posting, application, or other material that an applicant is required to have a driver's license, unless both of the conditions specified below are satisfied.]

f. Including a statement in a job advertisement, posting, application, or other material that an applicant is required to have a driver's license, unless the district reasonably expects driving to be one of the job functions for the position and reasonably believes that satisfying the job function using an alternative form of transportation would not be comparable in travel time or cost to the district

CSBA NOTE: Retaliation against complainants or other participants in the grievance procedures is prohibited by Government Code 12940 and 34 CFR 110.34. In addition to the general prohibition against retaliation, Government Code 12940 provides that an employee who requests accommodation for a physical or mental disability or religious belief is protected from retaliation as specified below. CSBA recommends that this protection be extended to all protected characteristics, as provided below.

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

~~CSBA NOTE: Pursuant to Government Code 12964.5, the district is prohibited from requiring an employee, in exchange for a raise or bonus or as a condition of employment or continued employment, to sign a nondisparagement agreement or similar document that would deny the employee the right to disclose information about unlawful acts in the workplace or requiring an employee to release the right to file a claim or civil action against the district.~~

~~Pursuant to Government Code 12964.5, the above prohibition applies not only to claims or complaints of sex-based harassment or sexual assault, but to those involving harassment or discrimination based on any protected characteristic and to other unlawful employment practices under FEHA.~~

CSBA NOTE: Pursuant to Government Code 12964.5, the district is prohibited from requiring an employee, in exchange for a raise or bonus or as a condition of employment or continued employment, to sign a nondisparagement agreement or similar document that would deny the employee the right to disclose information about unlawful acts in the workplace or requiring an employee to release the right to file a claim or civil action against the district.

Pursuant to Government Code 12964.5, the above prohibition applies not only to claims or complaints of sexual harassment or sexual assault, but to those involving harassment or discrimination based on any protected characteristic and to other unlawful employment practices under the Fair Employment and Housing Act.

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against the district or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

~~CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in the accompanying administrative regulation, it is unclear whether districts would additionally be required to follow the procedures specified in the accompanying administrative regulation. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing such a complaint process for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

CSBA NOTE: Pursuant to 2 CCR 11019, in certain instances, an employee's (especially a supervisor's) knowledge or notice of prohibited conduct of another employee or individual may subject the district to liability. Therefore, it is recommended that the district require its employees with knowledge of harassment or discrimination to report the incident to the appropriate district authorities. In addition, Government Code 12940 provides that a district may be responsible for harassment of employees by nonemployees when the district knows or should have known of the conduct and failed to take immediate and corrective action, taking into consideration the extent of the district's control and other legal responsibility that the district may have with respect to the conduct of those nonemployees. Also see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.

See the accompanying administrative regulation for requirements related to the identification of the employee who will be responsible for compliance with nondiscrimination laws.

The following paragraph should be revised to reflect the district's timeline.

However, complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

CSBA NOTE: Pursuant to 2 CCR 11019, in certain instances, an employee's (especially a supervisor's) knowledge or notice of prohibited conduct of another employee or individual may subject the district to liability. Therefore, it is recommended that the district require its employees with knowledge of harassment or discrimination to report the incident to the appropriate district authorities. In addition, Government Code 12940 provides that a district may be responsible for harassment of employees by nonemployees when the district knows or should have known of the conduct and failed to take immediate and corrective action, taking into consideration the extent of the district's control and other legal responsibility that the district may have with respect to the conduct of those nonemployees. See also BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.

See the accompanying administrative regulation for requirements related to the identification of the employee who will be responsible for compliance with nondiscrimination laws.

The following paragraph should be revised to reflect the district's timeline.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator within one workday. All other employees shall report such incidents to their supervisor or designated district coordinator within one workday.

CSBA NOTE: Government Code 12940 and 2 CCR 11023 require districts to take all reasonable steps to prevent prohibited discrimination and harassment, including, but not limited to, dissemination of the district's policy on the prevention of harassment, discrimination, and retaliation. Government Code 12950 and 2 CCR 11049 require districts to post, in prominent and accessible locations on district premises, posters developed by the California Civil Rights Department (CRD), formerly the Department of Fair Employment and Housing (DFEH), which are available on CRD's website. In addition, Executive Order 11246 requires contractors and subcontractors who hold a single federal contract or subcontract in excess of $10,000, or who hold contracts or subcontracts with the federal government in any 12-month period that have a total value of more than $10,000, to display EEOC's "Know Your Rights: Workplace Discrimination is Illegal" poster in conspicuous places available to employees and applicants for employment and representatives of each labor union with which the covered contractor or subcontractor has a collective bargaining agreement.

EEOC's April 2024, "Enforcement Guidance on Harassment in the Workplace," provides for components of effective training, including that it (1) explains the district's anti-harassment policy, complaint process, and confidentiality and anti-retaliation protections, (2) describes and provides examples of prohibited conduct under the policy, (3) provides information about employees' rights

~~if they experience, observe, become aware of, or report prohibited conduct, (4) provides supervisors with information about how to prevent, identify, stop, report, and correct harassment, with clear instructions for addressing and reporting harassment, (5) is tailored to the workplace and workforce, (6) is provided on a regular basis to all employees, and (7) is provided in a clear and easily understood format.~~

~~For further information on prevention strategies, including posting requirements, see the accompanying administrative regulation.~~

CSBA NOTE: Government Code 12940 and 2 CCR 11023 require districts to take all reasonable steps to prevent prohibited discrimination and harassment, including, but not limited to, dissemination of the district's policy on the prevention of harassment, discrimination, and retaliation. Government Code 12950 and 2 CCR 11049 require districts to post, in prominent and accessible locations on district premises, posters developed by the California Civil Rights Department (CRD), formerly the Department of Fair Employment and Housing, which are available on CRD's website.

For further information on prevention strategies, including posting requirements, see the accompanying administrative regulation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

~~CSBA NOTE: Government Code 12946 makes it an unlawful employment practice for a district to fail to maintain certain records and files for employees, applicants, and terminated employees, as provided in the following paragraph.~~

CSBA NOTE: 2 CCR 11023 requires a district's policy to include a complaint process for complaints concerning employment discrimination, harassment, or retaliation, with specified requirements; see the accompanying administrative regulation. However, the complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.
For more information regarding sexual harassment of and by employees, see BP/AR

4119.11/4219.11/4319.11 - Sexual Harassment, and for the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures.

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Administrative Regulation 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures.

CSBA NOTE: Government Code 12946 makes it an unlawful employment practice for a district to fail to maintain certain records and files for employees and terminated employees, as provided in the following paragraph.

The district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the district is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11027-11028	National origin and ancestry discrimination
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
CA Constitution Article 1, Section 1	Inalienable rights
Civ. Code 51.7	Freedom from violence or intimidation
Ed. Code 200-~~270~~262.4	Prohibition of discrimination

Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940-12954	Unlawful employment practices
Gov. Code 12960-12976	Unlawful employment practices; complaints
Lab. Code 79-107	Division of Labor Standards Enforcement
Lab. Code 1030-1034	Lactation accommodation
Lab. Code 1197.5	Wages, hours and working conditions
Pen. Code 422.56	Definitions; hate crimes

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
29 USC 218d	Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.6	Title VI; Compliance information
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs
~~Executive Order 11246~~	~~Equal Employment Opportunity~~

U.S. Constitution, First Amendment	Free exercise, free speech, and establishment clauses

Management Resources	**Description**
Court Decision	Burlington Industries, Inc v. Ellerth (1998) 524 U.S. 742
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	Faragher-Ellerth v. City of Boca Raton (1998) 524 U.S. 775
Court Decision	Groff v. DeJoy (2023) 600 U.S. 447
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Shephard v. Loyola Marymount (2002) 102 Cal.App. 4th 837
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Thomson v. North American Stainless LP (2011) 62 U.S. 170
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave, January 2023 (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/CFRA-and-Pregnancy-Leave_ENG.pdf)
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment, January 2024
CA Civil Rights Department Publication	The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022 (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/11/The-Rights-of-Employees-who-are-Transgender-or-Gender-Nonconforming-Fact-Sheet_ENG.pdf)

CA Civil Rights Department Publication	Harassment Prevention Guide for California Employers, 2017 (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH-Workplace-Harassment-Guide-1.pdf)
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee, January 2023 (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/Your-Rights-and-Obligations-as-a-Pregnant-Employee_ENG.pdf)
CA Civil Rights Department Publication	Sexual Harassment, January 2023 (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/12/Sexual-Harassment-Poster_ENG.pdf)
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOE Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023 (https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)
U.S. Equal Employment Opportunity Comm Publication	~~Enforcement Guidance on Harassment in the Workplace, April 2024~~
U.S. Equal Employment Opportunity Comm Publication	EEOC Compliance Manual (https://www.eeoc.gov/guidance-subject-area)
~~U.S. Equal Employment Opportunity Comm Publication~~	~~Know Your Rights: Workplace Discrimination is Illegal, June 2023~~
Website	Equal Employment Opportunity Commission (https://www.eeoc.gov/)
Website	U.S. Department of Labor, Office of Federal Contract Compliance Program
Website	CSBA District and County Office of Education Legal Services
Website	California Civil Rights Department
Website	California Department of Industrial Relations (https://www.dir.ca.gov/)

Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3312	Contracts
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3580	District Records
3580	District Records
3600	Consultants
4000	Concepts And Roles
4032	Reasonable Accommodation
4033	Lactation Accommodation
4111	Recruitment And Selection

4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4112.4	Health Examinations
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4112.5	Criminal Record Check
~~4112.5-E(1)~~	~~Criminal Record Check~~
4112.6	Personnel Files
4112.8	Employment Of Relatives
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.5	Working Remotely
4114	Transfers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.22	Dress And Grooming
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.41	Employees With Infectious Disease
4131	Staff Development
4144	Complaints

4144	Complaints
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212.4	Health Examinations
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4212.6	Personnel Files
4212.8	Employment Of Relatives
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.1	Civil And Legal Rights
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures

4219.22	Dress And Grooming
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.41	Employees With Infectious Disease
4231	Staff Development
4244	Complaints
4244	Complaints
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4311	Recruitment And Selection
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.4	Health Examinations
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4312.6	Personnel Files
4312.8	Employment Of Relatives
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.5	Working Remotely
4319.1	Civil And Legal Rights
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures

4319.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.22	Dress And Grooming
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.41	Employees With Infectious Disease
4331	Staff Development
4344	Complaints
4344	Complaints
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.5	Military Leave
4361.8	Family Care And Medical Leave
~~5145.71~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
~~5145.71-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Regulation 4030: Nondiscrimination In Employment

Status: ADOPTED

Original Adopted Date: 12/01/2015 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Pursuant to 2 CCR 11023, districts are mandated to adopt rules and regulations to ensure that district programs and activities are free from unlawful discriminatory practices. Pursuant to Government Code 12940, protections against discrimination apply to employees, job applicants, persons who serve in unpaid internship or other limited-duration programs to gain unpaid work experience, volunteers, and independent contractors.~~

~~Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in the accompanying administrative regulation, it is unclear whether districts would additionally be required to follow the procedures specified in the accompanying administrative regulation. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing such a complaint process for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

CSBA NOTE: Pursuant to 2 CCR 11023, districts are **mandated** to adopt rules and regulations to ensure that district programs and activities are free from unlawful discriminatory practices. Pursuant to Government Code 12940, protections against discrimination apply to employees, job applicants, persons who serve in unpaid internship or other limited-duration programs to gain unpaid work experience, volunteers, and independent contractors.

The following administrative regulation includes procedures to investigate and resolve allegations of discrimination in employment. However, the complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.
For more information regarding sexual harassment of and by employees, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment, and for the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures~~All allegations of~~complaints alleging discrimination in employment, ~~including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to~~as defined in the

~~district~~accompanying Board policy, shall be investigated and resolved in accordance with procedures specified in this administrative regulation. However, complaints alleging ~~sex discrimination~~sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in ~~34 CFR 106.44 and 106.45 and~~ Administrative Regulation 4119.12/4219.12/4319.12 ~~-~~– Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures.

~~CSBA NOTE: Many nondiscrimination laws and regulations require identification of an employee who is responsible for compliance with the nondiscrimination laws. For example, pursuant to 34 CFR 104.7, 106.8, and 110.25, the district is required to designate the person(s) responsible for the overall implementation of the requirements of federal laws which prohibit discrimination on the basis of disability, sex, and age, i.e., Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), and the Age Discrimination in Employment Act (29 USC 621-634). The district should fill in the blanks below to designate the responsible employee and contact information.~~

~~34 CFR 106.8 requires the district to designate at least one district employee to coordinate its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the district's consistent compliance with its responsibilities under Title IX. It is recommended that the Title IX Coordinator be the same person designated below and, if the district wishes to separate out these responsibilities, for one individual to designate designees and maintain oversight; see AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.~~

CSBA NOTE: Many nondiscrimination laws and regulations require identification of an employee who is responsible for compliance with the nondiscrimination laws. For example, pursuant to 34 CFR 104.7, 106.8, and 110.25, the district is required to designate the person(s) responsible for the overall implementation of the requirements of federal laws which prohibit discrimination on the basis of disability (Section 504 of the Rehabilitation Act of 1973 (29 USC 794)), sex (Title IX of the Education Amendments of 1972 (20 USC 1681-1688)), and age (the Age Discrimination in Employment Act (29 USC 621-634)). The district should fill in the blanks below to designate the responsible employee and contact information.

34 CFR 106.8 requires the district to designate at least one district employee as the Title IX Coordinator to coordinate its responsibilities under Title IX. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether they should be handled in accordance with the procedures specified in this administrative regulation or in accordance with Title IX complaint procedures specified in AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. It is recommended that the Title IX Coordinator be the same person designated below. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district; see AR 4119.11/4219.11/4319.11 – Sexual Harassment.

The district designates the position identified below as its coordinator for nondiscrimination in

employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

_____
(position title)
_____
(address)
_____
(telephone number)
_____
(email)

Measures to Prevent Discrimination

CSBA NOTE: Pursuant to Government Code 12940 and 2 CCR 11023, the district is required to take all reasonable steps to prevent unlawful discrimination and harassment. 2 CCR 11023 specifies certain requirements to be included in the district's policy.

The following section reflects the requirements of 2 CCR 11023 and other applicable laws or regulations, as indicated.

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

CSBA NOTE: Pursuant to Government Code 12950 and 2 CCR 11049, districts are required to post the California Civil Rights Department (CRD), formerly the Department of Fair Employment and Housing ~~(DFEH),~~ posters, "California Law Prohibits Workplace Discrimination and Harassment," ~~"~~"Sexual Harassment;~~"~~," "The Rights of Employees Who Are Transgender or Gender Nonconforming," "Your Rights and Obligations as a Pregnant Employee," and "Family Care and Medical Leave and Pregnancy Disability Leave," as provided in Item #1. CRD rules require that these materials be posted electronically, and in every location where the district has employees (e.g., district office, hiring office, each school site). These posters and the rules for posting are available on CRD's website. Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

~~In addition, Executive Order 11246 requires contractors and subcontractors who hold a single federal contract or subcontract in excess of $10,000, or who hold contracts or subcontracts with the federal government in any 12-month period that have a total value of more than $10,000, to display the U.S. Equal Employment Opportunity Commission (EEOC) "Know Your Rights: Workplace Discrimination is Illegal" poster in conspicuous places available to employees and applicants for employment and representatives of each labor union with which the covered contractor or subcontractor has a collective bargaining agreement. The poster and rules for posting are available on EEOC's website.~~

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Civil Rights Department (CRD) posters on the prohibition of workplace discrimination and harassment, ~~including sex-based harassment,~~ the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)

CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website. Additionally, Title IX requires the district to provided notifications and take specified actions to prevent sex discrimination, including sexual harassment. For more information regarding sexual harassment by and of employees, see BP/AR 4119.11/4219.11/4319.11 – Sexual Harassment.

2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: ~~{~~ (Education Code 234.1; 5 CCR 4960; 34 CFR 100.6, 106.8)

   a. Including them in each announcement, bulletin, or application form that is used in employee recruitment

   b. Posting them in all district schools and offices, including staff lounges and other prominent locations

   c. Posting them on the district's website and providing easy access to them through district-supported social media, when available

3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)

   a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return

   b. Sending a copy via email with an acknowledgment return form

c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies

d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session

e. Any other way that ensures employees receive and understand the policy

~~CSBA NOTE: Pursuant to Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, districts are required to provide a notice of nondiscrimination on the basis of sex, as specified below.~~

~~4. Post in a prominent location on the district's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)~~

~~a. The district does not discriminate on the basis of sex in any education program or activity that it operates~~

~~b. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or the U.S. Department of Education Office for Civil Rights~~

~~c. The name or title, office and email address, and telephone number of the district's Title IX Coordinator~~

~~d. How to locate the district's nondiscrimination policy and the district's grievance procedures for Title IX complaints~~

~~e. How to report conduct that may constitute sex discrimination under Title IX~~

~~f. How to make a complaint of Title IX sex discrimination~~

~~If necessary due to the format or size of any publication specified above, the district may include only the statement that the district prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the district's website.~~

~~The district shall not distribute a publication stating that the district treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.~~

~~5.~~ 4. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior

~~CSBA NOTE: Optional Item #6 below provides for training regarding the district's discrimination policy and reporting procedures. Title IX, and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires specified training related to sex discrimination for all district employees, as well as additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) the Title IX Coordinator(s) and designees. For requirements specifically pertaining to sex discrimination and sex-based harassment training, see AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.~~
CSBA NOTE: Optional Item #5 below provides for training regarding the district's discrimination policy and reporting procedures. For requirements specifically pertaining to sexual harassment training, see AR 4119.11/4219.11/4319.1 - Sexual Harassment.

~~6.~~ 5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made~~, as well as any additional training as specified in 34 CFR 106.8 related to the prohibition of Title IX sex discrimination~~

The district may also provide bystander intervention training to employees that includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

~~7.~~ 6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law and Board Policy 4111 ~~-~~– Recruitment and Selection

~~8.~~ 7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

Complaint Procedure

CSBA NOTE: 2 CCR 11023 ~~mandates that~~requires a district's policy to include a complaint process with specified requirements. Some of the requirements of 2 CCR 11023 are similar to those required under existing case law.

In Faragher-Ellerth v. City of Boca Raton and *Burlington Industries, Inc v. Ellerth*, the Supreme Court

held that liability may be mitigated for hostile environment employment discrimination when (1) the employer took reasonable care to prevent and promptly correct the discriminatory or harassing conduct (i.e., provided a complaint procedure) and (2) the aggrieved employee unreasonably failed to take advantage of corrective opportunities offered by the employer (i.e., failure to file a complaint).

~~In its April 2024, "Enforcement Guidance on Harassment in the Workplace," EEOC outlines the elements of an effective complaint process including (1) prompt and effective investigations and corrective action, (2) adequate confidentiality protections, and (3) adequate anti-retaliation protections. While EEOC's guidance recommends a "prompt" investigation, neither the law nor EEOC delineates a specific time frame for resolution. EEOC's guidance acknowledges that whether an investigation is considered "prompt" is fact-sensitive and may vary depending on the nature and severity of the alleged harassment and reasons for the delay, and that intermediate measures may be necessary to prevent further harassment during the investigation. The following section, including the listed timelines, is consistent with EEOC's guidance and should be modified to reflect district practice.~~

The following section, including the listed timelines, should be modified to reflect district practice.

Any complaint alleging unlawful discrimination or harassment covered by this administrative regulation and accompanying Board policy shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman~~.~~

   The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

   The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a ~~written~~ complaint.

   A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a ~~written~~ complaint.

   The ~~written~~ complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a ~~written~~ complaint has been filed or whether the ~~written~~ complaint is complete~~.~~

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person(s) accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Remedial/Corrective Action: No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings.

   This timeline may be extended by the coordinator for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

   The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

   A summary of the findings shall be presented to the complainant and the person accused.

4. Appeal to the Governing Board: The complainant or any of the person(s) accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings.

The Superintendent or designee shall provide the Board with all information presented during the investigation. ~~Upon receiving an appeal,~~ and the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

Other Remedies

CSBA NOTE: Items #1-3 below state the time limits within which complaints must be filed.

Employees should be informed that the deadline for filing charges starts to run from the last date of the unlawful act, not from the conclusion of the district's complaint investigation. Pursuant to CRD procedures, CRD will automatically forward any complaint it has accepted for investigation to the Equal Employment Opportunity Commission (EEOC) when the matter falls within EEOC's jurisdiction.

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either CRD or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

CSBA NOTE: Pursuant to Government Code 12960, a complaint alleging employment discrimination pursuant to Government Code 12940-12952 ~~must~~is required to be filed with CRD within three years of the alleged discriminatory act(s). That period may be extended under certain circumstances. ~~Districts should~~ It is recommended that districts with questions consult CSBA's District and County Office of Education Legal Services or district legal counsel ~~if any questions arise~~.

1. For filing a complaint with CRD alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)

CSBA NOTE: 42 USC 2000e-5 specifies that a person ~~must~~is required to file a discrimination complaint with EEOC within 180 days of the alleged discriminatory act. Pursuant to 42 USC 2000e-5, the 180-day timeline for compensation discrimination starts when the discriminatory paycheck is received and that each discriminatory paycheck restarts the timeline for the filing of a complaint.

2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)

3. For filing a complaint with EEOC after first filing a complaint with CRD, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by CRD, whichever is earlier (42 USC 2000e-5)

~~CSBA NOTE: Additional remedies may be available for violation of the PUMP Act (29 USC 218d) under the Fair Labor Standards Act, the Pregnant Workers Fairness Act (42 USC 2000gg-2), and state law pursuant to Labor Code 1030-1034 and Government Code 12925-12954. See BP 4033 - Lactation Accommodation.~~

CSBA NOTE: Additional remedies may be available for violation of the Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act (29 USC 218d) under the Fair Labor Standards Act, the Pregnant Workers Fairness Act (42 USC 2000gg-2), and state law pursuant to Labor Code 1030-1034 and Government Code 12925-12954. See BP 4033 – Lactation Accommodation.

An employee may also file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the PUMP Act and/or ~~the Equal Employment Opportunity Commission~~EEOC for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2)

Additionally, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11027-11028	National origin and ancestry discrimination
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
CA Constitution Article 1, Section 1	Inalienable rights
Civ. Code 51.7	Freedom from violence or intimidation
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940-12954	Unlawful employment practices
Gov. Code 12960-12976	Unlawful employment practices; complaints
Lab. Code 79-107	Division of Labor Standards Enforcement

Lab. Code 1030-1034	Lactation accommodation
Lab. Code 1197.5	Wages, hours and working conditions
Pen. Code 422.56	Definitions; hate crimes

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
29 USC 218d	Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.6	Title VI; Compliance information
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs
~~Executive Order 11246~~	~~Equal Employment Opportunity~~
U.S. Constitution, First Amendment	Free exercise, free speech, and establishment clauses

Management Resources	**Description**
Court Decision	Burlington Industries, Inc v. Ellerth (1998) 524 U.S. 742
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53

Court Decision	Faragher-Ellerth v. City of Boca Raton (1998) 524 U.S. 775
Court Decision	Groff v. DeJoy (2023) 600 U.S. 447
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Shephard v. Loyola Marymount (2002) 102 Cal.App. 4th 837
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Thomson v. North American Stainless LP (2011) 62 U.S. 170
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave, January 2023 (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/CFRA-and-Pregnancy-Leave_ENG.pdf)
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment, January 2024
CA Civil Rights Department Publication	The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022 (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/11/The-Rights-of-Employees-who-are-Transgender-or-Gender-Nonconforming-Fact-Sheet_ENG.pdf)
CA Civil Rights Department Publication	Harassment Prevention Guide for California Employers, 2017 (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH-Workplace-Harassment-Guide-1.pdf)
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee, January 2023 (https://calcivilrights.ca.gov/wp-

	content/uploads/sites/32/2023/01/Your-Rights-and-Obligations-as-a-Pregnant-Employee_ENG.pdf)
CA Civil Rights Department Publication	Sexual Harassment, January 2023 (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/12/Sexual-Harassment-Poster_ENG.pdf)
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOE Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023 (https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)
U.S. Equal Employment Opportunity Comm Publication	~~Enforcement Guidance on Harassment in the Workplace, April 2024~~
U.S. Equal Employment Opportunity Comm Publication	EEOC Compliance Manual (https://www.eeoc.gov/guidance-subject-area)
~~U.S. Equal Employment Opportunity Comm Publication~~	~~Know Your Rights: Workplace Discrimination is Illegal, June 2023~~
Website	Equal Employment Opportunity Commission (https://www.eeoc.gov/)
Website	U.S. Department of Labor, Office of Federal Contract Compliance Program
Website	CSBA District and County Office of Education Legal Services
Website	California Civil Rights Department
Website	California Department of Industrial Relations (https://www.dir.ca.gov/)
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description

0410	Nondiscrimination In District Programs And Activities
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3312	Contracts
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3580	District Records
3580	District Records
3600	Consultants
4000	Concepts And Roles
4032	Reasonable Accommodation
4033	Lactation Accommodation
4111	Recruitment And Selection
4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4112.4	Health Examinations
4112.41	Employee Drug Testing

4112.41	Employee Drug Testing
4112.5	Criminal Record Check
~~4112.5-E(1)~~	~~Criminal Record Check~~
4112.6	Personnel Files
4112.8	Employment Of Relatives
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.5	Working Remotely
4114	Transfers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.22	Dress And Grooming
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.41	Employees With Infectious Disease
4131	Staff Development
4144	Complaints
4144	Complaints
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits

4161.5	Military Leave
4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212.4	Health Examinations
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4212.6	Personnel Files
4212.8	Employment Of Relatives
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.1	Civil And Legal Rights
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.22	Dress And Grooming
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.41	Employees With Infectious Disease
4231	Staff Development

4244	Complaints
4244	Complaints
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4311	Recruitment And Selection
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.4	Health Examinations
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4312.6	Personnel Files
4312.8	Employment Of Relatives
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.5	Working Remotely
4319.1	Civil And Legal Rights
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.22	Dress And Grooming
4319.23	Unauthorized Release Of Confidential/Privileged Information

4319.41	Employees With Infectious Disease
4331	Staff Development
4344	Complaints
4344	Complaints
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.5	Military Leave
4361.8	Family Care And Medical Leave
~~5145.71~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
~~5145.71-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4033: Lactation Accommodation

Status: ADOPTED

Original Adopted Date: 07/01/2011 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Pursuant to Labor Code 1034, districts are mandated to develop policy regarding lactation accommodation with specified components, as provided below.~~

~~Both federal and state law require that employees be provided reasonable break time and an appropriate location to accommodate their desire to express breast milk for their infant children. Title IX (20 USC 1681-1688), and its implementing regulation 34 CFR 106.57, as amended by 89 Fed. Reg. 33474, require districts to provide reasonable break time for employees to express breast milk or breastfeed, and to ensure that employees have access to a lactation space, as specified. Additionally, the Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act (29 USC 218d) requires employers to provide reasonable break time for nursing employees to express breast milk for one year after the child's birth, and to ensure that employees have access to a lactation space, as specified. In addition, the Pregnant Workers Fairness Act (PWFA) (42 USC 2000gg-2000gg-6) requires employers to provide reasonable accommodation to employees due to pregnancy, childbirth, or related medical conditions, including lactation. State law (Labor Code 1030-1034; Government Code 12925-12954) also applies to all district employees. Where provisions of the laws conflict, the statute providing greater protections for employees supersedes. The district should consult CSBA's District and County Office of Education Legal Services or district legal counsel if questions arise about the application of conflicting laws to a particular employee.~~

~~Government Code 12926 includes breastfeeding or medical conditions related to breastfeeding within the definition of "sex" for purposes of sex discrimination under the California Fair Employment and Housing Act. Additionally, 34 CFR 106.10, as amended by 89 Fed. Reg. 33474, provides that "sex" for purposes of sex discrimination under Title IX includes lactation and related medical conditions or recovery. In addition, Labor Code 1033 prohibits an employer from discharging, or in any manner discriminating or retaliating against, an employee for exercising or attempting to exercise any right related to lactation accommodation. Pursuant to Labor Code 1033, violation of Labor Code 1030-1034 may result in a citation from the Labor Commissioner and/or a civil penalty.~~

~~Districts are required to prohibit retaliation when a right or privilege secured by Title IX is interfered with, including when a person reported possible sex discrimination, made a sex-discrimination complaint, or participated or refused to participate in any way in the district's Title IX process. Pursuant to 34 CFR 106.71, as amended by 89 Fed. Reg. 33474, when the district has information about conduct that reasonably may constitute retaliation under Title IX, the district is required to respond to such conduct using the procedures used for other forms of sex discrimination as specified in 34 CFR 106.44 and 106.45; see AR/E(1) 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~The district should ensure consistency of this policy with provisions in the district's collective bargaining agreement, if any, related to break times or other employment issues.~~

CSBA NOTE: Pursuant to Labor Code 1034, districts are **mandated** to develop policy regarding lactation accommodation with specified components, as provided below.

Both federal and state law require that employees be provided reasonable break time and an appropriate location to accommodate their desire to express breast milk for their infant children. The Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act (29 USC 218d) requires employers to provide reasonable break time for nursing employees to express breast milk for one year after the child's birth, and to ensure that employees have access to a lactation space, as specified. In addition, the Pregnant Workers Fairness Act (PWFA) (42 USC 2000gg-2000gg-6) requires employers to provide reasonable accommodation to employees due to pregnancy, childbirth, or related medical conditions, including lactation.

State law (Labor Code 1030-1034) also applies to all district employees. Labor Code 1033 prohibits an employer from discharging, or in any manner discriminating or retaliating against, an employee for exercising or attempting to exercise any right related to lactation accommodation. Pursuant to Labor Code 1033, violation of Labor Code 1030-1034 may result in a citation from the Labor Commissioner and/or a civil penalty.

The district should ensure consistency of this policy with provisions in the district's collective bargaining agreement, if any, related to break times or other employment issues.

Where provisions of the laws conflict, the statute providing greater protections for employees supersedes. It is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel if questions arise about the application of conflicting laws to a particular employee.

The Governing Board recognizes the immediate and long-term health benefits of ~~breastfeeding~~breast milk and desires to provide a supportive environment for any district employee to express breast milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.

CSBA NOTE: Labor Code 1034 ~~mandates that~~requires the district's policy regarding lactation accommodation to include the process by which the employee is to make a lactation accommodation request and the district's obligation to respond to the request. The following paragraph should be modified to reflect the district's process.

For more information regarding workplace accommodations, see AR 4032 -- Reasonable Accommodation and for temporary assignments, see BP 4113.4/4213.4/4313.4 -- Temporary Modified/Light-Duty Assignment.

An employee shall notify the employee's supervisor or other appropriate district administrator in advance of the intent to request an accommodation. The supervisor or appropriate district administrator shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor or appropriate district administrator shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

CSBA NOTE: Pursuant to Labor Code 1032, all districts are required to grant lactation accommodation except when granting the accommodation would "seriously disrupt" district operations. "Serious disruption" is not defined in the law.

Additionally, the PUMP Act (29 USC 218d) and Labor Code 1031 provide an exception for districts with fewer than 50 employees when lactation accommodation would result in "undue hardship" based on significant difficulty or expense in relation to the size, financial resources, nature, or structure of the district. In addition, the PWFA (42 USC 2000gg-1) applies to districts with 15 or more employees, but provides an exception for accommodations that would impose an "~~.~~"undue hardship~~."~~." When a district is able to demonstrate undue hardship, Labor Code 1031 only requires that reasonable efforts be made to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express breast milk in private. ~~Pursuant to Labor Code 1031, the provided room or location may not be a toilet stall~~For more information regarding lactation space requirements, see "Break Time and Location Requirements," below.

Regardless of the size of the district, the determination of serious disruption or undue hardship should be made on a case-by-case basis and only in limited, stringent circumstances. The burden of demonstrating why accommodation could not be made, even if on a temporary basis or for less time than requested, would likely fall to the district.

Lactation accommodations shall be granted unless there exist limited circumstances ~~exist~~, as specified in law. (Labor Code 1031, 1032; 29 USC 218d, 42 USC 2000gg-1)

~~CSBA NOTE: Labor Code 1034 mandates that the district's policy include a statement that the district provide a written response to an employee if the district is unable to comply with the break time or location requirements.~~

~~34 CFR 106.57, as amended by 89 Fed. Reg. 33474, requires the district to provide "reasonable" break time for an employee to express breast milk or breastfeed, but does have any qualification related to the requirement to provide a lactation space. Additionally, it would be unlikely that a district would have a valid reason to deny a lactation accommodation pursuant to the PWFA. Thus, districts should proceed with caution before denying a lactation accommodation, and consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.~~

CSBA NOTE: Labor Code 1034 requires the district's policy to include a statement that the district provide a written response to an employee if the district is unable to comply with the break time or location requirements. It is recommended districts proceed with caution before denying a lactation accommodation, and consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

~~CSBA NOTE: Labor Code 1034 mandates that the district's policy regarding lactation accommodation be distributed to employees as provided in the following paragraph.~~

~~Additionally, pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the district's policy regarding the prohibition of sex discrimination, which includes lactation and related conditions, is required to be published, and the district's notice of nondiscrimination on the basis of sex is required to be posted on the district's website and appear in each handbook, catalog, announcement, bulletin, and application that the district makes available to employees and applicants for employment.~~

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute this policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

Break Time and Location Requirements

CSBA NOTE: Although the PUMP Act (29 USC 218d) limits the length of time that an employee is entitled to lactation accommodation to one year after the birth of the child, Labor Code 1030 and the PWFA (42 USC 2000gg-1) do not set a specific limit on the infant child's age and therefore provides greater benefits to employees.

~~Additionally, 34 CFR 106.57, as amended by 89 Fed. Reg. 33474, which requires districts to provide reasonable break time for an employee to express breast milk or breastfeed, does not specify a duration of time from birth of the child.~~

~~The~~For at least a year after the birth of a child, the district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030; 42 USC 2000gg-1~~; 34 CFR 106.57~~)

CSBA NOTE: Labor Code 1030 and the PUMP Act (29 USC 218d) do not require the district to compensate non-exempt employees for breaks taken for the purpose of expressing breast milk. However, an employee who uses break time already provided by the district as paid time must be compensated for that break time in the same manner as any other employee. Any additional time beyond the authorized paid break time could be uncompensated, provided the employee is completely relieved from duty during that time. If the district instead chooses to provide compensation for such additional break time, it should modify the following paragraph accordingly. The district also may provide flexible scheduling for those employees who choose to work extra time to make up for any uncompensated break time beyond the authorized break time.

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 218d)

CSBA NOTE: Labor Code 1031 requires the district to provide an employee with the use of a room or location, other than a bathroom, to express breast milk in private. This may include the place where the employee normally works if the location otherwise meets legal requirements, as specified below. Labor Code 1031 authorizes the district to designate a temporary location to express breast milk if the district is unable to provide a permanent location due to operational, financial, or space limitation, as long as the space is in close proximity to the employee's work area, shielded from view, free from intrusion while breast milk is being expressed, and is otherwise compliant with law.

Additionally, the PUMP Act (29 USC 218d) ~~and Title IX (34 CR 106.57, as amended by 89 Fed. Reg. 33474)~~ ~~require~~requires the district to ensure that an employee can access a lactation space, other than a bathroom, that is clean, shielded from view, and free from intrusion from others.

The employee shall be provided a lactation space which may be used by the employee for expressing breast milk ~~or breastfeeding~~ as needed. The lactation space shall be a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area~~,~~ and shall meet the following requirements: (Labor Code 1031; 29 USC 218d~~; 34 CFR 106.57~~)

1. Is shielded from view and free from intrusion while the employee is expressing breast milk

2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382

3. Contains a place to sit and a surface to place a breast pump and personal items

4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump

5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing breast milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

Dispute Resolution

CSBA NOTE: The following paragraph is required pursuant to Labor Code 1034.

An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

~~CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County of Office Education Legal Services or district legal counsel prior to utilizing such a complaint process for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

Additional remedies may be available for violation of the PUMP Act (29 USC 218d) under the Fair Labor Standards Act, the PWFA (42 USC 2000gg-2), and state law pursuant to Labor Code 1030-1034 and Government Code 12925-12954.

~~Complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

Additionally, an employee may file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the Providing Urgent Maternal Protections for Nursing Mothers Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2).

~~CSBA NOTE: The following paragraph is mandated pursuant to Labor Code 1034.~~

~~In addition, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)~~

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	**Description**
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
Civ. Code 43.3	Right of mothers to breastfeed in any public or private location
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Gov. Code 12925-12954	Unlawful discriminatory employment practices
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
Lab. Code 1030-1034	Lactation accommodation
Lab. Code 6382	Procedure for listing hazardous substances

Federal	**Description**
~~20 USC 1681-1688~~	~~Title IX of the Education Amendments of 1972; discrimination based on sex~~

29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
29 USC 218c	Fair Labor Standards Act; protections for employees
29 USC 218d	Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act
~~34 CFR 106.1-106.82~~	~~Discrimination on the basis of sex; effectuating Title IX~~
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act

Management Resources	**Description**
CA Department of Industrial Relations Publication	Rest Periods/Lactation Accommodation, Frequently Asked Questions
California Department of Public Health Publication	Lactation Accommodation for Employers
California Civil Rights Department Decision	Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision 09-03P, 2009
U.S. Department of Health & Human Services, Office on Women's Health Publication	The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
~~Federal Register~~	~~Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 78, No. 244, pages 80073-80079~~
Office of the Surgeon General Publication	The Surgeon General's Call to Action to Support Breastfeeding, 2011
U.S. DoL, Wage and Hour Div., Publication	Education FAQs: Pump at Work Frequently Asked Questions (https://www.dol.gov/agencies/whd/pump-at-work/faqs-education)
U.S. DoL, Wage and Hour Div., Publication	Frequently Asked Questions: Pumping Breast Milk at Work (https://www.dol.gov/agencies/whd/nursing-mothers/faq)
U.S. DoL, Wage and Hour Div., Publication	Fact Sheet #73: FLSA Protections for Employees to Pump Breast Milk at Work, rev. January 2023
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Industrial Relations, Division of Labor and Standards Enforcement
Website	California Department of Public Health
Website	California Women, Infants and Children Program
Website	Centers for Disease Control and Prevention
Website	Health Resources and Services Administration

Website	Office of the Surgeon General
Website	U.S. Department of Labor, Wage and Hour Division, FLSA Protections to Pump at Work
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4119.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4144	Complaints
4144	Complaints
4161.8	Family Care And Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment

4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4219.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4244	Complaints
4244	Complaints
4261.8	Family Care And Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4319.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4344	Complaints
4344	Complaints
4361.8	Family Care And Medical Leave

Policy 4112.9: Employee Notifications

Status: ADOPTED

Original Adopted Date: 06/01/1994 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice.

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications the Superintendent or designee believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing~~ ~~Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use

Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave

Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 51225.25	Student participating in a newcomer program; definition
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12945.8	Accommodations and leave for victims of a qualifying act of violence
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
~~Lab. Code 230~~	~~Accommodations and leave for victims of domestic violence~~
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement

Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record

Federal	Description
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges

3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action

4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions

4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4315	Evaluation/Supervision
4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety

4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
6178	Career Technical Education
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Exhibit 4112.9-E(1): Employee Notifications

Status: ADOPTED

Original Adopted Date: 05/01/2016 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

CSBA NOTE: The following exhibit lists notices that the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

I. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment
Education or Other Legal Code: Education Code 231.5, Government Code 12950
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application
Education or Other Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: AR 3514.2
Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Prior to implementing year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: BP 6117
Subject: Public hearing on implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: BP 6112
Subject: Public hearing on alternative schedule in secondary grades

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260
Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually
Education or Other Legal Code: Education Code 49069.5, 51225.1, 51225.25
Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175
Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, students who are migratory, and students participating in a newcomer ~~students.~~program

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49414
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49414.7
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer stock albuterol inhalers

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer anti-seizure medication

When/Whom to Notify: At least once per year
Education or Other Legal Code: Education Code 49414.3
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer opioid antagonist

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 1126
Board Policy/Administrative Regulation #: BP 4136/4236/4336
Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210

Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359
Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment
Education or Other Legal Code: Government Code 21029
Board Policy/Administrative Regulation #: None
Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter
Education or Other Legal Code: Health and Safety Code 1797.196
Board Policy/Administrative Regulation #: AR 5141
Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: AR 3513.3
Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually, or more frequently if there is new information
Education or Other Legal Code: Health and Safety Code 120875, 120880
Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43
Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire ~~and other~~, all employees annually, and upon request, in districts with 25 or more employees
Education or Other Legal Code: ~~Labor~~Government Code ~~230.1~~12945.8

Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2
Subject: Rights pursuant to ~~Labor~~Government Code ~~230-230.1~~12945.8 pertaining to leaves and accommodations for victims of ~~crime or abuse~~a qualifying act of violence

When/Whom to Notify: With each paycheck
Education or Other Legal Code: Labor Code 246
Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1
Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave
Education or Other Legal Code: Labor Code 1034
Board Policy/Administrative Regulation #: BP 4033
Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees
Education or Other Legal Code: Labor Code 2800.2

Board Policy/Administrative Regulation #: AR 4154/4254/4354
Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account
Education or Other Legal Code: Labor Code 2810.7
Board Policy/Administrative Regulation #: None
Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: Post and keep posted in a conspicuous location frequented by employees where the notice may be easily read by employees during the hours of the workday
Education or Other Legal Code: Labor Code 3550
Board Policy/Administrative Regulation #: AR 4157.1
Subject: Current compensation insurance carrier of the employer, or when appropriate, statement that the employer is self-insured, and who is responsible for claims adjustment

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period
Education or Other Legal Code: Labor Code 3551
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: ~~Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable~~
~~Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted~~
~~Education or Other Legal Code: Labor Code 6409.6~~
~~Board Policy/Administrative Regulation #: AR 4157/4257/4357~~
~~Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan~~

~~When/Whom to Notify:~~ Prior to beginning employment
Education or Other Legal Code: Penal Code 11165.7, 11166.5
Board Policy/Administrative Regulation #: AR 5141.4
Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury
Education or Other Legal Code: Unemployment Insurance Code 2613
Board Policy/Administrative Regulation #: AR 4154/4254/4354
Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses

Education or Other Legal Code: Welfare and Institutions Code 827
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants
Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9
Board Policy/Administrative Regulation #: BP 0410, AR 4030
Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee
Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: Post and keep posted on premises or via electronic posting, in conspicuous places where employees are employed
Education or Other Legal Code: 2 CCR 11095
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: A notice explaining the CFRA's provisions and procedures for filing complaints of violations of the Act with the Civil Rights Department.

When/Whom to Notify: To all employees
Education or Other Legal Code: 8 CCR 3203
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees
Education or Other Legal Code: 34 CFR 106.8
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually
Education or Other Legal Code: 40 CFR 763.84, 763.93
Board Policy/Administrative Regulation #: AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
Board Policy/Administrative Regulation #: AR 6178
Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

When/Whom to Notify: Prominently display in location frequented by certificated employees who serve students in any of grades 7-12
Education or Other Legal Code: Education Code 234.1
Board Policy/Administrative Regulation #: BP 5145.3
Subject: Information on existing school site and community resources related to the support of students who may face bias or bullying

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire
Education or Other Legal Code: Education Code 22455.5
Board Policy/Administrative Regulation #: AR 4121
Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual
Education or Other Legal Code: Education Code 22461
Board Policy/Administrative Regulation #: AR 4117.14/4317.14
Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees
Education or Other Legal Code: Education Code 35171
Board Policy/Administrative Regulation #: AR 4115, BP 4315
Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated
Education or Other Legal Code: Education Code 44663
Board Policy/Administrative Regulation #: AR 4115
Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee
Education or Other Legal Code: Education Code 44664
Board Policy/Administrative Regulation #: AR 4115
Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees
Education or Other Legal Code: Education Code 44842
Board Policy/Administrative Regulation #: AR 4112.1
Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter
Education or Other Legal Code: Education Code 44916
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121
Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15
Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5
Board Policy/Administrative Regulation #: BP 4116
Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year
Education or Other Legal Code: Education Code 44934, 44934.1, 44936
Board Policy/Administrative Regulation #: BP 4118; AR 4118
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings
Education or Other Legal Code: Education Code 44940.5
Board Policy/Administrative Regulation #: AR 4118
Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee
Education or Other Legal Code: Education Code 44948.3
Board Policy/Administrative Regulation #: AR 4118
Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Education or Other Legal Code: Education Code 44949, 44955
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released
Education or Other Legal Code: Education Code 44954
Board Policy/Administrative Regulation #: BP 4121
Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated
Education or Other Legal Code: Education Code 44955.5
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts
Education or Other Legal Code: Education Code 49079
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion
Education or Other Legal Code: Education Code 48201
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct
Education or Other Legal Code: 5 CCR 80303
Board Policy/Administrative Regulation #: AR 4117.7/4317.7
Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a

nonmerit district
Education or Other Legal Code: Education Code 45113
Board Policy/Administrative Regulation #: AR 4218
Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification
Education or Other Legal Code: Education Code 45169
Board Policy/Administrative Regulation #: AR 4212
Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted
Education or Other Legal Code: Education Code 45192, 45195
Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11
Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents
Education or Other Legal Code: 13 CCR 1234
Board Policy/Administrative Regulation #: AR 3542
Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter
Education or Other Legal Code: 13 CCR 2480
Board Policy/Administrative Regulation #: AR 3542
Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment
Education or Other Legal Code: 49 CFR 382.113, 382.601
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus
Education or Other Legal Code: 49 CFR 382.303
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract
Education or Other Legal Code: Education Code 35031
Board Policy/Administrative Regulation #: BP 2121, BP 4312.1
Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position
Education or Other Legal Code: Education Code 44896
Board Policy/Administrative Regulation #: AR 4313.2
Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year
Education or Other Legal Code: Education Code 44951
Board Policy/Administrative Regulation #: AR 4313.2
Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

When/Whom to Notify: In the event of a breach of security of district records to affected employees
Education or Other Legal Code: Civil Code 1798.29

Board Policy/Administrative Regulation #: BP 3580
Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file
Education or Other Legal Code: Education Code 44031
Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6
Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector
Education or Other Legal Code: Education Code 49414
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline
Education or Other Legal Code: Government Code 3304
Board Policy/Administrative Regulation #: AR 3515.3
Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: New employees upon hire, to all employees annually, at any time upon request, and any time an employee informs an employer that the employee or the employee's family member is a victim
Education or Other Legal Code: Government Code 12945.8
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Accommodations and leave for victims of a qualifying act of violence

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return
Education or Other Legal Code: Government Code 20997
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee
Education or Other Legal Code: Government Code 54957
Board Policy/Administrative Regulation #: BB 9321
Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information
Education or Other Legal Code: Government Code 54963
Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23
Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: ~~When document identifying employee who is victim of domestic violence~~

~~is disclosed~~
~~Education or Other Legal Code: Labor Code 230~~
~~Board Policy/Administrative Regulation #: AR 4158/4258/4358~~
~~Subject: Accommodations and leave for victims of domestic violence~~

~~When/Whom to Notify:~~ Within one working day of work-related injury or victimization of crime
Education or Other Legal Code: Labor Code 3553, 5401
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification
Education or Other Legal Code: Penal Code 11105, 11105.2
Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5
Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter
Education or Other Legal Code: 8 CCR 3204
Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42
Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemicals are present, within 15 working days after receiving a monitoring result related to an employee exposure determination
Education or Other Legal Code: 8 CCR 5191
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area
Education or Other Legal Code: 8 CCR 5194
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave
Education or Other Legal Code: 38 USC 4334
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five business days of employee's request for family care and

medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave
Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee
Education or Other Legal Code: 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness
Education or Other Legal Code: Education Code 48851.3, 42 USC 11432
Board Policy/Administrative Regulation #: AR 6173
Subject: Duties of district liaison for homeless students and availability of training and services

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing~~ ~~Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security

Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees

Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 51225.25	Student participating in a newcomer program; definition
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12945.8	Accommodations and leave for victims of a qualifying act of violence
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
~~Lab. Code 230~~	~~Accommodations and leave for victims of domestic violence~~
Lab. Code 2800.2	Notification of availability of continuation health coverage

Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record

Federal	**Description**
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources	**Description**
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	**Description**

1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision

4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files

4315	Evaluation/Supervision
4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children

6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
6178	Career Technical Education
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4119.11: ~~Sex Discrimination and Sex-Based~~ Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2015 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Sex discrimination and sex-based harassment are prohibited by Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), as well as the California Fair Employment and Housing Act (Government Code 12900-12996).~~

~~Education Code 231.5, 2 CCR 11023, and 34 CFR 106.8 mandate that districts have a written policy prohibiting sex discrimination and sex-based harassment against employees. As part of this mandate, districts are also required to adopt a written policy prohibiting sex discrimination and sex-based harassment against students; see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the process specified in AR 4030 - Nondiscrimination in Employment for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12 - Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~Pursuant to 2 CCR 11034, the district may be liable for sex-based harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sex-based harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.~~

CSBA NOTE: Education Code 231.5, 2 CCR 11023, and 34 CFR 106.8 **mandate** that districts have a written policy prohibiting sexual harassment against employees. As part of this mandate, the district is also required to adopt a written policy prohibiting sexual harassment against students; see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), as well as the California Fair Employment and Housing Act (Government Code 12900-12996).

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is investigated and resolved through federal Title IX complaint procedures in accordance with AR/E(1) 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures, or procedures as specified in AR 4030 – Nondiscrimination in Employment is dependent on whether the alleged conduct meets the more stringent federal definition of sexual harassment or the state definition. In order to meet the applicable timelines, in some instances it may be necessary to review a complaint under both procedures concurrently. See the accompanying administrative regulation, AR 4030 - Nondiscrimination in Employment, and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. It is recommended that districts with questions about liability for sexual harassment consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.~~

~~The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees.~~

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation, including sexual harassment. The Board prohibits sexual harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees. For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

~~CSBA NOTE: Pursuant to Education Code 220.1, as added by AB 1955 (Ch. 95, Statutes of 2024), a district, including a Governing Board member, may not retaliate or otherwise take adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in Education Code 220.1, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law.~~

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute ~~sex discrimination, including sex-based~~sexual harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

~~CSBA NOTE: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sex-based harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may constitute mitigating factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in Burlington Industries v. Ellerth held that, for certain claims under federal law, an employer may defend against sex-based harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer. Additionally, in Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.~~

~~Pursuant to Government Code 12950.1, employers with five or more employees are required to provide sex-based harassment training to supervisory and nonsupervisory employees which includes training in regard to sex discrimination. Additionally, Title IX, and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires specified training related to sex discrimination, including sex-based harassment, for all district employees, as well as additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the recipient's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees. See the accompanying administrative regulation for timelines and training requirements.~~

~~Items #1-4 below reflect the courts' guidance, Government Code 12950.1, and 34 CFR 106.8, and should be modified to reflect district practice.~~

CSBA NOTE: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In *Department of Health Services v. Superior Court (McGinnis)*, the California Supreme Court outlined measures that may constitute mitigating

factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in *Burlington Industries v. Ellerth* held that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer. Additionally, in *Faragher v. City of Boca Raton*, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Pursuant to Government Code 12950.1, districts are required to provide sexual harassment training to supervisory and nonsupervisory employees which includes training in regard to sex discrimination.

Additionally, 34 CFR 106.8 requires specified training related to sexual harassment for Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. See the accompanying administrative regulation for timelines and training requirements.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of ~~sex discrimination and sex-based~~sexual harassment, including but not limited to: (Education Code 231.5; Government Code 12950.1; 2 CCR 11023; 34 CFR 106.8, 106.45)

1. Providing training to employees in accordance with law and administrative regulation

2. Publicizing and disseminating the district's ~~sex discrimination and sex-based~~sexual harassment policy to employees and others to whom the policy may apply

   ~~CSBA NOTE: Pursuant to Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, districts are required to provide a notice of nondiscrimination on the basis of sex, as specified below. For more information about the content and publication requirements for the notice of nondiscrimination, see AR 4030 - Nondiscrimination in Employment.~~

   CSBA NOTE: Pursuant to 34 CFR 106.8, districts are required to provide specified notifications to students, parents/guardians, employees, bargaining units, and applicants for admission and employment related to the prohibition of discrimination on the basis of sex, which includes sexual harassment. For more information about the content and publication requirements for such notices, see E(1) 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures.

3. Publicize as specified in ~~Administrative Regulation 4030 - Nondiscrimination in Employment, a~~Exhibit (1) 4119.12/4219.12/4319.12 – Title IX ~~notice of nondiscrimination~~Sexual Harassment Complaint Procedures, the required notifications related to Title IX to

employees, applicants for employment, and bargaining units

4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures

5. Taking timely and appropriate corrective/remedial action(s~~), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments~~)

~~CSBA NOTE: The following optional paragraph reflects a recommendation of the U.S. Equal Employment Opportunity Commission's informal guidance, "Promising Practices for Preventing Harassment," has been expanded to include sex discrimination, and may be revised to reflect district practice.~~

The Superintendent or designee ~~shall~~may periodically evaluate the effectiveness of the district's strategies to prevent and address ~~sex discrimination and sex-based~~ harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether ~~sex discrimination and/or sex-based~~ harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any ~~othaer~~other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

Reports and Complaints

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to designate at least one employee to coordinate its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. See the accompanying administrative regulation.~~
CSBA NOTE: 34 CFR 106.8 requires the district to designate at least one employee to serve as the Title IX Coordinator and to coordinate the district's responsibilities under Title IX. See the accompanying administrative regulation.

Pursuant to 34 CFR 106.44, the district is required to respond promptly when there is actual knowledge of sexual harassment and in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. For this reason, it is recommended that the district train all employees regarding the reporting process.

The district should modify the timeline in this section to reflect district practice.

Any district employee who has experienced ~~sex discrimination or sex-based~~sexual harassment in the ~~district's~~district's education program or activity may file a complaint with the ~~district's~~district's Title IX Coordinator. (34 CFR 106.~~2, 106.44~~8)

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, a district is required to respond promptly and effectively when it has knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in its education program or activity. 34 CFR 106.44 further obligates a district to require its Title IX Coordinator to monitor the district's programs and activities for barriers to reporting information of such conduct and its employees to notify the Title IX Coordinator when they have such information. The following paragraph should be revised to reflect the district's timeline.~~

Any employee with knowledge of conduct that reasonably may constitute ~~sex discrimination or sex-based~~sexual harassment by or against another district employee, a student, or a third party in a district education program or activity shall notify the Title IX Coordinator within one workday. ~~An employee may be subject to discipline for failure to timely report such conduct.~~ ~~(34 CFR 106.44)~~

~~Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~
Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, concurrently meets the requirements of Administrative Regulation 4030 - Nondiscrimination in Employment.

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, when the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant. Thus, districts should not wait to respond until a "formal" complaint is made. If the district has begun grievance procedures or offered an informal resolution process to the respondent, the Title IX Coordinator is required to offer and coordinate supportive measures to the respondent, as appropriate.~~
CSBA NOTE: Pursuant to 34 CFR 106.44, when the Title IX Coordinator is notified of conduct that reasonably may constitute sexual harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant. Thus, districts should not wait to respond until a formal complaint is made. Supportive measures are also required to be offered to the respondent as deemed appropriate under the circumstances.

~~The~~ Before or after the filing of a formal complaint or where no formal complaint has been filed, the Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, ~~if the district has begun grievance procedures or offered an informal resolution process to~~ the respondent, ~~offer and coordinate supportive measures to be provided to the respondent~~ as deemed appropriate under the circumstances. (34 CFR 106.30, 106.44)

~~CSBA NOTE: In addition to district discipline imposed on employees who engage in sex-based harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).~~
CSBA NOTE: In addition to district discipline imposed on employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

Upon investigation of a ~~sex discrimination or sex-based~~sexual harassment complaint, any district employee found to have engaged or participated in ~~sex discrimination or sex-based~~sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit ~~sex discrimination or sex-based~~sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
~~5 CCR 201~~	~~Admission to high school~~
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	~~Prohibition of disclosure of~~No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices

Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579

	(https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~U.S. Equal Employment Opportunity Com. Publication~~	~~Promising Practices for Preventing Harassment, November 2017~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	California Civil Rights Department
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation

4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming
4231	Staff Development

4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
~~5145.3~~	~~Nondiscrimination/Harassment~~
~~5145.3~~	~~Nondiscrimination/Harassment~~
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

Regulation 4119.11: ~~Sex Discrimination and Sex-Based~~Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2016 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sex discrimination and sex-based harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sex-based harassment as applicable to employees.~~

~~For information regarding steps the district is required to take to prevent sex discrimination related to lactation, see BP 4033 - Lactation Accommodation.~~

~~For information related to sex discrimination and sex-based harassment involving students, see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. For information regarding steps the district is required to take to prevent sex discrimination related to a student's pregnancy or related condition pursuant to Title IX (20 USC 1681-1688) and its implementing regulation 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, see BP 5146 - Married/Pregnant/Parenting Students.~~

CSBA NOTE: The following administrative regulation is **mandated** pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.

The following administrative regulation shall apply to all allegations of sex discrimination and sex-based harassment by and against district employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by a student.

Definitions

CSBA NOTE: The U.S. Equal Employment Opportunity Commission describes sex discrimination as treating someone differently because of that person's sex. Additionally, 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex discrimination for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and, parental, marital, and family status.
CSBA NOTE: Government Code 12920 and 12926, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination or harassment includes discrimination or harassment not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

Sex discrimination includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.

CSBA NOTE: A Pursuant to 34 CFR 106.2, sex-based harassment includes (1) a district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2)

"hostile environment harassment," defined as unwelcome sex-based conduct that, based on the totality of the circumstance, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2. Conduct that meets the definition of Title IX sex discrimination, including sex-based harassment, requires investigation and resolution through the Title IX grievance procedures; see AR 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex-based harassment for the purpose of Title IX includes harassment on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related conditions; and, parental, marital, and family status. Additionally, in Oncale v. Sundowner Offshore Services, Inc., the U.S. Supreme Court held that same-sex harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status. (Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688)

1. Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct

CSBA NOTE: Pursuant to 34 CFR 106.11, as amended by 89 Fed. Reg. 33474, Title IX grievance procedures are required for Title IX sex discrimination complaints, including sex-based harassment complaints, for conduct which occurs on or after August 1, 2024 under the district's education program or activity, which includes conduct alleged to be contributing to a hostile environment that occurred outside the district's education program or activity or outside the United States. Item #2 below reflects "hostile environment harassment" as defined by 34 CFR 106.2, as amended by 89 Fed. Reg. 33474.

2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's

~~education program or activity~~

~~Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.~~

~~3. Sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2~~

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment

2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual

3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment

4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district

CSBA NOTE: Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291.

For purposes of applying the complaint procedures specified in Title IX, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

~~Examples of Sex Discrimination and Sex-Based Harassment~~

~~CSBA NOTE: Pursuant to Government Code 12940 and 34 CFR 106.11, the district may be held liable for sex-based harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sex-based harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.~~

~~Examples of actions that might constitute sex-based harassment under state and/or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:~~

~~1. Unwelcome verbal conduct such as sex-based flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sex-based activity; sex-based jokes or stories; unwelcome sex-based slurs, epithets, threats, innuendoes; derogatory comments; sex-based degrading descriptions; or the spreading of sex-based rumors~~

~~2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails or messaging; or displaying sexually suggestive objects~~

~~3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; or cornering, blocking, leaning over, or impeding normal movements~~

Title IX Coordinator/Compliance Officer

~~CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the district's consistent compliance with its responsibilities under Title IX. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment~~

CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee as the Title IX Coordinator to ensure district compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment.

Districts may modify the following to designate separate district employees to serve these functions. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district; see AR 4030 – Nondiscrimination in Employment.

The district designates the following individual~~(s)~~ as the responsible employee~~(s)~~ to coordinate its efforts to comply with Title IX in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures, and oversee the ~~district's~~district's response to ~~discrimination~~sexual harassment complaints processed under Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

Training

~~CSBA NOTE: Government Code 12950.1 requires districts with five or more employees to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.~~

~~In addition, Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires that all employees receive training related to their duties under Title IX promptly upon hire or change of position that alters their duties under Title IX, and annually thereafter. The training provided to all employees is required to include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment, and the applicable notice and information requirements. 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees.~~

~~Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sex-based harassment training. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.~~

~~The following section reflects sex discrimination and sex-based harassment training required for employees under both state and federal law.~~
CSBA NOTE: Government Code 12950.1 requires districts to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

In addition, 34 CFR 106.45 requires that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. 34 CFR 106.45 requires additional training for investigators and decisionmakers.

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.

The following section reflects sexual harassment training required for employees under both state and federal law.

The Superintendent or designee shall ensure that ~~all~~ employees receive training regarding ~~sex discrimination and sex-based~~sexual harassment in accordance with state and federal law.
Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment as specified in Government Code 12950.1. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be

presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment

2. The types of conduct that constitute sexual harassment

3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability

4. Strategies to prevent harassment in the workplace

5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware

6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources

7. The limited confidentiality of the complaint process

8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment

9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint

10. What to do if the supervisor is personally accused of harassment

11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

    Employees shall receive a copy of the district's sexual harassment policy and administrative

regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on sex, gender identity, gender expression, and sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and ~~other~~others in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

~~Additionally, the Superintendent or designee shall ensure that all employees receive annual training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)~~

~~The district's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)~~

~~1. The district's obligation to address sex-based discrimination, including sex-based harassment, in its education program or activity~~

~~2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment~~

~~3. The notification and information requirements specified in 34 CFR 106.40 and 106.44~~

~~The district's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)~~

~~The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, type of training, and name of the training provider. (2 CCR 11024)~~
The Superintendent or designee shall retain for at least two years the records of any training provided to employees. Such records shall include, but are not limited to, the names of trained employees, date of the training, the sign in sheet, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and name of the training provider. (2 CCR 11024)

Additionally, the Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR 106.45, including the definition of sexual harassment specified in 34 CFR

106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, the district's Title IX sexual harassment training shall include additional training for investigators and decisionmakers. (34 CFR 106.45)

~~Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified in 34 CFR 106.8, and to make these materials available, upon request, to members of the public. (34 CFR 106.8)~~
The Superintendent or designee shall retain for seven years the materials used to provide training as specified in 34 CFR 106.45, make these materials publicly available on its website, or, if the district does not maintain a website make these materials available upon request, to members of the public.

Notifications

~~CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website. Additionally, Title IX, and its implementing regulations, 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, require the district to provided notifications and take specified actions to prevent sex discrimination, including sex-based harassment. For more information regarding measures to prevent discrimination, see AR 4030 - Nondiscrimination in Employment.~~

~~To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030 - Nondiscrimination in Employment~~
The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

~~In addition to the measures to prevent discrimination as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, the Superintendent or designee shall ensure that a copy of the Board policy and this administrative regulation:~~
The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the accompanying Board policy and this administrative regulation:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

~~CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website. This list has been modified to make it applicable to sex-based harassment in general, not just sexual harassment.~~

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website (34 CFR 106.8)

5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website.

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department (CRD) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of ~~sex-based~~sexual harassment

2. The definition of ~~sex-based~~sexual harassment under applicable state and federal law

3. A description of ~~sex-based~~sexual harassment, with examples

4. The district's complaint process available to the employee

5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)

6. Directions on how to contact CRD and the EEOC

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by CRD and the EEOC

Additionally, the district shall post, in a prominent and accessible location, the CRD poster on discrimination in employment and the illegality of ~~sex-based~~sexual harassment, and the CRD poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

~~CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the process specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the process specified in AR 4030 - Nondiscrimination in Employment for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~ CSBA NOTE: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment.

~~All complaints and allegations of sex discrimination and sex-based harassment by and against employees shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~If sex discrimination or sex-based harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sex discrimination or sex-based harassment, prevent recurrence, and address any continuing effects.~~

All complaints alleging sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall

review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved in accordance with Administrative Regulation 4030 - Nondiscrimination in Employment.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
~~5 CCR 201~~	~~Admission to high school~~
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	~~Prohibition of disclosure of~~No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 11135	Prohibition of discrimination

Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education

	Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~U.S. Equal Employment Opportunity Com. Publication~~	~~Promising Practices for Preventing Harassment, November 2017~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	California Civil Rights Department
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment

4033	Lactation Accommodation
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming

4231	Staff Development
4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
~~5145.3~~	~~Nondiscrimination/Harassment~~
~~5145.3~~	~~Nondiscrimination/Harassment~~
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

Regulation 4119.12: Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 07/01/2020 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sex-based harassment, and mandates that the district adopt and publish complaint procedures. The following administrative regulation reflects the Title IX grievance procedures detailed in 34 CFR 106.44-106.45, as amended by 89 Fed. Reg. 33474.~~

~~Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult with CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose.~~

~~See AR 4030 - Nondiscrimination in Employment. Also see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sex discrimination and sex-based harassment.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9,

2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the procedures specified in AR 4030 – Nondiscrimination in Employment.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not "deliberately indifferent." 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is "deliberately indifferent" only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that districts with questions about specific complaints consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.~~

~~Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.~~

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or against employees shall be investigated and resolved in accordance with Administrative Regulation 4030 – Nondiscrimination in Employment. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Administrative Regulation 4030 – Nondiscrimination in Employment are concurrently met while implementing the Title IX procedure.

Basic Requirements

~~CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the district's grievance procedures follow specified basic requirements, which are reflected below.~~

~~When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)~~

~~1. Treat complainants and respondents equitably~~

~~2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent~~

~~The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.~~

~~3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures~~

~~4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any~~

~~5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.~~

~~Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a~~

~~parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)~~

~~If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.~~

CSBA NOTE: 34 CFR 106.45 requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

   Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness

3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an information resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45

4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process

5. Include reasonably prompt timeframes for the conclusion of the grievance procedures, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

   The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment

8. Include the procedures and permissible bases for the complainant and respondent to appeal

9. Describe the range of supportive measures available to complainants and respondents

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

Filing a Complaint

Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

CSBA NOTE: Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, a "complaint" is defined as an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.

A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)

Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including sex-based harassment, promptly and effectively, the Title IX Coordinator or designee should file a complaint even when the victim chooses not to do so, when, based on the considerations described below, the Title IX Coordinator or designee determines that a health or safety threat exists or when the district would be prevented from ensuring equal access based on sex in its programs or activities. In such cases, the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint

2. The victim's reasonable safety concerns regarding initiation of a complaint

3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated

4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence

5. The age and relationship of the parties, including whether the respondent is an employee of the district

6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals

7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred

8. Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator or designee is required to take the steps described below upon initiating a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, in addition to Title IX Coordinators or designees, investigators, and decisionmakers, persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures may not have a conflict of interest or bias for or against complainants or

~~respondents generally, or an individual complainant or respondent, and are required to receive specified training.~~

~~The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator is required to monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, as specified below.~~

~~In order to ensure that employees are not barred from reporting information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, the Title IX Coordinator shall monitor the district for barriers to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)~~

Reporting Allegations/Filing a Formal Complaint

~~.~~CSBA NOTE: Pursuant to 34 CFR 106.30 the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for an employee to forward the report to the Title IX Coordinator as specified in BP 4119.11 – Sexual Harassment, and may be revised to reflect district practice.

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint, requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect district practice.

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

~~CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires districts to offer and coordinate supportive measures as described below. Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, "supportive measures" are defined as individualized measures offered as appropriate, reasonably available and without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without charging a fee to the complainant or respondent to (1) restore or preserve the party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment, or (2) provide support during the recipients' grievance procedures specified in 34 CFR 106.45 or during any informal resolution process as specified in 34 CFR 106.44.~~

~~Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules; mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district's provision of supportive measures does not require the district, its employees, or any other persons authorized to provide aid, benefit, or service on the district's behalf to alter the alleged discriminatory conduct for the purpose of providing the supportive measures unless there is an allegation of sex-based harassment or retaliation.~~

~~Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)~~

~~Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district is required to provide both parties for whom supportive measures have been implemented with the opportunity to challenge, to an impartial employee, the implementation of such measures. An~~

~~"impartial employee" must be someone other than the employee who made the decision to provide the supportive measures which are being challenged, but who has the authority to modify or reverse the decision if the employee determines that the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the definition of supportive measures as specified in 34 CFR 106.2.~~

~~The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)~~

~~The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)~~

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

~~If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Additionally, Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.~~

~~34 CFR 106.44 allows a student to be removed in emergency situations as described below, but 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that a student not be "disciplined" prior to a finding being made pursuant to the Title IX grievance process. Due to this inconsistency in state~~

~~and federal law, districts are advised to consult CSBA's District and County Office of Education Legal Services of district legal counsel as to the manner of imposing an emergency removal.~~

~~If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)~~

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the district may remove the student from the district's education program or activity, on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal.

Any such removal may not constitute discipline for student record purposes or Board Policy 5144 – Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

~~Dismissal of Complaint~~

~~CSBA NOTE: The following section describes when the Title IX Coordinator or designee may dismiss a Title IX complaint and actions the Title IX Coordinator or designee is required to take when a complaint is dismissed pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)~~

~~1. The district is unable to identify the respondent after taking reasonable steps to do so~~

~~2. The respondent is not participating in the district's education program or activity and is not employed by the district~~

3. The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

   Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The following paragraph should be revised to reflect the timeline established by the district.

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within _____ days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome

2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made

3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent

2. Implement appeal procedures equally for the parties

3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint

4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations

5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome

~~6. Notify the parties of the result of the appeal and the rationale for the result~~

~~If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

~~If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment as applicable.~~

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals," below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable.

Informal Resolution Process

~~CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, criteria for the facilitator of the informal resolution process, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.44, as amended by 89 Fed. Reg. 33474.~~

~~Additionally, 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, provides potential terms that may be included in an informal resolution agreement. Because such agreements will be fact-specific and reflective of sensitive topics, districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel when drafting informal resolution agreements.~~

~~At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may~~

~~constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)~~

~~The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)~~

~~The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)~~

1. ~~Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed~~

2. ~~Obtains the parties' voluntary consent to the informal resolution process~~

~~The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district' education program or activity. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.45.

As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR 106.44, which prohibits the district from imposing discipline on a respondent for sexual harassment until the full investigation process is complete. Also see "Stipulated Expulsion" in AR 5144.1 - Suspension and Expulsion/Due Process.

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing employment. (34 CFR 106.45)

As a part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared

2. Obtains the parties' voluntary, written consent to the informal resolution process

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

~~**Notice of Allegations**~~

~~CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)~~

~~1. The district's complaint process, including any informal resolution process~~

~~2. Sufficient information, available at the time, to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incidentSuch notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.~~

~~If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.~~

~~3. A statement that retaliation is prohibited~~

~~4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified~~

~~CSBA NOTE: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.~~

~~The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.~~

Written Notice

CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process

2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident

   Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence

5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

CSBA NOTE: The following paragraph is optional. Although not required by law, it is recommended that the district provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

~~CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sex discrimination, including sex-based harassment, as specified in 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sexual harassment as specified in 34 CFR 106.45.

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

~~CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.~~

~~The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)~~

~~During the investigation process, the district's designated investigator shall: (34 CFR 106.45)~~

~~1. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible~~

~~2. Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance~~

~~3. Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:~~

~~a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence~~

~~If an accurate description is provided, the district shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.~~

~~b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence~~

~~c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures~~

~~4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses;~~

consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures

5. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness

6. Exclude as impermissible the following types of evidence, and questions seeking that evidence:

a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege

b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures

Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

CSBA NOTE: The following paragraph should be amended to reflect district practice regarding the process established to enable the decisionmaker to question parties and witnesses adequately to assess a party's or witness's credibility.

The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

CSBA NOTE: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.

The investigator shall complete the investigation within ____ days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence

2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence

3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney

4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation

7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the

respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

CSBA NOTE: It is recommended that districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the person designated as the decisionmaker of the determination of responsibility may be the same person designated as the Title IX Coordinator or designee and/or investigator, so long as there is no conflict of interest or bias. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decisionmaker and designate the Superintendent as the person to consider appeals.~~

~~The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)~~

~~Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)~~

~~1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred~~

~~2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred~~

~~The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The written decision shall be issued within _____ days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the person designated as the decisionmaker of the determination of responsibility may not be the same person designated as the Title IX Coordinator, investigator, or the person who considers the appeal. The following paragraph may be revised to

reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, it is recommended that the district, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect district practice.

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires the district's complaint procedures to state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district counsel in determining which standard to use.

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30

2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process

3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

~~Appeal of the Decision~~ Appeals

~~CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision, and requires the district to offer the parties an appeal process that at a minimum is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints, such as AR 4030 - Nondiscrimination in Employment. The district may revise the following section to reflect applicable timelines and appeal process established by the district.~~

~~The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.~~

~~Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)~~

~~When conducting an appeal, the district shall follow the appeal process as specified in Administrative Regulation 4030 - Nondiscrimination in Employment.~~

~~Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.~~

~~The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.~~

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines and appeal process established by the district.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. It is recommended that the Superintendent serve as the decisionmaker for appeals.

34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision based on any of the reasons specified in the following paragraph, or if the district has any other additional bases for an appeal that it offers equally to both parties.

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties

2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator

3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

CSBA NOTE: The timeframes in the following two paragraphs are optional and may be revised to reflect district practice.

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

~~**Extension of Timelines**~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause, with notice to the parties that includes the reason for the delay.~~

~~Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)~~

Remedies

~~When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

CSBA NOTE: 34 CFR 106.45 requires the district's Title IX complaint process to list or describe the range of possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

~~The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)~~

~~When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.~~

~~The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)~~

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

~~CSBA NOTE: The following paragraph reflects Title IX record-keeping requirements pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474.~~

~~The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)~~

~~1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures~~

~~2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented~~

~~3. All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process~~

~~The district shall make such training materials available upon request by members of the public.~~

~~For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure340.1):~~

~~1. A record of the allegation(s)~~

~~2. A record of the investigation procedures followed~~

~~3. A record of the written determination~~

~~4. A record of the corrective action implemented, if any~~

~~5. A record of any appeals and the outcome of the same~~

~~6. All training materials addressing the prohibition and investigation of childhood sexual assault~~

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances

3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	**Description**
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault

20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~

U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records
3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4131	Staff Development

4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

Exhibit 4119.12-E(1): Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/01/2020 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to employees, bargaining units, and job applicants that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or to the U.S. Department of Education, Office for Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sex discrimination, including sex-based harassment, the district's grievance procedures that provide for the prompt and equitable resolution of sex discrimination and sex-based harassment complaints; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements.~~

~~Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to employees, bargaining units, and job applicants. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.~~

~~Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator

and/or to the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for students and parents/guardians, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook, for employees, bargaining units, and job applicants.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

NOTICE OF TITLE IX ~~NONDISCRIMINATION~~ SEXUAL HARASSMENT POLICY

The ~~Code of Federal Regulations, Title 34, Section 106.8 requires the~~ district ~~to issue the following notification to employees, job applicants, and employee organizations:~~

~~The district does~~shall not discriminate on the basis of sex ~~and prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district ~~is required, as specified in Title IX, to~~shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the coordinator for nondiscrimination in employment specified in AR 4030 – Nondiscrimination in Employment, as the responsible employee(s) to handle complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The ~~district has designated and authorized the~~ following employee~~(s)~~ serves as the district's Title IX Coordinator~~, to address~~ and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~sexual harassment:

_____

(name and/or title/position)

_____
(address)
_____
(telephone number)
_____
(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district ~~must~~ is required to provide notice to students, parents/guardians, employees, bargaining units, and ~~job~~ applicants for admission and employment of the district's grievance procedures, and process, including how to report ~~conduct that may constitute sex discrimination, including sex-based harassment,~~ or file a formal complaint of sex discrimination~~, including sex-based~~ and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including ~~sex-based~~sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of ~~sex discrimination, including sex-based~~sexual harassment, the Title IX Coordinator ~~will~~shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on ~~sex discrimination, including sex-based~~sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~ Sexual Harassment Complaint Procedures , on the district's website at _____~~(~~(insert website link)_____.

To inspect or obtain a copy of the district's ~~sex discrimination and sex-based~~sexual harassment policies and administrative regulations, please contact~~:~~_____~~(~~: (insert location/phone/email of contact person) _____.

Materials used to train ~~employees;~~ the Title IX Coordinator~~;~~, investigator(s), decisionmaker(s), and ~~other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and~~ any person(s) who facilitates an informal resolution process, are also publicly available on the district's website or at the district office upon request.

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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473

Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records

3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

Policy 4212.9: Employee Notifications

Status: ADOPTED

Original Adopted Date: 06/01/1994 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice.

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications the Superintendent or designee believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing~~ ~~Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use

Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave

Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 51225.25	Student participating in a newcomer program; definition
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12945.8	Accommodations and leave for victims of a qualifying act of violence
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
~~Lab. Code 230~~	~~Accommodations and leave for victims of domestic violence~~
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement

Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record

Federal	Description
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges

3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action

4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions

4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4315	Evaluation/Supervision
4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety

4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
6178	Career Technical Education
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Exhibit 4212.9-E(1): Employee Notifications

Status: ADOPTED

Original Adopted Date: 05/01/2016 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

CSBA NOTE: The following exhibit lists notices that the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

I. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment
Education or Other Legal Code: Education Code 231.5, Government Code 12950
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application
Education or Other Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: AR 3514.2
Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Prior to implementing year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: BP 6117
Subject: Public hearing on implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: BP 6112
Subject: Public hearing on alternative schedule in secondary grades

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260
Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually
Education or Other Legal Code: Education Code 49069.5, 51225.1, 51225.25
Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175
Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, students who are migratory, and students participating in a newcomer ~~students.~~program

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49414
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49414.7
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer stock albuterol inhalers

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer anti-seizure medication

When/Whom to Notify: At least once per year
Education or Other Legal Code: Education Code 49414.3
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer opioid antagonist

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 1126
Board Policy/Administrative Regulation #: BP 4136/4236/4336
Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210

Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359
Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment
Education or Other Legal Code: Government Code 21029
Board Policy/Administrative Regulation #: None
Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter
Education or Other Legal Code: Health and Safety Code 1797.196
Board Policy/Administrative Regulation #: AR 5141
Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: AR 3513.3
Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually, or more frequently if there is new information
Education or Other Legal Code: Health and Safety Code 120875, 120880
Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43
Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire ~~and other~~, all employees annually, and upon request, in districts with 25 or more employees
Education or Other Legal Code: ~~Labor~~Government Code ~~230.1~~12945.8

Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2
Subject: Rights pursuant to ~~Labor~~Government Code ~~230-230.1~~12945.8 pertaining to leaves and accommodations for victims of ~~crime or abuse~~a qualifying act of violence

When/Whom to Notify: With each paycheck
Education or Other Legal Code: Labor Code 246
Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1
Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave
Education or Other Legal Code: Labor Code 1034
Board Policy/Administrative Regulation #: BP 4033
Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees
Education or Other Legal Code: Labor Code 2800.2

Board Policy/Administrative Regulation #: AR 4154/4254/4354
Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account
Education or Other Legal Code: Labor Code 2810.7
Board Policy/Administrative Regulation #: None
Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: Post and keep posted in a conspicuous location frequented by employees where the notice may be easily read by employees during the hours of the workday
Education or Other Legal Code: Labor Code 3550
Board Policy/Administrative Regulation #: AR 4157.1
Subject: Current compensation insurance carrier of the employer, or when appropriate, statement that the employer is self-insured, and who is responsible for claims adjustment

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period
Education or Other Legal Code: Labor Code 3551
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: ~~Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable~~
~~Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted~~
~~Education or Other Legal Code: Labor Code 6409.6~~
~~Board Policy/Administrative Regulation #: AR 4157/4257/4357~~
~~Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan~~

~~When/Whom to Notify:~~ Prior to beginning employment
Education or Other Legal Code: Penal Code 11165.7, 11166.5
Board Policy/Administrative Regulation #: AR 5141.4
Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury
Education or Other Legal Code: Unemployment Insurance Code 2613
Board Policy/Administrative Regulation #: AR 4154/4254/4354
Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses

Education or Other Legal Code: Welfare and Institutions Code 827
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants
Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9
Board Policy/Administrative Regulation #: BP 0410, AR 4030
Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee
Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: Post and keep posted on premises or via electronic posting, in conspicuous places where employees are employed
Education or Other Legal Code: 2 CCR 11095
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: A notice explaining the CFRA's provisions and procedures for filing complaints of violations of the Act with the Civil Rights Department.

When/Whom to Notify: To all employees
Education or Other Legal Code: 8 CCR 3203
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees
Education or Other Legal Code: 34 CFR 106.8
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually
Education or Other Legal Code: 40 CFR 763.84, 763.93
Board Policy/Administrative Regulation #: AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
Board Policy/Administrative Regulation #: AR 6178
Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

When/Whom to Notify: Prominently display in location frequented by certificated employees who serve students in any of grades 7-12
Education or Other Legal Code: Education Code 234.1
Board Policy/Administrative Regulation #: BP 5145.3
Subject: Information on existing school site and community resources related to the support of students who may face bias or bullying

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire
Education or Other Legal Code: Education Code 22455.5
Board Policy/Administrative Regulation #: AR 4121
Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual
Education or Other Legal Code: Education Code 22461
Board Policy/Administrative Regulation #: AR 4117.14/4317.14
Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees
Education or Other Legal Code: Education Code 35171
Board Policy/Administrative Regulation #: AR 4115, BP 4315
Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated
Education or Other Legal Code: Education Code 44663
Board Policy/Administrative Regulation #: AR 4115
Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee
Education or Other Legal Code: Education Code 44664
Board Policy/Administrative Regulation #: AR 4115
Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees
Education or Other Legal Code: Education Code 44842
Board Policy/Administrative Regulation #: AR 4112.1
Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter
Education or Other Legal Code: Education Code 44916
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121
Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15
Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5
Board Policy/Administrative Regulation #: BP 4116
Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year
Education or Other Legal Code: Education Code 44934, 44934.1, 44936
Board Policy/Administrative Regulation #: BP 4118; AR 4118
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings
Education or Other Legal Code: Education Code 44940.5
Board Policy/Administrative Regulation #: AR 4118
Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee
Education or Other Legal Code: Education Code 44948.3
Board Policy/Administrative Regulation #: AR 4118
Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Education or Other Legal Code: Education Code 44949, 44955
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released
Education or Other Legal Code: Education Code 44954
Board Policy/Administrative Regulation #: BP 4121
Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated
Education or Other Legal Code: Education Code 44955.5
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts
Education or Other Legal Code: Education Code 49079
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion
Education or Other Legal Code: Education Code 48201
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct
Education or Other Legal Code: 5 CCR 80303
Board Policy/Administrative Regulation #: AR 4117.7/4317.7
Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a

nonmerit district
Education or Other Legal Code: Education Code 45113
Board Policy/Administrative Regulation #: AR 4218
Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification
Education or Other Legal Code: Education Code 45169
Board Policy/Administrative Regulation #: AR 4212
Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted
Education or Other Legal Code: Education Code 45192, 45195
Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11
Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents
Education or Other Legal Code: 13 CCR 1234
Board Policy/Administrative Regulation #: AR 3542
Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter
Education or Other Legal Code: 13 CCR 2480
Board Policy/Administrative Regulation #: AR 3542
Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment
Education or Other Legal Code: 49 CFR 382.113, 382.601
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus
Education or Other Legal Code: 49 CFR 382.303
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract
Education or Other Legal Code: Education Code 35031
Board Policy/Administrative Regulation #: BP 2121, BP 4312.1
Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position
Education or Other Legal Code: Education Code 44896
Board Policy/Administrative Regulation #: AR 4313.2
Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year
Education or Other Legal Code: Education Code 44951
Board Policy/Administrative Regulation #: AR 4313.2
Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

When/Whom to Notify: In the event of a breach of security of district records to affected employees
Education or Other Legal Code: Civil Code 1798.29

Board Policy/Administrative Regulation #: BP 3580
Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file
Education or Other Legal Code: Education Code 44031
Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6
Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector
Education or Other Legal Code: Education Code 49414
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline
Education or Other Legal Code: Government Code 3304
Board Policy/Administrative Regulation #: AR 3515.3
Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: New employees upon hire, to all employees annually, at any time upon request, and any time an employee informs an employer that the employee or the employee's family member is a victim
Education or Other Legal Code: Government Code 12945.8
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Accommodations and leave for victims of a qualifying act of violence

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return
Education or Other Legal Code: Government Code 20997
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee
Education or Other Legal Code: Government Code 54957
Board Policy/Administrative Regulation #: BB 9321
Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information
Education or Other Legal Code: Government Code 54963
Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23
Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: ~~When document identifying employee who is victim of domestic violence~~

~~is disclosed~~
~~Education or Other Legal Code: Labor Code 230~~
~~Board Policy/Administrative Regulation #: AR 4158/4258/4358~~
~~Subject: Accommodations and leave for victims of domestic violence~~

~~When/Whom to Notify:~~ Within one working day of work-related injury or victimization of crime
Education or Other Legal Code: Labor Code 3553, 5401
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification
Education or Other Legal Code: Penal Code 11105, 11105.2
Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5
Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter
Education or Other Legal Code: 8 CCR 3204
Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42
Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemicals are present, within 15 working days after receiving a monitoring result related to an employee exposure determination
Education or Other Legal Code: 8 CCR 5191
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area
Education or Other Legal Code: 8 CCR 5194
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave
Education or Other Legal Code: 38 USC 4334
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five business days of employee's request for family care and

medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave
Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee
Education or Other Legal Code: 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness
Education or Other Legal Code: Education Code 48851.3, 42 USC 11432
Board Policy/Administrative Regulation #: AR 6173
Subject: Duties of district liaison for homeless students and availability of training and services

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing~~ ~~Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security

Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees

Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 51225.25	Student participating in a newcomer program; definition
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12945.8	Accommodations and leave for victims of a qualifying act of violence
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
~~Lab. Code 230~~	~~Accommodations and leave for victims of domestic violence~~
Lab. Code 2800.2	Notification of availability of continuation health coverage

Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record

Federal	**Description**
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources	**Description**
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	**Description**

1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision

4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files

4315	Evaluation/Supervision
4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children

6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
6178	Career Technical Education
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4219.11: ~~Sex Discrimination and Sex-Based~~ Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2015 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Sex discrimination and sex-based harassment are prohibited by Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), as well as the California Fair Employment and Housing Act (Government Code 12900-12996).~~

~~Education Code 231.5, 2 CCR 11023, and 34 CFR 106.8 mandate that districts have a written policy prohibiting sex discrimination and sex-based harassment against employees. As part of this mandate, districts are also required to adopt a written policy prohibiting sex discrimination and sex-based harassment against students; see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the process specified in AR 4030 - Nondiscrimination in Employment for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12 - Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~Pursuant to 2 CCR 11034, the district may be liable for sex-based harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sex-based harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.~~

CSBA NOTE: Education Code 231.5, 2 CCR 11023, and 34 CFR 106.8 **mandate** that districts have a written policy prohibiting sexual harassment against employees. As part of this mandate, the district is also required to adopt a written policy prohibiting sexual harassment against students; see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), as well as the California Fair Employment and Housing Act (Government Code 12900-12996).

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is investigated and resolved through federal Title IX complaint procedures in accordance with AR/E(1) 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures, or procedures as specified in AR 4030 – Nondiscrimination in Employment is dependent on whether the alleged conduct meets the more stringent federal definition of sexual harassment or the state definition. In order to meet the applicable timelines, in some instances it may be necessary to review a complaint under both procedures concurrently. See the accompanying administrative regulation, AR 4030 - Nondiscrimination in Employment, and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. It is recommended that districts with questions about liability for sexual harassment consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.~~

~~The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees.~~

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation, including sexual harassment. The Board prohibits sexual harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees. For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

~~CSBA NOTE: Pursuant to Education Code 220.1, as added by AB 1955 (Ch. 95, Statutes of 2024), a district, including a Governing Board member, may not retaliate or otherwise take adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in Education Code 220.1, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law.~~

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute ~~sex discrimination, including sex-based~~sexual harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

~~CSBA NOTE: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sex-based harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may constitute mitigating factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in Burlington Industries v. Ellerth held that, for certain claims under federal law, an employer may defend against sex-based harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer. Additionally, in Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.~~

~~Pursuant to Government Code 12950.1, employers with five or more employees are required to provide sex-based harassment training to supervisory and nonsupervisory employees which includes training in regard to sex discrimination. Additionally, Title IX, and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires specified training related to sex discrimination, including sex-based harassment, for all district employees, as well as additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the recipient's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees. See the accompanying administrative regulation for timelines and training requirements.~~

~~Items #1-4 below reflect the courts' guidance, Government Code 12950.1, and 34 CFR 106.8, and should be modified to reflect district practice.~~

CSBA NOTE: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In *Department of Health Services v. Superior Court (McGinnis)*, the California Supreme Court outlined measures that may constitute mitigating

factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in *Burlington Industries v. Ellerth* held that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer. Additionally, in *Faragher v. City of Boca Raton*, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Pursuant to Government Code 12950.1, districts are required to provide sexual harassment training to supervisory and nonsupervisory employees which includes training in regard to sex discrimination.

Additionally, 34 CFR 106.8 requires specified training related to sexual harassment for Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. See the accompanying administrative regulation for timelines and training requirements.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of ~~sex discrimination and sex-based~~sexual harassment, including but not limited to: (Education Code 231.5; Government Code 12950.1; 2 CCR 11023; 34 CFR 106.8, 106.45)

1. Providing training to employees in accordance with law and administrative regulation

2. Publicizing and disseminating the district's ~~sex discrimination and sex-based~~sexual harassment policy to employees and others to whom the policy may apply

   ~~CSBA NOTE: Pursuant to Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, districts are required to provide a notice of nondiscrimination on the basis of sex, as specified below. For more information about the content and publication requirements for the notice of nondiscrimination, see AR 4030 - Nondiscrimination in Employment.~~

   CSBA NOTE: Pursuant to 34 CFR 106.8, districts are required to provide specified notifications to students, parents/guardians, employees, bargaining units, and applicants for admission and employment related to the prohibition of discrimination on the basis of sex, which includes sexual harassment. For more information about the content and publication requirements for such notices, see E(1) 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures.

3. Publicize as specified in ~~Administrative Regulation 4030 - Nondiscrimination in Employment, a~~Exhibit (1) 4119.12/4219.12/4319.12 – Title IX ~~notice of nondiscrimination~~Sexual Harassment Complaint Procedures, the required notifications related to Title IX to

employees, applicants for employment, and bargaining units

4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures

5. Taking timely and appropriate corrective/remedial action(s~~), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments~~)

~~CSBA NOTE: The following optional paragraph reflects a recommendation of the U.S. Equal Employment Opportunity Commission's informal guidance, "Promising Practices for Preventing Harassment," has been expanded to include sex discrimination, and may be revised to reflect district practice.~~

The Superintendent or designee ~~shall~~may periodically evaluate the effectiveness of the district's strategies to prevent and address ~~sex discrimination and sex-based~~ harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether ~~sex discrimination and/or sex-based~~ harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any ~~othaer~~other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

Reports and Complaints

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to designate at least one employee to coordinate its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. See the accompanying administrative regulation.~~
CSBA NOTE: 34 CFR 106.8 requires the district to designate at least one employee to serve as the Title IX Coordinator and to coordinate the district's responsibilities under Title IX. See the accompanying administrative regulation.

Pursuant to 34 CFR 106.44, the district is required to respond promptly when there is actual knowledge of sexual harassment and in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. For this reason, it is recommended that the district train all employees regarding the reporting process.

The district should modify the timeline in this section to reflect district practice.

Any district employee who has experienced ~~sex discrimination or sex-based~~sexual harassment in the ~~district's~~district's education program or activity may file a complaint with the ~~district's~~district's Title IX Coordinator. (34 CFR 106.~~2, 106.44~~8)

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, a district is required to respond promptly and effectively when it has knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in its education program or activity. 34 CFR 106.44 further obligates a district to require its Title IX Coordinator to monitor the district's programs and activities for barriers to reporting information of such conduct and its employees to notify the Title IX Coordinator when they have such information. The following paragraph should be revised to reflect the district's timeline.~~

Any employee with knowledge of conduct that reasonably may constitute ~~sex discrimination or sex-based~~sexual harassment by or against another district employee, a student, or a third party in a district education program or activity shall notify the Title IX Coordinator within one workday. ~~An employee may be subject to discipline for failure to timely report such conduct.~~ ~~(34 CFR 106.44)~~

~~Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~
Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, concurrently meets the requirements of Administrative Regulation 4030 - Nondiscrimination in Employment.

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, when the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant. Thus, districts should not wait to respond until a "formal" complaint is made. If the district has begun grievance procedures or offered an informal resolution process to the respondent, the Title IX Coordinator is required to offer and coordinate supportive measures to the respondent, as appropriate.~~
CSBA NOTE: Pursuant to 34 CFR 106.44, when the Title IX Coordinator is notified of conduct that reasonably may constitute sexual harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant. Thus, districts should not wait to respond until a formal complaint is made. Supportive measures are also required to be offered to the respondent as deemed appropriate under the circumstances.

~~The~~ Before or after the filing of a formal complaint or where no formal complaint has been filed, the Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and~~, if the district has begun grievance procedures or offered an informal resolution process to~~ the respondent, ~~offer and coordinate supportive measures to be provided to the respondent~~ as deemed appropriate under the circumstances. (34 CFR 106.30, 106.44)

~~CSBA NOTE: In addition to district discipline imposed on employees who engage in sex-based harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).~~
CSBA NOTE: In addition to district discipline imposed on employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

Upon investigation of a ~~sex discrimination or sex-based~~sexual harassment complaint, any district employee found to have engaged or participated in ~~sex discrimination or sex-based~~sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit ~~sex discrimination or sex-based~~sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
~~5 CCR 201~~	~~Admission to high school~~
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	~~Prohibition of disclosure of~~No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices

Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579

	(https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~U.S. Equal Employment Opportunity Com. Publication~~	~~Promising Practices for Preventing Harassment, November 2017~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	California Civil Rights Department
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation

4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming
4231	Staff Development

4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
~~5145.3~~	~~Nondiscrimination/Harassment~~
~~5145.3~~	~~Nondiscrimination/Harassment~~
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

Regulation 4219.11: ~~Sex Discrimination and Sex-Based~~Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2016 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sex discrimination and sex-based harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sex-based harassment as applicable to employees.~~

~~For information regarding steps the district is required to take to prevent sex discrimination related to lactation, see BP 4033 - Lactation Accommodation.~~

~~For information related to sex discrimination and sex-based harassment involving students, see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. For information regarding steps the district is required to take to prevent sex discrimination related to a student's pregnancy or related condition pursuant to Title IX (20 USC 1681-1688) and its implementing regulation 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, see BP 5146 - Married/Pregnant/Parenting Students.~~

CSBA NOTE: The following administrative regulation is **mandated** pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.

The following administrative regulation shall apply to all allegations of sex discrimination and sex-based harassment by and against district employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by a student.

Definitions

CSBA NOTE: The U.S. Equal Employment Opportunity Commission describes sex discrimination as treating someone differently because of that person's sex. Additionally, 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex discrimination for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and, parental, marital, and family status.
CSBA NOTE: Government Code 12920 and 12926, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination or harassment includes discrimination or harassment not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

Sex discrimination includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.

CSBA NOTE: A Pursuant to 34 CFR 106.2, sex-based harassment includes (1) a district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2)

"hostile environment harassment," defined as unwelcome sex-based conduct that, based on the totality of the circumstance, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2. Conduct that meets the definition of Title IX sex discrimination, including sex-based harassment, requires investigation and resolution through the Title IX grievance procedures; see AR 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex-based harassment for the purpose of Title IX includes harassment on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related conditions; and, parental, marital, and family status. Additionally, in Oncale v. Sundowner Offshore Services, Inc., the U.S. Supreme Court held that same-sex harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status. (Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688)

1. Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct

CSBA NOTE: Pursuant to 34 CFR 106.11, as amended by 89 Fed. Reg. 33474, Title IX grievance procedures are required for Title IX sex discrimination complaints, including sex-based harassment complaints, for conduct which occurs on or after August 1, 2024 under the district's education program or activity, which includes conduct alleged to be contributing to a hostile environment that occurred outside the district's education program or activity or outside the United States. Item #2 below reflects "hostile environment harassment" as defined by 34 CFR 106.2, as amended by 89 Fed. Reg. 33474.

2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's

~~education program or activity~~

~~Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.~~

~~3. Sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2~~

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment

2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual

3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment

4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district

CSBA NOTE: Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291.

For purposes of applying the complaint procedures specified in Title IX, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

~~Examples of Sex Discrimination and Sex-Based Harassment~~

~~CSBA NOTE: Pursuant to Government Code 12940 and 34 CFR 106.11, the district may be held liable for sex-based harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sex-based harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.~~

~~Examples of actions that might constitute sex-based harassment under state and/or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:~~

~~1. Unwelcome verbal conduct such as sex-based flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sex-based activity; sex-based jokes or stories; unwelcome sex-based slurs, epithets, threats, innuendoes; derogatory comments; sex-based degrading descriptions; or the spreading of sex-based rumors~~

~~2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails or messaging; or displaying sexually suggestive objects~~

~~3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; or cornering, blocking, leaning over, or impeding normal movements~~

Title IX Coordinator/Compliance Officer

~~CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the district's consistent compliance with its responsibilities under Title IX. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment~~
CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee as the Title IX Coordinator to ensure district compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment. Districts may modify the

following to designate separate district employees to serve these functions. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district; see AR 4030 – Nondiscrimination in Employment.

The district designates the following individual~~(s)~~ as the responsible employee~~(s)~~ to coordinate its efforts to comply with Title IX in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures, and oversee the ~~district's~~district's response to ~~discrimination~~sexual harassment complaints processed under Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

Training

~~CSBA NOTE: Government Code 12950.1 requires districts with five or more employees to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.~~

~~In addition, Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires that all employees receive training related to their duties under Title IX promptly upon hire or change of position that alters their duties under Title IX, and annually thereafter. The training provided to all employees is required to include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment, and the applicable notice and information requirements. 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees.~~

~~Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sex-based harassment training. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.~~

~~The following section reflects sex discrimination and sex-based harassment training required for employees under both state and federal law.~~
CSBA NOTE: Government Code 12950.1 requires districts to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

In addition, 34 CFR 106.45 requires that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. 34 CFR 106.45 requires additional training for investigators and decisionmakers.

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.

The following section reflects sexual harassment training required for employees under both state and federal law.

The Superintendent or designee shall ensure that ~~all~~ employees receive training regarding ~~sex discrimination and sex-based~~sexual harassment in accordance with state and federal law.
Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment as specified in Government Code 12950.1. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment,

discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment

2. The types of conduct that constitute sexual harassment

3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability

4. Strategies to prevent harassment in the workplace

5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware

6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources

7. The limited confidentiality of the complaint process

8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment

9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint

10. What to do if the supervisor is personally accused of harassment

11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

    Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on sex, gender identity, gender expression, and sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and ~~other~~others in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

~~Additionally, the Superintendent or designee shall ensure that all employees receive annual training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)~~

~~The district's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)~~

~~1. The district's obligation to address sex-based discrimination, including sex-based harassment, in its education program or activity~~

~~2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment~~

~~3. The notification and information requirements specified in 34 CFR 106.40 and 106.44~~

~~The district's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)~~

~~The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, type of training, and name of the training provider. (2 CCR 11024)~~
The Superintendent or designee shall retain for at least two years the records of any training provided to employees. Such records shall include, but are not limited to, the names of trained employees, date of the training, the sign in sheet, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and name of the training provider. (2 CCR 11024)

Additionally, the Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR 106.45, including the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable,

and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, the district's Title IX sexual harassment training shall include additional training for investigators and decisionmakers. (34 CFR 106.45)

~~Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified in 34 CFR 106.8, and to make these materials available, upon request, to members of the public. (34 CFR 106.8)~~
The Superintendent or designee shall retain for seven years the materials used to provide training as specified in 34 CFR 106.45, make these materials publicly available on its website, or, if the district does not maintain a website make these materials available upon request, to members of the public.

Notifications

~~CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website. Additionally, Title IX, and its implementing regulations, 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, require the district to provided notifications and take specified actions to prevent sex discrimination, including sex-based harassment. For more information regarding measures to prevent discrimination, see AR 4030 - Nondiscrimination in Employment.~~

~~To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030 - Nondiscrimination in Employment~~
The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

~~In addition to the measures to prevent discrimination as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, the Superintendent or designee shall ensure that a copy of the Board policy and this administrative regulation:~~
The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the accompanying Board policy and this administrative regulation:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

~~CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website. This list has been modified to make it applicable to sex-based harassment in general, not just sexual harassment.~~

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website (34 CFR 106.8)

5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website.

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department (CRD) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of ~~sex-based~~sexual harassment

2. The definition of ~~sex-based~~sexual harassment under applicable state and federal law

3. A description of ~~sex-based~~sexual harassment, with examples

4. The district's complaint process available to the employee

5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)

6. Directions on how to contact CRD and the EEOC

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by CRD and the EEOC

Additionally, the district shall post, in a prominent and accessible location, the CRD poster on discrimination in employment and the illegality of ~~sex-based~~sexual harassment, and the CRD poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

~~CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the process specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the process specified in AR 4030 - Nondiscrimination in Employment for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~
CSBA NOTE: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment.

~~All complaints and allegations of sex discrimination and sex-based harassment by and against employees shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~If sex discrimination or sex-based harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sex discrimination or sex-based harassment, prevent recurrence, and address any continuing effects.~~
All complaints alleging sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual

Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved in accordance with Administrative Regulation 4030 - Nondiscrimination in Employment.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
~~5 CCR 201~~	~~Admission to high school~~
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	~~Prohibition of disclosure of~~No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices

Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579

	(https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~U.S. Equal Employment Opportunity Com. Publication~~	~~Promising Practices for Preventing Harassment, November 2017~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	California Civil Rights Department
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation

4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming
4231	Staff Development

4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
~~5145.3~~	~~Nondiscrimination/Harassment~~
~~5145.3~~	~~Nondiscrimination/Harassment~~
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

Regulation 4219.12: Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 07/01/2020 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sex-based harassment, and mandates that the district adopt and publish complaint procedures. The following administrative regulation reflects the Title IX grievance procedures detailed in 34 CFR 106.44-106.45, as amended by 89 Fed. Reg. 33474.~~

~~Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult with CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose.~~

~~See AR 4030 - Nondiscrimination in Employment. Also see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sex discrimination and sex-based harassment.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9,

2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the procedures specified in AR 4030 – Nondiscrimination in Employment.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not "deliberately indifferent." 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is "deliberately indifferent" only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that districts with questions about specific complaints consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.~~

~~Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.~~

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or against employees shall be investigated and resolved in accordance with Administrative Regulation 4030 – Nondiscrimination in Employment. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Administrative Regulation 4030 – Nondiscrimination in Employment are concurrently met while implementing the Title IX procedure.

Basic Requirements

~~CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the district's grievance procedures follow specified basic requirements, which are reflected below.~~

~~When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)~~

1. ~~Treat complainants and respondents equitably~~

2. ~~Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent~~

   ~~The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.~~

3. ~~Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures~~

4. ~~Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any~~

5. ~~Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.~~

~~Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)~~

~~If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.~~

CSBA NOTE: 34 CFR 106.45 requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

   Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness

3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an information resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45

4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process

5. Include reasonably prompt timeframes for the conclusion of the grievance procedures, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

   The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment

8. Include the procedures and permissible bases for the complainant and respondent to appeal

9. Describe the range of supportive measures available to complainants and respondents

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

~~**Filing a Complaint**~~

~~Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, a "complaint" is defined as an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.~~

~~A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)~~

~~Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)~~

~~CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including sex-based harassment, promptly and effectively, the Title IX Coordinator or designee should file a complaint even when the victim chooses not to do so, when, based on the considerations described below, the Title IX Coordinator or designee determines that a health or safety threat exists or when the district would be prevented from ensuring equal access based on sex in its programs or activities. In such cases, the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.~~

~~If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX~~

Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint

2. The victim's reasonable safety concerns regarding initiation of a complaint

3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated

4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence

5. The age and relationship of the parties, including whether the respondent is an employee of the district

6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals

7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred

8. Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator or designee is required to take the steps described below upon initiating a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, in addition to Title IX Coordinators or designees, investigators, and decisionmakers, persons who are responsible for

~~implementing the district's grievance procedures or have the authority to modify or terminate supportive measures may not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent, and are required to receive specified training.~~

~~The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator is required to monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, as specified below.~~

~~In order to ensure that employees are not barred from reporting information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, the Title IX Coordinator shall monitor the district for barriers to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)~~

Reporting Allegations/Filing a Formal Complaint

CSBA NOTE: Pursuant to 34 CFR 106.30 the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for an employee to forward the report to the Title IX Coordinator as specified in BP 4119.11 – Sexual Harassment, and may be revised to reflect district practice.

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint, requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect district practice.

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

~~CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires districts to offer and coordinate supportive measures as described below. Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, "supportive measures" are defined as individualized measures offered as appropriate, reasonably available and without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without charging a fee to the complainant or respondent to (1) restore or preserve the party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment, or (2) provide support during the recipients' grievance procedures specified in 34 CFR 106.45 or during any informal resolution process as specified in 34 CFR 106.44.~~

~~Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules; mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district's provision of supportive measures does not require the district, its employees, or any other persons authorized to provide aid, benefit, or service on the district's behalf to alter the alleged discriminatory conduct for the purpose of providing the supportive measures unless there is an allegation of sex-based harassment or retaliation.~~

~~Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)~~

~~Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or~~

~~informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district is required to provide both parties for whom supportive measures have been implemented with the opportunity to challenge, to an impartial employee, the implementation of such measures. An "impartial employee" must be someone other than the employee who made the decision to provide the supportive measures which are being challenged, but who has the authority to modify or reverse the decision if the employee determines that the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the definition of supportive measures as specified in 34 CFR 106.2.~~

~~The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)~~

~~The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)~~

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

~~If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Additionally, Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who~~

~~commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.~~

~~34 CFR 106.44 allows a student to be removed in emergency situations as described below, but 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that a student not be "disciplined" prior to a finding being made pursuant to the Title IX grievance process. Due to this inconsistency in state and federal law, districts are advised to consult CSBA's District and County Office of Education Legal Services of district legal counsel as to the manner of imposing an emergency removal.~~

~~If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)~~

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the district may remove the student from the district's education program or activity, on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal.

Any such removal may not constitute discipline for student record purposes or Board Policy 5144 – Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

~~CSBA NOTE: The following section describes when the Title IX Coordinator or designee may dismiss a Title IX complaint and actions the Title IX Coordinator or designee is required to take when a complaint is dismissed pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)~~

1. The district is unable to identify the respondent after taking reasonable steps to do so

2. The respondent is not participating in the district's education program or activity and is not employed by the district

3. The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

   Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The following paragraph should be revised to reflect the timeline established by the district.

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within _____ days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome

2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made

3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent

2. Implement appeal procedures equally for the parties

3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint

~~4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations~~

~~5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome~~

~~6. Notify the parties of the result of the appeal and the rationale for the result~~

~~If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

~~If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment as applicable.~~

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals," below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable.

Informal Resolution Process

~~CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, criteria for the facilitator of the informal resolution process, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.44, as amended by 89 Fed. Reg. 33474.~~

~~Additionally, 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, provides potential terms that may be included in an informal resolution agreement. Because such agreements will be fact-specific and~~

~~reflective of sensitive topics, districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel when drafting informal resolution agreements.~~

~~At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)~~

~~The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)~~

~~The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)~~

1. ~~Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed~~

2. ~~Obtains the parties' voluntary consent to the informal resolution process~~

~~The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district' education program or activity. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.45.

As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR

106.44, which prohibits the district from imposing discipline on a respondent for sexual harassment until the full investigation process is complete. Also see "Stipulated Expulsion" in AR 5144.1 - Suspension and Expulsion/Due Process.

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing employment. (34 CFR 106.45)

As a part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared

2. Obtains the parties' voluntary, written consent to the informal resolution process

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

~~**Notice of Allegations**~~

~~CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)~~

~~1. The district's complaint process, including any informal resolution process~~

~~2. Sufficient information, available at the time, to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incidentSuch notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.~~

~~If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.~~

~~3. A statement that retaliation is prohibited~~

~~4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified~~

~~CSBA NOTE: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.~~

~~The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.~~

Written Notice

CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process

2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident

   Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence

5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

CSBA NOTE: The following paragraph is optional. Although not required by law, it is recommended that the district provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

~~CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sex discrimination, including sex-based harassment, as specified in 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sexual harassment as specified in 34 CFR 106.45.

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

~~CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.~~

~~The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)~~

~~During the investigation process, the district's designated investigator shall: (34 CFR 106.45)~~

1. ~~Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible~~

2. ~~Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance~~

3. ~~Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:~~

   a. ~~Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence~~

      ~~If an accurate description is provided, the district shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.~~

   b. ~~Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence~~

c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures

4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures

5. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness

6. Exclude as impermissible the following types of evidence, and questions seeking that evidence:

a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege

b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures

Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

CSBA NOTE: The following paragraph should be amended to reflect district practice regarding the process established to enable the decisionmaker to question parties and witnesses adequately to assess a party's or witness's credibility.

The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

CSBA NOTE: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.

~~The investigator shall complete the investigation within ____ days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence

2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence

3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney

4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation

7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

CSBA NOTE: It is recommended that districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the person designated as the decisionmaker of the determination of responsibility may be the same person designated as the Title IX Coordinator or designee and/or investigator, so long as there is no conflict of interest or bias. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decisionmaker and designate the Superintendent as the person to consider appeals.~~

~~The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)~~

~~Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)~~

1. ~~Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred~~

2. ~~Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred~~

   ~~The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The written decision shall be issued within _____ days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the person designated as the decisionmaker of the determination of responsibility may not be the same person designated as the Title IX Coordinator, investigator, or the person who considers the appeal. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, it is recommended that the district, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect district practice.

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires the district's complaint procedures to state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district counsel in determining which standard to use.

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30

2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process

3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

~~Appeal of the Decision~~ Appeals

~~CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision, and requires the district to offer the parties an appeal process that at a minimum is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints, such as AR 4030 - Nondiscrimination in Employment. The district may revise the following section to reflect applicable timelines and appeal process established by the district.~~

~~The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.~~

~~Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)~~

~~When conducting an appeal, the district shall follow the appeal process as specified in Administrative Regulation 4030 - Nondiscrimination in Employment.~~

~~Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.~~

~~The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.~~

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines and appeal process established by the district.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal

cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. It is recommended that the Superintendent serve as the decisionmaker for appeals.

34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision based on any of the reasons specified in the following paragraph, or if the district has any other additional bases for an appeal that it offers equally to both parties.

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties

2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator

3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

CSBA NOTE: The timeframes in the following two paragraphs are optional and may be revised to reflect district practice.

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

~~**Extension of Timelines**~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause, with notice to the parties that includes the reason for the delay.~~

~~Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)~~

Remedies

~~When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

CSBA NOTE: 34 CFR 106.45 requires the district's Title IX complaint process to list or describe the range of possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

~~The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)~~

~~When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.~~

~~The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)~~

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sexual harassment or retaliation, the district shall

take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

~~CSBA NOTE: The following paragraph reflects Title IX record-keeping requirements pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474.~~

~~The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)~~

~~1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures~~

~~2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented~~

~~3. All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process~~

~~The district shall make such training materials available upon request by members of the public.~~

~~For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure340.1):~~

~~1. A record of the allegation(s)~~

~~2. A record of the investigation procedures followed~~

~~3. A record of the written determination~~

~~4. A record of the corrective action implemented, if any~~

~~5. A record of any appeals and the outcome of the same~~

~~6. All training materials addressing the prohibition and investigation of childhood sexual assault~~

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive

measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances

3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

   The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment

Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training

Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)

~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records
3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment

4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

Exhibit 4219.12-E(1): Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/01/2020 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to employees, bargaining units, and job applicants that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or to the U.S. Department of Education, Office for Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sex discrimination, including sex-based harassment, the district's grievance procedures that provide for the prompt and equitable resolution of sex discrimination and sex-based harassment complaints; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements.~~

~~Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to employees, bargaining units, and job applicants. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.~~

~~Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator

and/or to the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for students and parents/guardians, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook, for employees, bargaining units, and job applicants.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

NOTICE OF TITLE IX ~~NONDISCRIMINATION~~ SEXUAL HARASSMENT POLICY

The ~~Code of Federal Regulations, Title 34, Section 106.8 requires the~~ district ~~to issue the following notification to employees, job applicants, and employee organizations:~~

~~The district does~~shall not discriminate on the basis of sex ~~and prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district ~~is required, as specified in Title IX, to~~shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the coordinator for nondiscrimination in employment specified in AR 4030 – Nondiscrimination in Employment, as the responsible employee(s) to handle complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The ~~district has designated and authorized the~~ following employee~~(s)~~ serves as the district's Title IX Coordinator~~, to address~~ and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~sexual harassment:

_____

(name and/or title/position)

_____
(address)
_____
(telephone number)
_____
(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district ~~must~~ is required to provide notice to students, parents/guardians, employees, bargaining units, and ~~job~~ applicants for admission and employment of the district's grievance procedures, and process, including how to report ~~conduct that may constitute sex discrimination, including sex-based harassment,~~ or file a formal complaint of sex discrimination~~, including sex-based~~ and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including ~~sex-based~~sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of ~~sex discrimination, including sex-based~~sexual harassment, the Title IX Coordinator ~~will~~shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on ~~sex discrimination, including sex-based~~sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~ Sexual Harassment Complaint Procedures , on the district's website at _____~~(~~(insert website link)_____.

To inspect or obtain a copy of the district's ~~sex discrimination and sex-based~~sexual harassment policies and administrative regulations, please contact~~:~~_____~~(~~: (insert location/phone/email of contact person) _____.

Materials used to train ~~employees;~~ the Title IX Coordinator~~;~~, investigator(s), decisionmaker(s), and ~~other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and~~ any person(s) who facilitates an informal resolution process, are also publicly available on the district's website or at the district office upon request.

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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473

Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records

3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

Policy 4312.9: Employee Notifications

Status: ADOPTED

Original Adopted Date: 06/01/1994 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice.

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications the Superintendent or designee believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing~~ ~~Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use

Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave

Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 51225.25	Student participating in a newcomer program; definition
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12945.8	Accommodations and leave for victims of a qualifying act of violence
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
~~Lab. Code 230~~	~~Accommodations and leave for victims of domestic violence~~
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement

Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record

Federal	Description
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges

3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action

4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions

4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4315	Evaluation/Supervision
4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety

4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
6178	Career Technical Education
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Exhibit 4312.9-E(1): Employee Notifications

Status: ADOPTED

Original Adopted Date: 05/01/2016 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

CSBA NOTE: The following exhibit lists notices that the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

I. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment
Education or Other Legal Code: Education Code 231.5, Government Code 12950
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application
Education or Other Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: AR 3514.2
Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Prior to implementing year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: BP 6117
Subject: Public hearing on implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: BP 6112
Subject: Public hearing on alternative schedule in secondary grades

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260
Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually
Education or Other Legal Code: Education Code 49069.5, 51225.1, 51225.25
Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175
Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, students who are migratory, and students participating in a newcomer ~~students.~~program

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49414
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49414.7
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer stock albuterol inhalers

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer anti-seizure medication

When/Whom to Notify: At least once per year
Education or Other Legal Code: Education Code 49414.3
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer opioid antagonist

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 1126
Board Policy/Administrative Regulation #: BP 4136/4236/4336
Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210

Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359
Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment
Education or Other Legal Code: Government Code 21029
Board Policy/Administrative Regulation #: None
Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter
Education or Other Legal Code: Health and Safety Code 1797.196
Board Policy/Administrative Regulation #: AR 5141
Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: AR 3513.3
Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually, or more frequently if there is new information
Education or Other Legal Code: Health and Safety Code 120875, 120880
Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43
Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire ~~and other~~, all employees annually, and upon request, in districts with 25 or more employees
Education or Other Legal Code: ~~Labor~~Government Code ~~230.1~~12945.8

Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2
Subject: Rights pursuant to ~~Labor~~Government Code ~~230-230.1~~12945.8 pertaining to leaves and accommodations for victims of ~~crime or abuse~~a qualifying act of violence

When/Whom to Notify: With each paycheck
Education or Other Legal Code: Labor Code 246
Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1
Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave
Education or Other Legal Code: Labor Code 1034
Board Policy/Administrative Regulation #: BP 4033
Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees
Education or Other Legal Code: Labor Code 2800.2

Board Policy/Administrative Regulation #: AR 4154/4254/4354
Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account
Education or Other Legal Code: Labor Code 2810.7
Board Policy/Administrative Regulation #: None
Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: Post and keep posted in a conspicuous location frequented by employees where the notice may be easily read by employees during the hours of the workday
Education or Other Legal Code: Labor Code 3550
Board Policy/Administrative Regulation #: AR 4157.1
Subject: Current compensation insurance carrier of the employer, or when appropriate, statement that the employer is self-insured, and who is responsible for claims adjustment

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period
Education or Other Legal Code: Labor Code 3551
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: ~~Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable~~
~~Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted~~
~~Education or Other Legal Code: Labor Code 6409.6~~
~~Board Policy/Administrative Regulation #: AR 4157/4257/4357~~
~~Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan~~

~~When/Whom to Notify:~~ Prior to beginning employment
Education or Other Legal Code: Penal Code 11165.7, 11166.5
Board Policy/Administrative Regulation #: AR 5141.4
Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury
Education or Other Legal Code: Unemployment Insurance Code 2613
Board Policy/Administrative Regulation #: AR 4154/4254/4354
Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses

Education or Other Legal Code: Welfare and Institutions Code 827
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants
Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9
Board Policy/Administrative Regulation #: BP 0410, AR 4030
Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee
Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: Post and keep posted on premises or via electronic posting, in conspicuous places where employees are employed
Education or Other Legal Code: 2 CCR 11095
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: A notice explaining the CFRA's provisions and procedures for filing complaints of violations of the Act with the Civil Rights Department.

When/Whom to Notify: To all employees
Education or Other Legal Code: 8 CCR 3203
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees
Education or Other Legal Code: 34 CFR 106.8
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually
Education or Other Legal Code: 40 CFR 763.84, 763.93
Board Policy/Administrative Regulation #: AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
Board Policy/Administrative Regulation #: AR 6178
Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

When/Whom to Notify: Prominently display in location frequented by certificated employees who serve students in any of grades 7-12
Education or Other Legal Code: Education Code 234.1
Board Policy/Administrative Regulation #: BP 5145.3
Subject: Information on existing school site and community resources related to the support of students who may face bias or bullying

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire
Education or Other Legal Code: Education Code 22455.5
Board Policy/Administrative Regulation #: AR 4121
Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual
Education or Other Legal Code: Education Code 22461
Board Policy/Administrative Regulation #: AR 4117.14/4317.14
Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees
Education or Other Legal Code: Education Code 35171
Board Policy/Administrative Regulation #: AR 4115, BP 4315
Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated
Education or Other Legal Code: Education Code 44663
Board Policy/Administrative Regulation #: AR 4115
Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee
Education or Other Legal Code: Education Code 44664
Board Policy/Administrative Regulation #: AR 4115
Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees
Education or Other Legal Code: Education Code 44842
Board Policy/Administrative Regulation #: AR 4112.1
Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter
Education or Other Legal Code: Education Code 44916
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121
Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15
Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5
Board Policy/Administrative Regulation #: BP 4116
Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year
Education or Other Legal Code: Education Code 44934, 44934.1, 44936
Board Policy/Administrative Regulation #: BP 4118; AR 4118
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings
Education or Other Legal Code: Education Code 44940.5
Board Policy/Administrative Regulation #: AR 4118
Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee
Education or Other Legal Code: Education Code 44948.3
Board Policy/Administrative Regulation #: AR 4118
Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Education or Other Legal Code: Education Code 44949, 44955
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released
Education or Other Legal Code: Education Code 44954
Board Policy/Administrative Regulation #: BP 4121
Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated
Education or Other Legal Code: Education Code 44955.5
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts
Education or Other Legal Code: Education Code 49079
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion
Education or Other Legal Code: Education Code 48201
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct
Education or Other Legal Code: 5 CCR 80303
Board Policy/Administrative Regulation #: AR 4117.7/4317.7
Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a

nonmerit district
Education or Other Legal Code: Education Code 45113
Board Policy/Administrative Regulation #: AR 4218
Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification
Education or Other Legal Code: Education Code 45169
Board Policy/Administrative Regulation #: AR 4212
Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted
Education or Other Legal Code: Education Code 45192, 45195
Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11
Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents
Education or Other Legal Code: 13 CCR 1234
Board Policy/Administrative Regulation #: AR 3542
Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter
Education or Other Legal Code: 13 CCR 2480
Board Policy/Administrative Regulation #: AR 3542
Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment
Education or Other Legal Code: 49 CFR 382.113, 382.601
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus
Education or Other Legal Code: 49 CFR 382.303
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract
Education or Other Legal Code: Education Code 35031
Board Policy/Administrative Regulation #: BP 2121, BP 4312.1
Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position
Education or Other Legal Code: Education Code 44896
Board Policy/Administrative Regulation #: AR 4313.2
Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year
Education or Other Legal Code: Education Code 44951
Board Policy/Administrative Regulation #: AR 4313.2
Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

When/Whom to Notify: In the event of a breach of security of district records to affected employees
Education or Other Legal Code: Civil Code 1798.29

Board Policy/Administrative Regulation #: BP 3580
Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file
Education or Other Legal Code: Education Code 44031
Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6
Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector
Education or Other Legal Code: Education Code 49414
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline
Education or Other Legal Code: Government Code 3304
Board Policy/Administrative Regulation #: AR 3515.3
Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: New employees upon hire, to all employees annually, at any time upon request, and any time an employee informs an employer that the employee or the employee's family member is a victim
Education or Other Legal Code: Government Code 12945.8
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Accommodations and leave for victims of a qualifying act of violence

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return
Education or Other Legal Code: Government Code 20997
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee
Education or Other Legal Code: Government Code 54957
Board Policy/Administrative Regulation #: BB 9321
Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information
Education or Other Legal Code: Government Code 54963
Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23
Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: ~~When document identifying employee who is victim of domestic violence~~

~~is disclosed~~
~~Education or Other Legal Code: Labor Code 230~~
~~Board Policy/Administrative Regulation #: AR 4158/4258/4358~~
~~Subject: Accommodations and leave for victims of domestic violence~~

~~When/Whom to Notify:~~ Within one working day of work-related injury or victimization of crime
Education or Other Legal Code: Labor Code 3553, 5401
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification
Education or Other Legal Code: Penal Code 11105, 11105.2
Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5
Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter
Education or Other Legal Code: 8 CCR 3204
Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42
Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemicals are present, within 15 working days after receiving a monitoring result related to an employee exposure determination
Education or Other Legal Code: 8 CCR 5191
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area
Education or Other Legal Code: 8 CCR 5194
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave
Education or Other Legal Code: 38 USC 4334
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five business days of employee's request for family care and

medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave
Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee
Education or Other Legal Code: 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness
Education or Other Legal Code: Education Code 48851.3, 42 USC 11432
Board Policy/Administrative Regulation #: AR 6173
Subject: Duties of district liaison for homeless students and availability of training and services

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing~~ ~~Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security

Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees

Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 51225.25	Student participating in a newcomer program; definition
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12945.8	Accommodations and leave for victims of a qualifying act of violence
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
~~Lab. Code 230~~	~~Accommodations and leave for victims of domestic violence~~
Lab. Code 2800.2	Notification of availability of continuation health coverage

Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record

Federal	**Description**
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources	**Description**
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	**Description**

1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision

4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files

4315	Evaluation/Supervision
4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children

6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
6178	Career Technical Education
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
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Policy 4319.11: ~~Sex Discrimination and Sex-Based~~ Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2015 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Sex discrimination and sex-based harassment are prohibited by Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), as well as the California Fair Employment and Housing Act (Government Code 12900-12996).~~

~~Education Code 231.5, 2 CCR 11023, and 34 CFR 106.8 mandate that districts have a written policy prohibiting sex discrimination and sex-based harassment against employees. As part of this mandate, districts are also required to adopt a written policy prohibiting sex discrimination and sex-based harassment against students; see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the process specified in AR 4030 - Nondiscrimination in Employment for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12 - Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~Pursuant to 2 CCR 11034, the district may be liable for sex-based harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sex-based harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.~~

CSBA NOTE: Education Code 231.5, 2 CCR 11023, and 34 CFR 106.8 **mandate** that districts have a written policy prohibiting sexual harassment against employees. As part of this mandate, the district is also required to adopt a written policy prohibiting sexual harassment against students; see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), as well as the California Fair Employment and Housing Act (Government Code 12900-12996).

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is investigated and resolved through federal Title IX complaint procedures in accordance with AR/E(1) 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures, or procedures as specified in AR 4030 – Nondiscrimination in Employment is dependent on whether the alleged conduct meets the more stringent federal definition of sexual harassment or the state definition. In order to meet the applicable timelines, in some instances it may be necessary to review a complaint under both procedures concurrently. See the accompanying administrative regulation, AR 4030 - Nondiscrimination in Employment, and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. It is recommended that districts with questions about liability for sexual harassment consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.~~

~~The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees.~~

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation, including sexual harassment. The Board prohibits sexual harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees. For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

~~CSBA NOTE: Pursuant to Education Code 220.1, as added by AB 1955 (Ch. 95, Statutes of 2024), a district, including a Governing Board member, may not retaliate or otherwise take adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in Education Code 220.1, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law.~~

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute ~~sex discrimination, including sex-based~~sexual harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

~~CSBA NOTE: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sex-based harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may constitute mitigating factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in Burlington Industries v. Ellerth held that, for certain claims under federal law, an employer may defend against sex-based harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer. Additionally, in Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.~~

~~Pursuant to Government Code 12950.1, employers with five or more employees are required to provide sex-based harassment training to supervisory and nonsupervisory employees which includes training in regard to sex discrimination. Additionally, Title IX, and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires specified training related to sex discrimination, including sex-based harassment, for all district employees, as well as additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the recipient's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees. See the accompanying administrative regulation for timelines and training requirements.~~

~~Items #1-4 below reflect the courts' guidance, Government Code 12950.1, and 34 CFR 106.8, and should be modified to reflect district practice.~~

CSBA NOTE: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In *Department of Health Services v. Superior Court (McGinnis)*, the California Supreme Court outlined measures that may constitute mitigating

factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in *Burlington Industries v. Ellerth* held that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer. Additionally, in *Faragher v. City of Boca Raton*, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Pursuant to Government Code 12950.1, districts are required to provide sexual harassment training to supervisory and nonsupervisory employees which includes training in regard to sex discrimination.

Additionally, 34 CFR 106.8 requires specified training related to sexual harassment for Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. See the accompanying administrative regulation for timelines and training requirements.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of ~~sex discrimination and sex-based~~sexual harassment, including but not limited to: (Education Code 231.5; Government Code 12950.1; 2 CCR 11023; 34 CFR 106.8, 106.45)

1. Providing training to employees in accordance with law and administrative regulation

2. Publicizing and disseminating the district's ~~sex discrimination and sex-based~~sexual harassment policy to employees and others to whom the policy may apply

   ~~CSBA NOTE: Pursuant to Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, districts are required to provide a notice of nondiscrimination on the basis of sex, as specified below. For more information about the content and publication requirements for the notice of nondiscrimination, see AR 4030 - Nondiscrimination in Employment.~~

   CSBA NOTE: Pursuant to 34 CFR 106.8, districts are required to provide specified notifications to students, parents/guardians, employees, bargaining units, and applicants for admission and employment related to the prohibition of discrimination on the basis of sex, which includes sexual harassment. For more information about the content and publication requirements for such notices, see E(1) 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures.

3. Publicize as specified in ~~Administrative Regulation 4030 - Nondiscrimination in Employment, a~~Exhibit (1) 4119.12/4219.12/4319.12 – Title IX ~~notice of nondiscrimination~~Sexual Harassment Complaint Procedures, the required notifications related to Title IX to

employees, applicants for employment, and bargaining units

4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures

5. Taking timely and appropriate corrective/remedial action(s~~), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments~~)

~~CSBA NOTE: The following optional paragraph reflects a recommendation of the U.S. Equal Employment Opportunity Commission's informal guidance, "Promising Practices for Preventing Harassment," has been expanded to include sex discrimination, and may be revised to reflect district practice.~~

The Superintendent or designee ~~shall~~may periodically evaluate the effectiveness of the district's strategies to prevent and address ~~sex discrimination and sex-based~~ harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether ~~sex discrimination and/or sex-based~~ harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any ~~othaer~~other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

Reports and Complaints

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to designate at least one employee to coordinate its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. See the accompanying administrative regulation.~~
CSBA NOTE: 34 CFR 106.8 requires the district to designate at least one employee to serve as the Title IX Coordinator and to coordinate the district's responsibilities under Title IX. See the accompanying administrative regulation.

Pursuant to 34 CFR 106.44, the district is required to respond promptly when there is actual knowledge of sexual harassment and in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. For this reason, it is recommended that the district train all employees regarding the reporting process.

The district should modify the timeline in this section to reflect district practice.

Any district employee who has experienced ~~sex discrimination or sex-based~~sexual harassment in the ~~district's~~district's education program or activity may file a complaint with the ~~district's~~district's Title IX Coordinator. (34 CFR 106.~~2, 106.44~~8)

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, a district is required to respond promptly and effectively when it has knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in its education program or activity. 34 CFR 106.44 further obligates a district to require its Title IX Coordinator to monitor the district's programs and activities for barriers to reporting information of such conduct and its employees to notify the Title IX Coordinator when they have such information. The following paragraph should be revised to reflect the district's timeline.~~

Any employee with knowledge of conduct that reasonably may constitute ~~sex discrimination or sex-based~~sexual harassment by or against another district employee, a student, or a third party in a district education program or activity shall notify the Title IX Coordinator within one workday. ~~An employee may be subject to discipline for failure to timely report such conduct.~~ ~~(34 CFR 106.44)~~

~~Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~
Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, concurrently meets the requirements of Administrative Regulation 4030 - Nondiscrimination in Employment.

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, when the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant. Thus, districts should not wait to respond until a "formal" complaint is made. If the district has begun grievance procedures or offered an informal resolution process to the respondent, the Title IX Coordinator is required to offer and coordinate supportive measures to the respondent, as appropriate.~~
CSBA NOTE: Pursuant to 34 CFR 106.44, when the Title IX Coordinator is notified of conduct that reasonably may constitute sexual harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant. Thus, districts should not wait to respond until a formal complaint is made. Supportive measures are also required to be offered to the respondent as deemed appropriate under the circumstances.

~~The~~ Before or after the filing of a formal complaint or where no formal complaint has been filed, the Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and~~, if the district has begun grievance procedures or offered an informal resolution process to~~ the respondent, ~~offer and coordinate supportive measures to be provided to the respondent~~ as deemed appropriate under the circumstances. (34 CFR 106.30, 106.44)

~~CSBA NOTE: In addition to district discipline imposed on employees who engage in sex-based harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).~~
CSBA NOTE: In addition to district discipline imposed on employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

Upon investigation of a ~~sex discrimination or sex-based~~sexual harassment complaint, any district employee found to have engaged or participated in ~~sex discrimination or sex-based~~sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit ~~sex discrimination or sex-based~~sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
~~5 CCR 201~~	~~Admission to high school~~
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	~~Prohibition of disclosure of~~No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices

Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579

	(https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~U.S. Equal Employment Opportunity Com. Publication~~	~~Promising Practices for Preventing Harassment, November 2017~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	California Civil Rights Department
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation

4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming
4231	Staff Development

4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
~~5145.3~~	~~Nondiscrimination/Harassment~~
~~5145.3~~	~~Nondiscrimination/Harassment~~
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

Regulation 4319.11: ~~Sex Discrimination and Sex-Based~~Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2016 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sex discrimination and sex-based harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sex-based harassment as applicable to employees.~~

~~For information regarding steps the district is required to take to prevent sex discrimination related to lactation, see BP 4033 - Lactation Accommodation.~~

~~For information related to sex discrimination and sex-based harassment involving students, see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. For information regarding steps the district is required to take to prevent sex discrimination related to a student's pregnancy or related condition pursuant to Title IX (20 USC 1681-1688) and its implementing regulation 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, see BP 5146 - Married/Pregnant/Parenting Students.~~

CSBA NOTE: The following administrative regulation is **mandated** pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.

The following administrative regulation shall apply to all allegations of sex discrimination and sex-based harassment by and against district employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by a student.

Definitions

CSBA NOTE: The U.S. Equal Employment Opportunity Commission describes sex discrimination as treating someone differently because of that person's sex. Additionally, 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex discrimination for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and, parental, marital, and family status.
CSBA NOTE: Government Code 12920 and 12926, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination or harassment includes discrimination or harassment not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

Sex discrimination includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.

CSBA NOTE: A Pursuant to 34 CFR 106.2, sex-based harassment includes (1) a district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2)

"hostile environment harassment," defined as unwelcome sex-based conduct that, based on the totality of the circumstance, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2. Conduct that meets the definition of Title IX sex discrimination, including sex-based harassment, requires investigation and resolution through the Title IX grievance procedures; see AR 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex-based harassment for the purpose of Title IX includes harassment on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related conditions; and, parental, marital, and family status. Additionally, in Oncale v. Sundowner Offshore Services, Inc., the U.S. Supreme Court held that same-sex harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status. (Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688)

1. Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct

CSBA NOTE: Pursuant to 34 CFR 106.11, as amended by 89 Fed. Reg. 33474, Title IX grievance procedures are required for Title IX sex discrimination complaints, including sex-based harassment complaints, for conduct which occurs on or after August 1, 2024 under the district's education program or activity, which includes conduct alleged to be contributing to a hostile environment that occurred outside the district's education program or activity or outside the United States. Item #2 below reflects "hostile environment harassment" as defined by 34 CFR 106.2, as amended by 89 Fed. Reg. 33474.

2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's

~~education program or activity~~

~~Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.~~

~~3. Sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2~~

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment

2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual

3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment

4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district

CSBA NOTE: Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291.

For purposes of applying the complaint procedures specified in Title IX, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

~~Examples of Sex Discrimination and Sex-Based Harassment~~

~~CSBA NOTE: Pursuant to Government Code 12940 and 34 CFR 106.11, the district may be held liable for sex-based harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sex-based harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.Examples of actions that might constitute sex-based harassment under state and/or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:~~

~~1. Unwelcome verbal conduct such as sex-based flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sex-based activity; sex-based jokes or stories; unwelcome sex-based slurs, epithets, threats, innuendoes; derogatory comments; sex-based degrading descriptions; or the spreading of sex-based rumors~~

~~2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails or messaging; or displaying sexually suggestive objects~~

~~3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; or cornering, blocking, leaning over, or impeding normal movements~~

Title IX Coordinator/Compliance Officer

~~CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the district's consistent compliance with its responsibilities under Title IX. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment~~

CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee as the Title IX Coordinator to ensure district compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment. Districts may modify the following to designate separate district employees to serve these functions. However, if the district

wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district; see AR 4030 – Nondiscrimination in Employment.

The district designates the following individual~~(s)~~ as the responsible employee~~(s)~~ to coordinate its efforts to comply with Title IX in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures, and oversee the ~~district's~~district's response to ~~discrimination~~sexual harassment complaints processed under Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

Training

~~CSBA NOTE: Government Code 12950.1 requires districts with five or more employees to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.~~

~~In addition, Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires that all employees receive training related to their duties under Title IX promptly upon hire or change of position that alters their duties under Title IX, and annually thereafter. The training provided to all employees is required to include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment, and the applicable notice and information requirements. 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees.~~

~~Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sex-based harassment training. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.~~

~~The following section reflects sex discrimination and sex-based harassment training required for employees under both state and federal law.~~
CSBA NOTE: Government Code 12950.1 requires districts to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

In addition, 34 CFR 106.45 requires that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. 34 CFR 106.45 requires additional training for investigators and decisionmakers.

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.

The following section reflects sexual harassment training required for employees under both state and federal law.

The Superintendent or designee shall ensure that ~~all~~ employees receive training regarding ~~sex discrimination and sex-based~~sexual harassment in accordance with state and federal law.
Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment as specified in Government Code 12950.1. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment,

discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment

2. The types of conduct that constitute sexual harassment

3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability

4. Strategies to prevent harassment in the workplace

5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware

6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources

7. The limited confidentiality of the complaint process

8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment

9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint

10. What to do if the supervisor is personally accused of harassment

11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

    Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on sex, gender identity, gender expression, and sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and ~~other~~others in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

~~Additionally, the Superintendent or designee shall ensure that all employees receive annual training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)~~

~~The district's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)~~

~~1. The district's obligation to address sex-based discrimination, including sex-based harassment, in its education program or activity~~

~~2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment~~

~~3. The notification and information requirements specified in 34 CFR 106.40 and 106.44~~

~~The district's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)~~

~~The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, type of training, and name of the training provider. (2 CCR 11024)~~
The Superintendent or designee shall retain for at least two years the records of any training provided to employees. Such records shall include, but are not limited to, the names of trained employees, date of the training, the sign in sheet, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and name of the training provider. (2 CCR 11024)

Additionally, the Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR 106.45, including the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable,

and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, the district's Title IX sexual harassment training shall include additional training for investigators and decisionmakers. (34 CFR 106.45)

~~Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified in 34 CFR 106.8, and to make these materials available, upon request, to members of the public. (34 CFR 106.8)~~
The Superintendent or designee shall retain for seven years the materials used to provide training as specified in 34 CFR 106.45, make these materials publicly available on its website, or, if the district does not maintain a website make these materials available upon request, to members of the public.

Notifications

~~CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website. Additionally, Title IX, and its implementing regulations, 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, require the district to provided notifications and take specified actions to prevent sex discrimination, including sex-based harassment. For more information regarding measures to prevent discrimination, see AR 4030 - Nondiscrimination in Employment.~~

~~To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030 - Nondiscrimination in Employment~~
The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

~~In addition to the measures to prevent discrimination as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, the Superintendent or designee shall ensure that a copy of the Board policy and this administrative regulation:~~
The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the accompanying Board policy and this administrative regulation:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

~~CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website. This list has been modified to make it applicable to sex-based harassment in general, not just sexual harassment.~~

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website (34 CFR 106.8)

5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website.

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department (CRD) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of ~~sex-based~~sexual harassment

2. The definition of ~~sex-based~~sexual harassment under applicable state and federal law

3. A description of ~~sex-based~~sexual harassment, with examples

4. The district's complaint process available to the employee

5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)

6. Directions on how to contact CRD and the EEOC

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by CRD and the EEOC

Additionally, the district shall post, in a prominent and accessible location, the CRD poster on discrimination in employment and the illegality of ~~sex-based~~sexual harassment, and the CRD poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

~~CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the process specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the process specified in AR 4030 - Nondiscrimination in Employment for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~
CSBA NOTE: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment.

~~All complaints and allegations of sex discrimination and sex-based harassment by and against employees shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~If sex discrimination or sex-based harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sex discrimination or sex-based harassment, prevent recurrence, and address any continuing effects.~~
All complaints alleging sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall

review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved in accordance with Administrative Regulation 4030 - Nondiscrimination in Employment.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
~~5 CCR 201~~	~~Admission to high school~~
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	~~Prohibition of disclosure of~~No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 11135	Prohibition of discrimination

Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education

	Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~U.S. Equal Employment Opportunity Com. Publication~~	~~Promising Practices for Preventing Harassment, November 2017~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	California Civil Rights Department
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment

4033	Lactation Accommodation
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming

4231	Staff Development
4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
~~5145.3~~	~~Nondiscrimination/Harassment~~
~~5145.3~~	~~Nondiscrimination/Harassment~~
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

Regulation 4319.12: Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 07/01/2020 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sex-based harassment, and mandates that the district adopt and publish complaint procedures. The following administrative regulation reflects the Title IX grievance procedures detailed in 34 CFR 106.44-106.45, as amended by 89 Fed. Reg. 33474.~~

~~Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult with CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose.~~

~~See AR 4030 - Nondiscrimination in Employment. Also see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sex discrimination and sex-based harassment.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9,

2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the procedures specified in AR 4030 – Nondiscrimination in Employment.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not "deliberately indifferent." 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is "deliberately indifferent" only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that districts with questions about specific complaints consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.~~

~~Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.~~

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or against employees shall be investigated and resolved in accordance with Administrative Regulation 4030 – Nondiscrimination in Employment. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Administrative Regulation 4030 – Nondiscrimination in Employment are concurrently met while implementing the Title IX procedure.

Basic Requirements

~~CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the district's grievance procedures follow specified basic requirements, which are reflected below.~~

~~When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)~~

1. ~~Treat complainants and respondents equitably~~

2. ~~Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent~~

   ~~The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.~~

3. ~~Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures~~

4. ~~Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any~~

5. ~~Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.~~

~~Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)~~

~~If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.~~

CSBA NOTE: 34 CFR 106.45 requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

   Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness

3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an information resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45

4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process

5. Include reasonably prompt timeframes for the conclusion of the grievance procedures, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

   The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment

8. Include the procedures and permissible bases for the complainant and respondent to appeal

9. Describe the range of supportive measures available to complainants and respondents

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

~~**Filing a Complaint**~~

~~Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, a "complaint" is defined as an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.~~

~~A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)~~

~~Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)~~

~~CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including sex-based harassment, promptly and effectively, the Title IX Coordinator or designee should file a complaint even when the victim chooses not to do so, when, based on the considerations described below, the Title IX Coordinator or designee determines that a health or safety threat exists or when the district would be prevented from ensuring equal access based on sex in its programs or activities. In such cases, the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.~~

~~If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX~~

Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint

2. The victim's reasonable safety concerns regarding initiation of a complaint

3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated

4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence

5. The age and relationship of the parties, including whether the respondent is an employee of the district

6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals

7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred

8. Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator or designee is required to take the steps described below upon initiating a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, in addition to Title IX Coordinators or designees, investigators, and decisionmakers, persons who are responsible for

~~implementing the district's grievance procedures or have the authority to modify or terminate supportive measures may not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent, and are required to receive specified training.~~

~~The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator is required to monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, as specified below.~~

~~In order to ensure that employees are not barred from reporting information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, the Title IX Coordinator shall monitor the district for barriers to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)~~

Reporting Allegations/Filing a Formal Complaint

CSBA NOTE: Pursuant to 34 CFR 106.30 the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for an employee to forward the report to the Title IX Coordinator as specified in BP 4119.11 – Sexual Harassment, and may be revised to reflect district practice.

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint, requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect district practice.

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

~~CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires districts to offer and coordinate supportive measures as described below. Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, "supportive measures" are defined as individualized measures offered as appropriate, reasonably available and without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without charging a fee to the complainant or respondent to (1) restore or preserve the party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment, or (2) provide support during the recipients' grievance procedures specified in 34 CFR 106.45 or during any informal resolution process as specified in 34 CFR 106.44.~~

~~Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules; mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district's provision of supportive measures does not require the district, its employees, or any other persons authorized to provide aid, benefit, or service on the district's behalf to alter the alleged discriminatory conduct for the purpose of providing the supportive measures unless there is an allegation of sex-based harassment or retaliation.~~

~~Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)~~

~~Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or~~

~~informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district is required to provide both parties for whom supportive measures have been implemented with the opportunity to challenge, to an impartial employee, the implementation of such measures. An "impartial employee" must be someone other than the employee who made the decision to provide the supportive measures which are being challenged, but who has the authority to modify or reverse the decision if the employee determines that the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the definition of supportive measures as specified in 34 CFR 106.2.~~

~~The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)~~

~~The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)~~

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

~~If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Additionally, Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who~~

~~commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.~~

~~34 CFR 106.44 allows a student to be removed in emergency situations as described below, but 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that a student not be "disciplined" prior to a finding being made pursuant to the Title IX grievance process. Due to this inconsistency in state and federal law, districts are advised to consult CSBA's District and County Office of Education Legal Services of district legal counsel as to the manner of imposing an emergency removal.~~

~~If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)~~

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the district may remove the student from the district's education program or activity, on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal.

Any such removal may not constitute discipline for student record purposes or Board Policy 5144 – Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

~~CSBA NOTE: The following section describes when the Title IX Coordinator or designee may dismiss a Title IX complaint and actions the Title IX Coordinator or designee is required to take when a complaint is dismissed pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)~~

1. The district is unable to identify the respondent after taking reasonable steps to do so

2. The respondent is not participating in the district's education program or activity and is not employed by the district

3. The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

   Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The following paragraph should be revised to reflect the timeline established by the district.

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within _____ days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome

2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made

3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent

2. Implement appeal procedures equally for the parties

3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint

~~4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations~~

~~5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome~~

~~6. Notify the parties of the result of the appeal and the rationale for the result~~

~~If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

~~If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment as applicable.~~

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals," below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable.

Informal Resolution Process

~~CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, criteria for the facilitator of the informal resolution process, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.44, as amended by 89 Fed. Reg. 33474.~~

~~Additionally, 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, provides potential terms that may be included in an informal resolution agreement. Because such agreements will be fact-specific and~~

~~reflective of sensitive topics, districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel when drafting informal resolution agreements.~~

~~At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)~~

~~The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)~~

~~The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)~~

1. ~~Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed~~

2. ~~Obtains the parties' voluntary consent to the informal resolution process~~

~~The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district' education program or activity. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.45.

As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR

106.44, which prohibits the district from imposing discipline on a respondent for sexual harassment until the full investigation process is complete. Also see "Stipulated Expulsion" in AR 5144.1 - Suspension and Expulsion/Due Process.

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing employment. (34 CFR 106.45)

As a part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared

2. Obtains the parties' voluntary, written consent to the informal resolution process

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

~~**Notice of Allegations**~~

~~CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)~~

~~1. The district's complaint process, including any informal resolution process~~

~~2. Sufficient information, available at the time, to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incidentSuch notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.~~

~~If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.~~

~~3. A statement that retaliation is prohibited~~

~~4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified~~

~~CSBA NOTE: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.~~

~~The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.~~

Written Notice

CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process

2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident

   Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence

5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

CSBA NOTE: The following paragraph is optional. Although not required by law, it is recommended that the district provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

~~CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sex discrimination, including sex-based harassment, as specified in 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sexual harassment as specified in 34 CFR 106.45.

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

~~CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.~~

~~The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)~~

~~During the investigation process, the district's designated investigator shall: (34 CFR 106.45)~~

1. ~~Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible~~

2. ~~Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance~~

3. ~~Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:~~

   a. ~~Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence~~

      ~~If an accurate description is provided, the district shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.~~

   b. ~~Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence~~

c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures

4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures

5. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness

6. Exclude as impermissible the following types of evidence, and questions seeking that evidence:

a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege

b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures

Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

CSBA NOTE: The following paragraph should be amended to reflect district practice regarding the process established to enable the decisionmaker to question parties and witnesses adequately to assess a party's or witness's credibility.

The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

CSBA NOTE: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.

~~The investigator shall complete the investigation within ____ days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence

2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence

3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney

4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation

7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

CSBA NOTE: It is recommended that districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the person designated as the decisionmaker of the determination of responsibility may be the same person designated as the Title IX Coordinator or designee and/or investigator, so long as there is no conflict of interest or bias. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decisionmaker and designate the Superintendent as the person to consider appeals.~~

~~The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)~~

~~Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)~~

~~1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred~~

~~2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred~~

~~The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The written decision shall be issued within _____ days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the person designated as the decisionmaker of the determination of responsibility may not be the same person designated as the Title IX Coordinator, investigator, or the person who considers the appeal. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, it is recommended that the district, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect district practice.

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires the district's complaint procedures to state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district counsel in determining which standard to use.

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30

2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process

3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

~~Appeal of the Decision~~ Appeals

~~CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision, and requires the district to offer the parties an appeal process that at a minimum is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints, such as AR 4030 - Nondiscrimination in Employment. The district may revise the following section to reflect applicable timelines and appeal process established by the district.~~

~~The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.~~

~~Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)~~

~~When conducting an appeal, the district shall follow the appeal process as specified in Administrative Regulation 4030 - Nondiscrimination in Employment.~~

~~Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.~~

~~The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.~~

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines and appeal process established by the district.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal

cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. It is recommended that the Superintendent serve as the decisionmaker for appeals.

34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision based on any of the reasons specified in the following paragraph, or if the district has any other additional bases for an appeal that it offers equally to both parties.

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties

2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator

3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

CSBA NOTE: The timeframes in the following two paragraphs are optional and may be revised to reflect district practice.

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

~~**Extension of Timelines**~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause, with notice to the parties that includes the reason for the delay.~~

~~Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)~~

Remedies

~~When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

CSBA NOTE: 34 CFR 106.45 requires the district's Title IX complaint process to list or describe the range of possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

~~The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)~~

~~When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.~~

~~The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)~~

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sexual harassment or retaliation, the district shall

take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

~~CSBA NOTE: The following paragraph reflects Title IX record-keeping requirements pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474.~~

~~The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)~~

~~1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures~~

~~2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented~~

~~3. All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process~~

~~The district shall make such training materials available upon request by members of the public.~~

~~For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure340.1):~~

~~1. A record of the allegation(s)~~

~~2. A record of the investigation procedures followed~~

~~3. A record of the written determination~~

~~4. A record of the corrective action implemented, if any~~

~~5. A record of any appeals and the outcome of the same~~

~~6. All training materials addressing the prohibition and investigation of childhood sexual assault~~

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive

measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances

3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

   The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment

Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training

Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)

~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records
3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment

4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

Exhibit 4319.12-E(1): Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/01/2020 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to employees, bargaining units, and job applicants that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or to the U.S. Department of Education, Office for Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sex discrimination, including sex-based harassment, the district's grievance procedures that provide for the prompt and equitable resolution of sex discrimination and sex-based harassment complaints; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements.~~

~~Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to employees, bargaining units, and job applicants. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.~~

~~Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator

and/or to the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for students and parents/guardians, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook, for employees, bargaining units, and job applicants.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

NOTICE OF TITLE IX ~~NONDISCRIMINATION~~ SEXUAL HARASSMENT POLICY

The ~~Code of Federal Regulations, Title 34, Section 106.8 requires the~~ district ~~to issue the following notification to employees, job applicants, and employee organizations:~~

~~The district does~~shall not discriminate on the basis of sex ~~and prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district ~~is required, as specified in Title IX, to~~shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the coordinator for nondiscrimination in employment specified in AR 4030 – Nondiscrimination in Employment, as the responsible employee(s) to handle complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The ~~district has designated and authorized the~~ following employee~~(s)~~ serves as the district's Title IX Coordinator~~, to address~~ and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~sexual harassment:

_____

(name and/or title/position)

_____
(address)
_____
(telephone number)
_____
(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district ~~must~~ is required to provide notice to students, parents/guardians, employees, bargaining units, and ~~job~~ applicants for admission and employment of the district's grievance procedures, and process, including how to report ~~conduct that may constitute sex discrimination, including sex-based harassment,~~ or file a formal complaint of sex discrimination~~, including sex-based~~ and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including ~~sex-based~~sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of ~~sex discrimination, including sex-based~~sexual harassment, the Title IX Coordinator ~~will~~shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on ~~sex discrimination, including sex-based~~sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~ Sexual Harassment Complaint Procedures , on the district's website at _____~~(~~(insert website link)_____.

To inspect or obtain a copy of the district's ~~sex discrimination and sex-based~~sexual harassment policies and administrative regulations, please contact~~:~~_____~~(~~: (insert location/phone/email of contact person) _____.

Materials used to train ~~employees;~~ the Title IX Coordinator~~;~~, investigator(s), decisionmaker(s), and ~~other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and~~ any person(s) who facilitates an informal resolution process, are also publicly available on the district's website or at the district office upon request.

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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473

Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records

3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

Policy 5125.1: Release Of Directory Information

Status: ADOPTED

Original Adopted Date: 11/01/2001 **| Last Revised Date:** ~~07~~06/01/~~2005~~2025 **| Last Reviewed Date:** ~~07~~6/01/~~2005~~2025

CSBA NOTE: The following **mandated** policy and accompanying administrative regulation reflect the requirements of Education Code 49073 and the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g), which require districts to adopt a policy identifying those categories of student records considered to be "directory information" and that may generally be released, unless a student's parent/guardian notifies the district of a refusal.

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

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

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

CSBA NOTE: Pursuant to Education Code 49073.2, the district is prohibited from including in the Governing Board's meeting minutes a student's directory information, when the student or parent/guardian requests that such information be excluded. For further information about the Board's minutes, see BB 9324 – Minutes and Recordings.

A student's directory information shall only be included in the minutes of the Board's meeting in accordance with Board Bylaw 9324 – Minutes and Recordings.

~~CSBA NOTE: The options below are for use only by districts maintaining grades 9-12.~~

~~20 USC 7908 requires districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide military recruiters with access to student names, addresses and telephone numbers, except when the parent/guardian requests that the information not be released. See the accompanying administrative regulation. According to Guidance issued by the U.S. Department of Education and Department of Defense, even if a district does not disclose directory information to any third party, such as employers or colleges, 20 USC 7908 provides that military recruiters must still be provided access to student names, addresses, and telephone numbers, except when the parent/guardian requests that the information not be released. Districts that do not grant access may lose their ESEA funds.~~

~~10 USC 503 requires districts that do not receive ESEA funds to grant the same access to directory information to military recruiters and employers. Pursuant to 10 USC 503, districts may refuse~~

~~military access only if the Governing Board has adopted a policy denying access by the military. Districts that do not grant access and have not adopted a policy denying access may be subject to specific interventions such as notification of the Governor and Congress, so that public officials can work with the district. In addition, Education Code 49603 provides that military service recruiters may not be denied on-campus access to students in grades 9-12 if the district provides such access to other employers; see BP 6164.2 - Guidance/Counseling Services. It is likely that this law also applies to directory information.~~

~~Option 1 is for use by districts that receive ESEA funds and grant access to directory information to employers, colleges, and military recruiters. Option 1 is also for use by districts that do not receive ESEA funds but choose to grant such access to employers and colleges and therefore are required to grant access to military recruiters. Option 2 is mandated for those districts that do not receive ESEA funds and wish to deny access to military recruiters. In order to deny access to military recruiters, Education Code 49603 requires that these districts must also deny access to all other employers.~~CSBA NOTE: The options below are for use only by districts maintaining grades 9-12.

10 USC 503 and 20 USC 7908 require districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide the names, addresses, email addresses, and telephone numbers of secondary school students to military recruiters upon request, except when the parent/guardian, or student, if 18 years of age or older, requests that the information not be released. Districts that do not grant military recruiters access to such student directory information may lose those funds, and may be subject to the interventions specified in 10 USC 503. Additionally, Education Code 49073.5 declares the intent of the Legislature that a district, including a district that does not receive ESEA funds, not purposefully exclude military recruiters from access to student directory information when adopting the required release of student directory information policy. See "Notification to Parents/Guardians" and "Parent/Guardian Consent" in the accompanying administrative regulation.

~~OPTION 1:~~

Colleges and prospective employers, including military recruiters, shall have access to ~~directory information. Military recruiters shall have access to~~ a student's name, address, email address, and telephone number, unless the student's parent/guardian, or the student, if the student is 18 years of age or older, has specified that the information not be released ~~in accordance with law and administrative regulation.~~ (. (10 USC 503, 20 USC 7908; ~~10 USC 503; Education Code 49603)~~

~~OPTION 1 ENDS HERE~~

~~OPTION 2: Colleges and prospective employers, including military recruiters, shall not have access to directory information. (10 USC 503; Education Code 49603)~~

~~OPTION 2 ENDS HERE~~)

CSBA NOTE: ~~Districts should~~It is recommended that districts carefully consider whether to place items containing student directory information, such as home addresses, email addresses, or telephone numbers, on the district's ~~web site~~website since release of such information may put students and the district at risk and may also be a violation of Education Code 49073 as specified below.

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

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State	**Description**
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49061	Definitions; directory information
Ed. Code 49063	Notification of parents of their rights
Ed. Code 49073	Release of directory information
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49073.5	Directory information; military representatives; telephone numbers
Ed. Code 49603	On campus access to employers and military services

Federal	**Description**
10 USC 503	Military recruiter access to directory information
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 7908	Armed forces recruiter access to students and student recruiting information
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	**Description**
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024
~~U.S. Department of Education Publication~~	~~Access to High School Students and Information on Students by Military Recruiters, 2002~~

U.S. Department of Education Publication	Dear Colleague Letter Regarding Military Recruiter Provisions of ESEA, November 2016 (https://studentprivacy.ed.gov/resources/dear-colleague-letter-regarding-military-recruiter-provisions-esea)
U.S. Department of Education Publication	Model Notice for Directory Information, March 2011 (https://studentprivacy.ed.gov/resources/model-notice-directory-information)
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office
Website	U.S. Department of Education, Office of the Chief Privacy Officer

Cross References

Code	Description
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1260	Educational Foundation
1340	Access To District Records
1340	Access To District Records
3515	Campus Security
3515	Campus Security
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4119.23	Unauthorized Release Of Confidential/Privileged Information
4135	Soliciting And Selling
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information

4235	Soliciting And Selling
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4335	Soliciting And Selling
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5125	Student Records
5125	Student Records
5131.1	Bus Conduct
5131.1	Bus Conduct
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6164.2	Guidance/Counseling Services
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
9324	Minutes And Recordings

Regulation 5125.1: Release Of Directory Information

Status: ADOPTED

Original Adopted Date: 11/01/2011 **| Last Revised Date:** ~~05~~06/01/~~2018~~2025 **| Last Reviewed Date:** ~~05~~6/01/~~2018~~2025

Definition

CSBA NOTE: Education Code 49073 and ~~20 USC 1232g,~~ the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g), **mandate** that ~~school~~ districts adopt a policy identifying those categories of student records considered to be "directory information," which may generally be released unless the parent/guardian notifies the district of ~~his/her~~a refusal to release such information. "Directory information" is defined in Education Code 49061 and 34 CFR 99.3 and listed in the following section. The district may not expand the list, but may modify it to remove any items the district does not intend to release as directory information. Also see AR 5125 - Student Records.

Education Code 49061 does not include three types of information ~~defined~~that are included as directory information in 34 CFR 99.3~~:~~. (1) the student's place of birth, (2) grade level, and (3) photograph. Thus, these types of information are not reflected in the following list. ~~Districts~~It is recommended that districts that receive any request for such information about student(s) based on federal law ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to releasing the information.

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

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study

7. Participation record in officially recognized activities and sports

8. Weight and height of athletic team members

9. Dates of attendance

10. Degrees and awards received

11. Most recent previous school attended

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

CSBA NOTE: ~~The following paragraph reflects a~~ Pursuant to Education Code 234.7, districts were **mandated** to adopt policies with language that is equivalent to the model policy language developed by the California Attorney General ~~pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017). See the Office of the Attorney General's~~ in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues~~. Also see the section "Notification to Parents/Guardians" below.~~," first published in April 2018 (2018 Guidance), by July 1, 2018. The Attorney General Updated the 2018 Guidance in December 2024 and has stated that districts "should" adopt or update their policies by May 1, 2025. For additional language fulfilling this mandate, see BP/AR 5125 - Student Records and BP/AR 5145.13 – Response to Immigration Enforcement. Also see "Notification to Parents/Guardians" below.

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

Notification to Parents/Guardians

CSBA NOTE: Pursuant to Education Code 49063 and 20 USC 1232g, the district must annually notify parents/guardians and students who are 18 years of age ~~18~~ or older, in writing, of the categories of records considered to be "directory information." The Attorney General's model policy developed pursuant to Education Code 234.7 requires that this notification also describe the manner in which parents/guardians may refuse the release of directory information. Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students are

required to be written in the primary language as well as in English. See the accompanying Exhibit for a sample parent/guardian notification.

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

CSBA NOTE: Pursuant to Education Code 234.7, districts are **mandated** to adopt the following paragraph consistent with the Attorney General's model policy.

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

CSBA NOTE: The following paragraph applies to districts that maintain secondary schools and receive funds under the federal Elementary and Secondary Education Act (ESEA). 10 USC 503 and 20 USC 7908 ~~requires~~require those districts to notify parents/guardians that they may request that the district not release their child's name, address, email address, and telephone number to military recruiters, employers, or colleges without their prior written consent. ~~According to Guidance issued by the~~The U.S. Department of ~~Education (USDOE) (Access to High School Students and Information on Students by~~Education's, "Dear Colleague Letter Regarding Military ~~Recruiters),~~Recruiter Provisions of ESEA," provides that a single notice ~~provided through a mailing, student handbook, or other method~~ that is reasonably calculated to inform parents/guardians of the above information is sufficient. The law does not specify whether parents/guardians may request that the district not release their child's information to certain third parties, such as military recruiters, but authorize the release to other parties, such as private employers. ~~Districts should consult legal counsel as appropriate.~~It is recommended that districts with questions about disclosure of student directory information consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, email address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (10 USC 503, 20 USC 7908)

Parent/Guardian Consent

CSBA NOTE: Education Code 49073 specifies that parents/guardians may request that their child's directory information not be released (an "opt-out" process). Similarly, 20 USC 7908 requires an "opt-out" process by which parents/guardians may request that their child's information not be released to military recruiters, employers, or institutions of higher education. However, pursuant to Education Code 49073, in the case of a ~~homeless~~ student experiencing

homelessness, as defined in 42 USC 11434a, directory information may only be released if the parent/guardian or student 18 years of age ~~18~~ or older has provided written consent for its release ("opt-in process").

~~No~~A student's directory information shall not be released if the student's parent/guardian has notified the district in writing that such information shall not be disclosed. (Education Code 49073; 20 USC 1232g, 7908)

The directory information of a student identified as a ~~homeless child or youth as defined in 42 USC 11434a~~student experiencing homelessness shall not be released, unless the student's parent/guardian, or the student if ~~he/she is~~ 18 years of age or older, has provided written consent that directory information may be released. ~~For any other student, directory information shall not be released if his/her parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent.~~ (Education Code 49073; 20 USC 1232g, 7908)

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

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State	Description
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49061	Definitions; directory information
Ed. Code 49063	Notification of parents of their rights
Ed. Code 49073	Release of directory information
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49073.5	Directory information; military representatives; telephone numbers
Ed. Code 49603	On campus access to employers and military services
Federal	**Description**

10 USC 503	Military recruiter access to directory information
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 7908	Armed forces recruiter access to students and student recruiting information
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	**Description**
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024
~~U.S. Department of Education Publication~~	~~Access to High School Students and Information on Students by Military Recruiters, 2002~~
U.S. Department of Education Publication	Dear Colleague Letter Regarding Military Recruiter Provisions of ESEA, November 2016 (https://studentprivacy.ed.gov/resources/dear-colleague-letter-regarding-military-recruiter-provisions-esea)
U.S. Department of Education Publication	Model Notice for Directory Information, March 2011 (https://studentprivacy.ed.gov/resources/model-notice-directory-information)
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office
Website	U.S. Department of Education, Office of the Chief Privacy Officer

Cross References

Code	**Description**
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1260	Educational Foundation
1340	Access To District Records

1340	Access To District Records
3515	Campus Security
3515	Campus Security
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4119.23	Unauthorized Release Of Confidential/Privileged Information
4135	Soliciting And Selling
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4235	Soliciting And Selling
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4335	Soliciting And Selling
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5125	Student Records
5125	Student Records
5131.1	Bus Conduct
5131.1	Bus Conduct
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement

5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6164.2	Guidance/Counseling Services
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
9324	Minutes And Recordings

Exhibit 5125.1-E(1): Release Of Directory Information

Status: ADOPTED

Original Adopted Date: 07/01/2005 **| Last Revised Date:** ~~05~~06/01/~~2018~~2025 **| Last Reviewed Date:** ~~05~~006/01/~~2018~~2025

CSBA NOTE: The following exhibit is based on a model notice prepared by the U.S. Department of Education and should be modified to reflect district practice. It has been updated to reflect Education Code 49061 and to include provisions required by the California Attorney General's model policy developed pursuant to Education Code 234.7~~, as added by AB 699 (Ch. 493, Statutes of 2017); see the accompanying administrative regulation.~~; see the accompanying administrative regulation. Pursuant to Education Code 234.7, districts were **mandated** to adopt policies with language that is equivalent to the model policy language developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"), by July 1, 2018. The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the website of the Office of the Attorney General. For additional language fulfilling this mandate, see the accompanying administrative regulation and BP/AR 5125 - Student Records and BP/AR 5145.13 – Immigration Enforcement.

Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students are required to be written in the primary language as well as in English.

PARENT/GUARDIAN NOTICE
RELEASE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that _____ (district name), with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include ~~this type of~~ information from your child's education records in certain school and/or district publications. Examples include:

- a playbill, showing your child's role in a drama production
- the annual yearbook
- honor roll or other recognition lists
- graduation programs
- sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA), as amended, to provide military recruiters, upon request, with students' names, addresses, and telephone listings, unless parents/guardians have advised the district that they do not want their child's information disclosed without their prior written consent.

If you do not want the district to disclose any or all of the information designated below as directory information from your child's education records without your prior written consent, you must notify the district in writing by _____(insert date). The district has designated the following information as directory information:

~~CSBA NOTE:~~CSBA NOTE: The following list reflects "directory information" pursuant to Education Code 49061. The district should modify the following list to specify those categories of information defined by the district as "directory information" in the accompanying administrative regulation. Those items the district does not intend to release as directory information should be deleted.

1. ~~Name~~Student's name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study
7. Participation in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance

10. Degrees and awards received

11. Most recent previous school attended

~~The~~Additionally, the district ~~also~~ may disclose your child's student identification number, user identification, or other unique personal identifier used to communicate in electronic systems, ~~provided it~~but only if the identifier cannot be used to gain access to education records ~~without~~except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor ~~that~~known or possessed only by the authorized user ~~knows. Your child's social security~~.

In addition, the district may disclose a student identification number ~~will not~~ or other unique personal identifier that is displayed on a student identification badge, but only if the identifier cannot be used ~~for this purpose.~~to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

CSBA NOTE: The following paragraph reflects the 2024 Guidance.

The district may not disclose a student's Social Security number. Directory information does not include your child's citizenship status, immigration status, place of birth, or any other information indicating national origin. ~~The district will not disclose such information without your consent or a court order.~~

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Ed. Code 49073.5	Directory information; military representatives; telephone numbers
Ed. Code 49603	On campus access to employers and military services

Federal	**Description**
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20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 7908	Armed forces recruiter access to students and student recruiting information
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Management Resources	**Description**
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4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4235	Soliciting And Selling
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4335	Soliciting And Selling
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5020	Parent Rights And Responsibilities
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5125	Student Records
5131.1	Bus Conduct
5131.1	Bus Conduct
5145.12	Search And Seizure

5145.12	Search And Seizure
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6164.2	Guidance/Counseling Services
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
9324	Minutes And Recordings

Regulation 5131.41: Use Of Seclusion And Restraint

Status: ADOPTED

Original Adopted Date: 12/01/2018 **| Last Revised Date:** ~~03~~06/01/~~2023~~2025 **| Last Reviewed Date:** ~~03~~06/01/~~2023~~2025

CSBA NOTE: Pursuant to Education Code 49005-49006.4, seclusion and behavioral restraint, as defined below, are prohibited as a means of student discipline. Seclusion and restraint must be avoided whenever possible and may be used only to control behavior that poses a clear and present danger of serious physical harm to a student or others and that cannot be immediately prevented by a less restrictive response.

Pursuant to Education Code 49005.1 and 49006.4, these requirements apply to all students in grades preK-12 and students with disabilities. For additional procedures applicable to students with disabilities, see AR 6159.4 - Behavioral Interventions for Special Education Students.

District staff shall enforce standards of appropriate student conduct in order to provide a safe and secure environment for students and staff on campus, but are prohibited from using seclusion and behavioral restraint to control student behavior except as authorized by law when the behavior poses a clear and present danger of serious physical harm to the student, other students, or others on campus, and that cannot be immediately prevented by a less restrictive response.

Definitions

Behavioral restraint includes mechanical restraint or physical restraint used as an intervention when a student presents an immediate danger to self or to others. Behavioral restraint does not include postural restraints or devices used to improve a student's mobility and independent functioning rather than to restrict movement. (Education Code 49005.1)

Mechanical restraint means the use of a device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include the use of devices as prescribed by an appropriate medical or related services professional, including, but not limited to, adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment; vehicle safety restraints during the transport of a student; restraints for medical immobilization; or orthopedically prescribed devices which permit a student to participate in activities without risk of harm. Mechanical restraint also does not include the use of devices by peace officers or security personnel for detention or for public safety purposes. (Education Code 49005.1)

Physical restraint means a personal restriction that immobilizes or reduces the ability of a student to move the torso, arms, legs, or head freely. Physical restraint does not include a physical escort in which a staff member temporarily touches or holds the student's hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. Physical restraint also does not include the use of force by peace officers or security personnel for detention or for public safety purposes. (Education Code 49005.1)

~~*Prone restraint* means the application of a behavioral restraint on a student in a facedown position. (Education Code 49005.1)~~

Seclusion means the involuntary confinement of a student alone in a room or an area from which the student is physically prevented from leaving. Seclusion does not include a timeout involving the monitored separation of the student in an unlocked setting, which is implemented for the purpose of calming the student. (Education Code 49005.1)

Prohibitions

Seclusion and behavioral restraint of students shall not be used in any form as a means of coercion, discipline, convenience, or retaliation. (Education Code 49005.8)

~~In addition~~Additionally, staff shall not take any of the following actions: (Education Code 49005.2, 49005.8)

1. Administer a drug that is not a standard treatment for a student's medical or psychiatric condition in order to control the student's behavior or restrict the student's freedom of movement

2. Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use as a locked room

3. Use a physical restraint technique that obstructs a student's respiratory airway or impairs a student's breathing or respiratory capacity, including a technique in which a staff member places pressure on the student's back or places the staff member's body weight against the student's torso or back

4. Use a behavioral restraint technique that restricts breathing, including, but not limited to, the use of a pillow, blanket, carpet, mat, or other item to cover a student's face

CSBA NOTE: Education Code 49005.8, as amended by SB 483 (Ch. 857, Statutes of 2024), prohibits the use of prone restraint and prone containment.

5. ~~Place~~ Use prone restraint, defined as the application of a behavioral restraint on a student in a facedown position ~~with the student's hands held or restrained behind the student's back~~for any period of time and includes prone containment (Education Code 49005.1)

6. Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the student or others

Limited Use of Seclusion or Restraint

Staff shall avoid the use of seclusion and behavioral restraint of students whenever possible. Seclusion or behavioral restraint may be used only to control student behavior that poses a clear and present danger of serious physical harm to the student or others, which cannot be immediately prevented by a response that is less restrictive. (Education Code 49005.4, 49005.6, 49005.8)

When used, seclusion or restraint shall not be applied for longer than is necessary to contain the

dangerous behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek the assistance of the principal or law enforcement agency, as applicable to the situation. (Education Code 56521.1)

If a student is put in seclusion, the student shall be under constant, direct observation of a staff member. Such observation may be through a window or another barrier through which the staff member is able to make direct eye contact with the student, but shall not be made through indirect means such as a security camera or closed-circuit television. (Education Code 49005.8)

If a student is restrained, staff shall afford the student the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the student and others. ~~(Education Code 49005.8)~~

~~If a prone restraint technique is used on a student, a staff member shall observe the student for any signs of physical distress throughout the use of the restraint. Whenever possible, the staff member monitoring the student shall not be involved in restraining the student. (Education Code 49005.8)~~(Education Code 49005.8)

CSBA NOTE: In a December 2022 resolution agreement between Davis Joint Unified School District and the U.S. Department of Education, Office for Civil Rights (OCR) following an investigation into the use of seclusion and restraint, OCR found that use of such measures on students with disabilities ~~must~~is required to comply with section 504 of the Rehabilitation Act of 1974 and the implementing regulations. See AR 6159.4 – Behavioral Interventions for Special Education Students for additional information regarding behavioral interventions and the use of seclusion or restraint for students with disabilities.

Seclusion or restraint may only be applied to a student with disabilities in accordance with rules specified in ~~AR~~Administrative Regulation 6159.4 – Behavioral Interventions ~~For~~for Special Education Students. Staff may not apply seclusion or restraint to students with disabilities based on assumptions or stereotypes about disabilities or students with disabilities or for behavior that would not result in restraint or seclusion for students without disabilities.

CSBA NOTE: The following paragraph is consistent with OCR's recommendation in its resolution agreement with Davis Joint Unified School ~~district~~District and a good practice to follow with respect to use of seclusion or restraint of all students.

The ~~superintendent~~Superintendent or designee shall provide training to staff in the safe and effective use of seclusion and restraint, as appropriate.

Documentation of Seclusion and Restraint

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever an emergency intervention is used or serious property damage occurs. (Education Code 56521.1)

A behavior emergency report shall be completed and forwarded to the Superintendent or designee for review. This report shall include: (Education Code 56521.1)

1. The name and age of the student

2. The setting and location of the incident

3. The name of the staff or other persons involved

4. A description of the incident and the emergency intervention used

5. A statement of whether the student is currently engaged in a systematic behavior intervention plan

6. Details of any injuries sustained by the student or others, including staff, as a result of the incident

Reports

CSBA NOTE: Pursuant to Education Code 49006, districts are required to collect data and report to the California Department of Education (CDE) annually ~~in regard to~~regarding the use of seclusion and behavioral restraints for district students, as specified below. This report is required to be reported on the district's website and CDE is required to post the data from the report on its ~~web site~~website within three months after the report is due to CDE.

The Superintendent or designee shall annually collect data on the number of times that seclusion, mechanical restraint, and physical restraint were used on students and the number of students subjected to such techniques. The data shall be disaggregated by race/ethnicity and gender, and reported for students with a Section 504 plan, students with an individualized education program, and all other students. This report shall be posted on the district's website and submitted to the California Department of Education no later than three months after the end of each school year, and shall be available as a public record pursuant to Government Code 7920.000-7930.215. (Education Code 49006)

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State	Description
Ed. Code 49001	Prohibition of corporal punishment
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 56520-56524	Behavioral interventions
Ed. Code 56521.1	Emergency interventions when behavior poses threat to student or others
Ed. Code 56521.2	Prohibited interventions

Gov. Code 7920.000-7930.215	California Public Records Act

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
29 USC 794	Rehabilitation Act of 1973; Section 504

Management Resources	**Description**
U.S. Department of Education Publication	Restraint and Seclusion: Resource Document, May 2012 (https://www.ed.gov/sites/ed/files/policy/seclusion/restraints-and-seclusion-resources.doc)
U.S. Department of Education Publication	Secretary's letter on Restraint and Seclusion, January 2025 (https://www.ed.gov/laws-and-policy/key-policy-letters/secretarys-letter-restraint-and-seclusion)
U.S. Dept of Education, Office of Civil Rights	Davis Joint Unified School District Resolution Agreement, OCR No. 09-19-5001, December 7, 2022
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	U.S. Department of Education

Cross References

Code	**Description**
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
5131	Conduct
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5144	Discipline
5144	Discipline

Policy 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 10/01/2014 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: The following mandated policy reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual. Education Code 220 prohibits discrimination based on disability, race, nationality, immigration status, ethnicity, gender, gender identity, gender expression, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55. Government Code 11135 prohibits discrimination based on most of the foregoing characteristics and on sex, color, ancestry, age, medical condition, marital status, and an individual's genetic information. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination based on race, color, or national origin. Title IX (20 USC 1681-1688; 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474) prohibits discrimination based on sex; sex stereotypes; sex characteristics; gender; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation; and, parental, marital, and family status. The Age Discrimination Act of 1975 (42 USC 6101-6107) prohibits discrimination based on age. The Americans with Disabilities Act (ADA) (20 USC 12101-12213) and Section 504 (29 USC 794) prohibit discrimination based on disability. Education Code 260 gives the Governing Board primary responsibility for ensuring that district programs and activities are free from discrimination based on age or any of the characteristics listed in Education Code 220. For more information regarding the requirement for district programs and activities to be free from discrimination, see BP 0410 - Nondiscrimination in District Programs and Activities.~~

~~For policy addressing student sex discrimination and sex-based harassment, see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment, and for language regarding Title IX sex discrimination, including sex-based harassment, complaint procedures, see AR/E(1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~Education Code 234.1 mandates that districts adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics listed above, which applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the district, and a process for receiving and investigating such complaints. The California Department of Education (CDE), through its Federal Program Monitoring process, reviews districts' uniform complaint procedures (UCP) and other anti-discrimination policies and processes to ensure compliance with these requirements. In addition, the U.S. Department of Education's Office for Civil Rights (OCR) is responsible for the administrative enforcement of federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the department, and requires the adoption of nondiscrimination policies and complaint procedures.~~

~~Education Code 234.1, as amended by AB 1078 (Ch. 229, Statute of 2023), also requires that the district's nondiscrimination policy include a statement that the policy applies to all acts of the Board and the Superintendent in enacting policies and procedures that govern the district.~~

~~Education Code 234.1, as amended by AB 1078, contains similar language regarding the County Board of Education and the County Superintendent of Schools.~~

~~Education Code 243, as added by AB 1078, clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. In addition, the Board's action to ban or censor a textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction on any of the bases described above may also constitute unlawful discrimination pursuant to Education Code 220. And, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220. For more information regarding instructional materials adoption, see BP/AR/E(1) 6161.1 - Selection and Evaluation of Instructional materials, CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."~~

~~OCR has clarified in several publications that conduct that occurs off campus may have an adverse effect on a student at school (e.g., create a "hostile environment" for the student). When that happens, the district has an obligation to investigate and to take steps to protect the student.~~

CSBA NOTE: The following **mandated** policy reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual.

The California Department of Education, through its Federal Program Monitoring process, reviews districts' uniform complaint procedures (UCP) and other anti-discrimination policies and processes to ensure compliance with mandated policy requirements. Additionally, the U.S. Department of Education's Office for Civil Rights (OCR) is responsible for the administrative enforcement of federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the department, and requires the adoption of nondiscrimination policies and complaint procedures.

In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. For more information regarding the requirement for district programs and activities to be free from discrimination, see BP 0410 - Nondiscrimination in District

Programs and Activities, and regarding the protection of students against sexual harassment, see BP/AR 5145.7 - Sexual Harassment.

Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, OCR's February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library, see BP 0410 – Nondiscrimination in District Programs and Activities, BP/AR/E(1) 6161.1 – Selection and Evaluation of Instructional materials, BP 6161.11 – Supplementary Instructional Materials, and BP 6163.1 – Library Media Centers. Also see CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

~~This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.~~

~~CSBA NOTE: 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status.~~

~~The Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, of any student by anyone, based on the student's actual or perceived race; color; ancestry; nationality; national origin; immigration status; ethnic group identification; ethnicity; age; religion; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; parental, marital, and family status; physical or mental disability; medical condition; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; or genetic information; or, association with a person or group with one or more of these actual or perceived characteristics.~~

~~CSBA NOTE: OCR's May 2024 Dear Colleague Letter, "Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics," which expands and clarifies the U.S. Department of Education's 2023, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Schools," provides that Title VI's protections from race, color, and national origin discrimination extends to students who experience discrimination based on actual or perceived (1) shared ancestry or ethnic characteristics or (2) citizenship or residency in a country with a dominant religion or distinct religious identity. While Title VI does not protect individuals based solely on religious discrimination, it does apply to antisemitism and other forms of discrimination when based on shared ancestry or ethnic characteristics. The guidance includes clarifying examples regarding existing legal requirements under Title VI.~~

~~Additionally, OCR's November 2023 Dear Colleague Letter, "Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics," states that all students, including students who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, as well as students who come from, or are perceived to come from, all regions of the world, are entitled to a school environment free from discrimination based on race, color, or national origin. The Dear Colleague Letter provides that Title VI also protects students from discrimination which is based on (1) actual or perceived citizenship or residency in a country with a dominant religion or distinct religious identity, including Jewish, Muslim, Sikh, Hindu, Christian, and Buddhist students, when the discrimination involves racial, ethnic, or ancestral slurs or stereotypes, (2) a student's skin color, physical features, or style of dress that reflects both ethnic and religious traditions, and (3) where a student came from or is perceived to have come from. Discrimination based on a student's foreign accent, foreign name, or a student speaking a foreign language may also violate Title VI's prohibitions against discrimination.~~

~~OCR's August 2023 Dear Colleague Letter, "Race and School Programming," states that a district may not separate students based on race, but may include group discussions or activities that focus on race as part of the curriculum, courses, or programs so long as access or participation is not permitted or limited based on race. OCR's guidance also provides that a school-sponsored program with emphasis on race, such as a student club, that is open to all students, typically would not violate Title VI solely because of its race-related theme.~~

The Governing Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to district activity or attendance, to acts which occur off campus or outside of district-related or district-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Board and the Superintendent in enacting policies and procedures that govern the district.

The Board prohibits, at any district school or activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and

family status; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

CSBA NOTE: Title VI (42 USC 2000d-2000d-7) prohibits discrimination based on race, color, or national origin in programs and activities that receive federal financial assistance, including school districts.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

CSBA NOTE: In addition to the types of prohibited student conduct described above, unlawful discrimination includes different treatment of students with respect to the provision of opportunities to participate in ~~school~~district programs or activities or the provision or receipt of educational benefits or services. See BP 0410 - Nondiscrimination in District Programs and Activities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in ~~school~~district programs or activities or the provision or receipt of educational benefits or services.

~~CSBA NOTE: Unlawful discrimination may occur when disciplining students. OCR's guidance, "Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973," "Resource on Confronting Racial Discrimination in Student Discipline," and "Creating Inclusive and Nondiscriminatory School Environments for LGBTQI Students," address discrimination in the use of discipline based on disability, race, and gender expression.~~

~~For more information regarding student discipline, see BP/AR 5144 - Discipline, BP/AR 5144.1 - Suspension and Expulsion/Due Process, and AR 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).~~

CSBA NOTE: The following paragraph addresses unlawful discrimination which may occur when disciplining students.

For more information regarding student discipline, see BP/AR 5144 - Discipline, BP/AR 5144.1 - Suspension and Expulsion/Due Process, and AR 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

Because unlawful discrimination could occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 - Discipline, Board Policy and Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due

Process (Students With Disabilities).

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates, participates, or refuses to participate in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

~~CSBA NOTE: Pursuant to Education Code 234.1 and 34 CFR 106.8, a district is required to publicize its nondiscrimination policies to the school community. Additionally, Education Code 234.1, as amended by SB 153, and 234.6 require the district to make readily accessible on its website its nondiscrimination, harassment, intimidation, bullying, sex-based harassment, suicide prevention, and other specified policies and information related to specified state and federal laws and resources. In addition, 34 CFR 104.8 requires districts to take "continuing steps" to notify students, parents/guardians, applicants for admission, and employees that it does not discriminate on the basis of disability in its education programs or activities.~~

~~For further information regarding specific posting requirements, see "Measures to Prevent Discrimination" in the accompanying administrative regulation.~~

CSBA NOTE: Pursuant to Education Code 234.1 and 34 CFR 106.8, a district is required to publicize its nondiscrimination policies. Additionally, Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), and 234.6 require the district to make readily accessible on its website its nondiscrimination, harassment, intimidation, bullying, sexual harassment, suicide prevention, and other specified policies and information related to specified state and federal laws and resources. In addition, 34 CFR 104.8 requires districts to take "continuing steps" to notify students and parents/guardians, that it does not discriminate on the basis of disability in its education programs or activities.

Beginning with the 2025-26 school year, Education Code 234.6, as amended by SB 939 (Ch. 907, Statutes of 2024), requires districts to ensure that resources related to neurodiversity developed by the University of California and California State University Collaborative for Neurodiversity and Learning are readily accessible in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students.

For further information regarding specific posting requirements, see "Measures to Prevent Discrimination" in the accompanying administrative regulation.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6; 34 CFR 106.8)

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase ~~the school community's~~ understanding of the requirements of law related to discrimination. The

Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

~~CSBA NOTE: Policies related to discrimination must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a district from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.~~
CSBA NOTE: Policies related to discrimination must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a district from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination related to a district activity, attendance, or district-related or district-sponsored activity, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

~~CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to Education Code 48900.5, as amended by AB 1165 (Ch. 22, Statutes of 2023), the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator, in addition to the other measures specified in the following paragraph; see BP/AR 5131.2 - Bullying.~~
CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to Education Code 48900.5, the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5

for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator, in addition to the other measures specified in the following paragraph; see BP/AR 5131.2 – Bullying.

When a student has been suspended, or other means of correction have been implemented against the student for an incident of racist bullying, harassment, or intimidation, the principal or designee ~~shall~~may engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee ~~shall~~may also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and ~~shall~~ regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

~~CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow the Title IX grievance procedures when investigating and resolving the complaint. A complaint may also fall within the complaint process adopted by the district pursuant to Education Code 234.1 for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the district's UCP specified in 5 CCR 4600-4670. It is unclear whether districts would additionally be required to follow the UCP when investigating and resolving such a complaint. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~ CSBA NOTE: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the district's UCP specified in BP/AR 1312.3 – Uniform Complaint Procedures. However, the complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

For more information regarding sexual harassment against students in the school setting, see BP/AR 5145.7 – Sexual Harassment, and for the Title IX grievance procedures, see AR 5145.71 – Title IX Sexual Harassment Complaint Procedures.

~~Allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures, when required by law. However, complaints alleging sex discrimination, including sex-based harassment, under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

Complaints alleging unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures, when required by law. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Administrative Regulation 5145.71 – Title IX Sexual Harassment Complaint Procedures.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for harassment, threats, or intimidation
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication

Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12926	Prohibition of discrimination; definitions
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color, or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
34 CFR ~~106.30~~110.25	~~Discrimination on the basis of sex; definitions~~Prohibition of discrimination based on age
34 CFR ~~110.25~~99.31	~~Prohibition of discrimination based on age~~Disclosure of personally identifiable information
34 CFR 99.~~31~~36	~~Disclosure of personally identifiable information~~Disclosure of personally identifiable information in health and Safety Emergencies
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

Management Resources	Description
~~CA Office of the Attorney General Publication~~Court Decision	~~Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024~~Tennessee v. Cardona (2024) 737 F.Supp.3d 510
~~CA Office of the Attorney General Publication~~	~~Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024~~
~~California Department of Education Publication~~Court Decision	~~California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019~~Students for Fair Admissions v. Harvard (2024) 600 U.S. 181
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
~~CSBA~~CA Office of the Attorney General Publication	~~Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024~~Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024 (https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf)
~~CSBA~~CA Office of the Attorney General Publication	~~Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024~~Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)

CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896
U.S DOE, Office for Civil RightsCSBA Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
U.S.California Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023Protection for LGBTQ+ Students: AB 1955 (https://www.cde.ca.gov/ci/pl/ab-1955-sum-of-prov.asp)
U.S. Dept. of Health & Human Services PublicationFederal Register	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. DOE & U.S. DOJ, Office for Civil Rights Divisions PubPublication	Resource on Confronting Racial Discrimination in Student Discipline, May 2023Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act, February 28, 2025 (https://www.ed.gov/media/document/frequently-asked-questions-about-racial-preferences-and-stereotypes-under-title-vi-of-civil-rights-act-109530.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic

	Characteristics, May 2024Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students For Fair Admissions v. Harvard, February 14, 2025 (https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOE, Office for Civil Rights Publication	Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County, June 2021Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023 (https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)
U.S. DOE, Office for Civil Rights Publication	U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf)
U.S. DOE, Office for Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022Dear Colleague Letter: Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf)
U.S. DOE, Office for Civil Rights Publication	Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023

U.S. DOE, Office for Civil Rights Publication	~~Dear Colleague Letter: Race and School Programming, August 2023~~Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022
Website	CSBA District and County Office of Education Legal Services
Website	First Amendment Center
Website	California Interscholastic Federation (https://www.cifstate.org/landing/index)
Website	California Office of the Attorney General
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures

1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
3580	District Records
4040	Employee Use of Technology
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
~~4119.11~~	~~Sex Discrimination and Sex-Based Harassment~~
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
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5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
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6173.1	Education For Foster Youth
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Regulation 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 09/01/2016 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: The following mandated administrative regulation provides measures that may be implemented by a district to comply with state and federal laws and regulations prohibiting unlawful discrimination at school or in school-sponsored or school-related activities, including discriminatory harassment, intimidation, and bullying, of any student based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics. 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.~~

~~5 CCR 4621 mandates the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying. Additionally, 34 CFR 106.8 and other federal regulations mandate districts that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure district compliance with federal laws and regulations governing the district's educational programs.~~

~~During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing a district's discrimination policies and procedures, OCR will examine whether the district has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.~~

~~The following paragraph identifies the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws as the same person designated to ensure district compliance, and receive, investigate and resolve discrimination complaints under AR 1312.3 - Uniform Complaint Procedures. Districts may modify the following paragraph to designate different district employees to serve these functions. Note also that a district may designate more than one employee to coordinate compliance and/or receive and investigate complaints, although each~~

~~employee designated as a coordinator/compliance officer must be properly trained.~~

~~34 CFR 106.8 requires that the employee designated by the district to coordinate its responsibilities under Title IX be referred to as the Title IX Coordinator. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the district's consistent compliance with its responsibilities under Title IX. It is recommended that the Title IX Coordinator be the same person designated below and in AR 1312.3 - Uniform Complaint Procedures, and, if the district wishes to separate out these responsibilities, for one individual to designate designees and maintain oversight. See AR 5145.7 - Sex Discrimination and Sex-Based Harassment.~~

CSBA NOTE: The following **mandated** administrative regulation provides measures that may be implemented by a district to comply with state and federal laws and regulations prohibiting unlawful discrimination at any district school or in district-sponsored or district-related activities, including discriminatory harassment, intimidation, and bullying, when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. For more information regarding the requirement for district programs and activities to be free from discrimination, see BP 0410 - Nondiscrimination in District Programs and Activities, and regarding the protection of students against sexual harassment, see BP/AR 5145.7 - Sexual Harassment.

Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.

5 CCR 4621 requires the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying. Additionally, 34 CFR 106.8 and other federal regulations mandate districts that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure district compliance with federal laws and regulations governing the district's educational programs.

During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing a district's discrimination policies and procedures, OCR will examine whether the district has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

The following paragraph identifies the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws as the same person designated to ensure district compliance, and receive, investigate and resolve discrimination complaints under AR 1312.3 - Uniform Complaint Procedures, as well as the responsible employee to handle sexual harassment complaints under Title IX. 34 CFR 106.8 requires the district to designate at least one district employee as the Title IX Coordinator to coordinate its responsibilities under Title IX. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether they should be handled in accordance with the uniform complaint procedures (UCP) specified in AR 1312.3 - Uniform Complaint Procedures or in accordance with Title IX complaint procedures specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. It is recommended that the Title IX Coordinator be the same person designated below and in AR 1312.3 - Uniform Complaint Procedures. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district; see AR 1312.3 – Uniform Complaint Procedures and AR 5145.7 – Sexual Harassment. Districts may modify the following paragraph to reflect district practice. If the district designates more than one employee to coordinate compliance and/or receive and investigate complaints, each employee designated as a coordinator/compliance officer must be properly trained.

The district designates the individual(s) identified below as the Compliance Officer(s). The employee(s) is responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in Administrative Regulation 5145.7 ~~-~~ ~~Sex Discrimination and Sex-Based~~ – Sexual ~~H~~harassment as the responsible employee to handle complaints alleging unlawful ~~sex discrimination and sex-based~~sexual harassment, as permitted by law. The Compliance Officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or ~~in school~~ activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

~~CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), CDE is required to ensure that the district prominently and conspicuously~~

~~displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website.~~

~~In addition, federal regulations enforced by OCR require the district to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.8 and 28 CFR 35.107), and age (34 CFR 110.25) and of related complaint procedures.~~

~~For additional notification requirements specific to sex discrimination and sex-based harassment, see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment.~~

CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), CDE is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website.

In addition, federal regulations enforced by OCR require the district to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.8 and 28 CFR 35.107), and age (34 CFR 110.25), and of related complaint procedures.

For additional notification requirements specific to sexual harassment, see BP/AR 5145.7 – Sexual Harassment.

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the Compliance Officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications

~~CSBA NOTE: Education Code 234.1, as amended by SB 153, and 234.6 requires a district to post its nondiscrimination policies on its website as specified below. In addition to the policies listed below, if the district has a policy in regard to the prevention and response to hate violence, it is also required to be posted, and the following item should be modified accordingly. See BP 5145.9 - Hate-Motivated Behavior.~~
CSBA NOTE: Education Code 234.1, as amended by SB 153, and 234.6 require the district to post its nondiscrimination policies on its website as specified below. In addition to the policies listed below, if the district has a policy in regard to the prevention and response to hate violence, it is also required to be posted, and the following item should be modified accordingly. See BP 5145.9 - Hate-Motivated Behavior.

2. Post the district's policies and procedures prohibiting discrimination, harassment, student ~~sex-based~~sexual harassment, intimidation, bullying, and cyberbullying, including a section on

social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.1, 234.6)

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

~~CSBA NOTE: Education Code 221.61 requires districts and public schools to post on their websites information related to Title IX (20 USC 1681-1688). Education Code 234.6 requires districts to post the Title IX information required pursuant to 221.61 in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. Additionally, districts are required to provide a link to the Title IX information included on CDE's website pursuant to Education Code 221.6, in the same manner. A comprehensive list of rights based on the federal regulations implementing Title IX can be found in Education Code 221.8. A district that does not maintain a website may comply by posting the information below on the website of its county office of education. A school without a website may comply by posting the information on the website of the district or county office of education.~~
CSBA NOTE: Education Code 221.61 requires districts and public schools to post on their websites information related to Title IX (20 USC 1681-1688). Education Code 234.6 requires districts to post the Title IX information required pursuant to Education Code 221.61 in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. Additionally, districts are required to provide a link to the Title IX information included on CDE's website pursuant to Education Code 221.6, in the same manner. A comprehensive list of rights based on the federal regulations implementing Title IX can be found in Education Code 221.8. A district that does not maintain a website may comply by posting the information below on the website of its county office of education (COE). A school without a website may comply by posting the information on the website of the district or COE.

4. ~~Post in a prominent location on the district website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex; sex characteristics; sexual orientation; gender; gender identity; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and parental, marital, and family status, including the following: (Education Code 221.6, 221.61, 234.6)~~
Post in a prominent location on the district website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, including the following: (Education Code 221.6, 221.61, 234.6)

   a. The name and contact information of the district's Title IX Coordinator, including the phone number and email address

   b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the websites of the

Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

c. A description of how to file a complaint of noncompliance under Title IX, which shall include:

i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on OCR's website

iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

d. A link to the Title IX information included on the California Department of ~~Education's~~Education's (CDE) website

~~CSBA NOTE: Item #5 is for districts that participate in the California Interscholastic Federation (CIF). In order to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, Education Code 33353, as amended by AB 1327 (Ch. 366, Statutes of 2023), requires a district that participates in CIF to post on its website, by April 1, 2025, a standardized incident form developed by CDE, including information on how to submit a completed incident form to the district. The district is required to submit information related to any completed standardized incident form to CDE, if requested.~~CSBA NOTE: Item #5 is for districts that participate in the California Interscholastic Federation (CIF). In order to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, Education Code 33353 requires a district that participates in CIF to post on its website a standardized incident form developed by CDE, including information on how to submit a completed incident form to the district. The district is required to submit information related to any completed standardized incident form to CDE, if requested.

~~5. By April 1, 2025, post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the district (Education Code 33353)~~

~~CSBA NOTE: Pursuant to Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, districts are required to provide a notice of nondiscrimination on the basis of sex, as specified below.~~

~~6. Post in a prominent location on the district's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination~~

which includes the following: (34 CFR 106.8)

a. The district does not discriminate on the basis of sex in any education program or activity that it operates

b. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or OCR

c. The name or title, office and email address, and telephone number of the district's Title IX Coordinator

d. How to locate the district's nondiscrimination policy and the district's grievance procedures for Title IX complaints

e. How to report conduct that may constitute sex discrimination under Title IX

f. How to make a complaint of Title IX sex discrimination

If necessary due to the format or size of any publication specified above, the district may include only the statement that the district prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the district's website.

The district shall not distribute a publication stating that the district treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

7. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5)

Such resources shall be posted in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

8. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior

9. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students

The notice shall inform students and parents/guardians that they may request to meet with the Compliance Officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

~~CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2003, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter or be served by the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient and costs. State law is more specific than federal law. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.~~

10. ~~Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand~~

    ~~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 nondiscrimination 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 information for parents/guardians with limited English proficiency.~~

11. ~~Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them~~

    ~~Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students.~~

~~CSBA NOTE: Item #12 applies to districts that serve students in any of grades 7-12. Pursuant to Education Code 234.1, as amended by SB 153, a district is required to provide certificated school employees serving students in any of grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) students, or related to the support of students who may face bias or bullying as specified below.~~

12. ~~Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion,~~

~~sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics (Education Code 234.1)~~

~~CSBA NOTE: Item #13 applies to districts that serve students in any of grades 7-12. Starting in the 2025-26 school year through the 2029-2030 school year, Education Code 218.3, as added by AB 5 (Ch. 220, Statutes of 2023), requires a district serving students in any of grades 7-12 to provide at least one hour of training annually to all teachers and certificated employees serving students in grades 7-12 which incorporates CDE's online training curriculum to support LGBTQ cultural competency. The district is required to maintain records documenting the date that each employee completed the training and the name of the entity that provided the training.~~

~~13. For the 2025-2026 school year through the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3~~

~~14. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so (Education Code 234.1)~~

~~CSBA NOTE: Item #15 below may be revised to reflect district practice. In some situations, the district may need to provide assistance to a student to protect the student from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.~~

~~15. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights~~

5. Post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the district (Education Code 33353)

CSBA NOTE: Beginning with the 2025-26 school, Education Code 234.6, as amended by SB 939 (Ch. 907, Statutes of 2024), requires districts, in addition to ensuring that other already specified policies and information is readily accessible on the district's website, to ensure that resources related to neurodiversity developed by the University of California and California State University Collaborative for Neurodiversity and Learning are readily accessible in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students.

6. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5. 234.6)

   Such resources shall be posted in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

7. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior

8. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students

   The notice shall inform students and parents/guardians that they may request to meet with the Compliance Officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

   CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

9. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand

   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 nondiscrimination 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 information for parents/guardians with limited English proficiency.

10. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them

    Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students.

    CSBA NOTE: Item #11 applies to districts that serve students in any of grades 7-12. Pursuant to Education Code 234.1, as amended by SB 153, a district is required to provide certificated school employees serving students in any of grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying as specified below.

11. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and

disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics (Education Code 234.1)

CSBA NOTE: Item #12 applies to districts that serve students in any of grades 7-12. Starting in the 2025-26 school year through the 2029-2030 school year, Education Code 218.3, requires a district serving students in any of grades 7-12 to provide at least one hour of training annually to all teachers and certificated employees serving students in grades 7-12 which incorporates CDE's online training curriculum to support LGBTQ+ cultural competency. The district is required to maintain records documenting the date that each employee completed the training and the name of the entity that provided the training.

12. For the 2025-2026 school year through the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3

13. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so (Education Code 234.1)

CSBA NOTE: Item #14 below may be revised to reflect district practice. In some situations, the district may need to provide assistance to a student to protect the student from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

14. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights

Process for Initiating and Responding to Complaints

~~CSBA NOTE: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the uniform complaint procedures (UCP) specified in 5 CCR 4600-4670, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25).~~

CSBA NOTE: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the UCP as specified in BP/AR 1312.3 – Uniform Complaint Procedures, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. Additionally, federal regulations require districts to

adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8) and disability (34 CFR 104.7 and 28 CFR 35.107).

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the Compliance Officer, Title IX Coordinator, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the Compliance Officer, Title IX Coordinator, or principal, regardless of whether the alleged victim files a complaint.

CSBA NOTE: The following paragraph related to employee reporting of unlawful discrimination should be revised to reflect the district's timeline.
CSBA NOTE: The following paragraph related to employee reporting of unlawful discrimination should be revised to reflect the district's timeline.

Any schooldistrict employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported, shall report the incident to the Compliance Officer, Title IX Coordinator, or principal within one workday, regardless of whether the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

CSBA NOTE: Though a formal complaint must be in writing pursuant to 5 CCR 4600, the district's obligation to provide a safe school environment for its students overrides the need to comply with formalities. Thus, once the district receives notice of an incident, whether verbally or in writing, it is good practice to begin the investigation of the report and to take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice.

Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the scope of the UCP, it is unclear whether districts would additionally be required to follow the UCP. Due to this uncertainty, districts are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.
CSBA NOTE: Though a formal complaint must be in writing pursuant to 5 CCR 4600, the district's obligation to provide a safe school environment for its students overrides the need to comply with formalities. Additionally, once the district receives notice of an incident, whether verbally or in writing, it is recommended that the district begin the investigation of the report and take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice.

Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation,

and bullying that is consistent with the district's UCP specified in BP/AR 1312.3 – Uniform Complaint Procedures.
However, the complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

For more information regarding sexual harassment against students in the school setting, see BP/AR 5145.7 – Sexual Harassment, and for the Title IX grievance procedures, see AR 5145.71 – Title IX Sexual Harassment Complaint Procedures.

~~When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal, Compliance Officer, or Title IX Coordinator, the principal, Compliance officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with Administrative Regulation 1312.3 - Uniform Complaint Procedures or, for complaints of sex discrimination, including sex-based harassment, the right to initiate the Title IX grievance procedures as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. Once notified verbally or in writing, the Compliance Officer or Title IX Coordinator shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.~~

~~Any report or complaint alleging unlawful discrimination by the principal, Compliance Officer, Title IX Coordinator, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.~~

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal, Compliance Officer, or Title IX Coordinator, the principal, Compliance Officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with Administrative Regulation 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the Compliance Officer or Title IX Coordinator shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, Compliance Officer, Title IX Coordinator, or any other person to whom a report would ordinarily be made or complaint filed

shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

Support for Intersex, Nonbinary, Transgender and Gender-Nonconforming Students

CSBA NOTE: Pursuant to state law, a district has the responsibility to ensure a safe, nondiscriminatory school environment for all students and equal access to the educational program for intersex, nonbinary, transgender, and gender non-conforming students.

In light of recent federal executive orders that potentially conflict with state law, as well as legal challenges to state law, including challenges based on religious grounds, it is recommended that districts with questions about the rights of transgender and gender-nonconforming students consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The terms and definitions used below are consistent with California law, California case law, and generally accepted terms within academia, including provisions in the California Gender Recognition Act that recognize three gender options, female, male, and nonbinary.

Gender refers to a student's sex, and includes a student's gender identity and gender expression. (Education Code 210.7)

Gender identity refers to a student's gender-related identity, appearance, or behavior as determined from the student's internal sense, regardless of whether that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression refers to a student's gender-related appearance and behavior, regardless of whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming refers to when a student's gender expression differs from stereotypical expectations.

Intersex refers to when a student has natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

Nonbinary refers to when a student's gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

Sex refers to the biological condition of being a female or male human being. (5 CCR 4910)

Transgender refers to when a student's gender identity is different from the sex assigned at birth.

The district shall ensure that all students, regardless of sex, gender, gender identity or gender expression, are afforded the same rights, benefits, and protections provided to students by law and

Board policy. To do so, the Superintendent or designee shall address each situation that arises on a case-by-case basis and in accordance with the following guidelines:

CSBA NOTE: Education Code 220.3 and 220.5, as added by AB 1955 (Ch. 95, Statutes of 2024), clarify that under existing law a district, including a Governing Board member, may not require an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person, or enact or enforce any policy, rule, or administrative regulation that would require the same, without the student's consent unless otherwise required by state or federal law. CDE's, "Protection for LGBTQ+ Students: AB 1955," clarifies that Education Code 220.3 does not require nondisclosure.

It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel before disclosing a student's gender identity without the student's consent.

Pursuant to Education Code 221.5, a district is required to permit a student to use facilities and participate in sex-segregated district programs and activities consistent with the student's gender identity, regardless of the gender listed on the student's educational records.

Beginning July 1, 2026, Education Code 35292.5 requires each school maintaining any of grades 1-12 with more than one female student restroom and more than one male student restroom to provide and maintain at least one all-gender restroom for student use that meets the requirements of law.

1. Acceptance of a Student's Gender Identity: The district shall accept the student's assertion of the student's gender identity and treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose

2. Use of Names and Pronouns: Upon request by a student, district personnel shall address the student by the requested name and pronoun(s), without the necessity of a court order or a change to the student's mandatory permanent student record

   Inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or pronouns may not constitute a violation of this administrative regulation or the accompanying Board policy.

3. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity

   Additionally, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by sex, such as for class discussions, yearbook pictures, and field trips.

   To address any student's privacy concerns in using sex-segregated facilities, the district shall consider offering a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, in no case shall the district require a

student to utilize these options because of the student's sex, gender, gender identify, or gender expression. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

Beginning July 1, 2026, each school shall provide and maintain at least one all-gender restroom for student use that meets the requirements of Education Code 35292.5.

4. Adherence to Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site, which may not discriminate on the basis of sex, gender, gender identity or gender expression

5. Equal Access to Educational Programs and Activities: Upon request by a student based on the student's gender identity or gender expression, the Compliance Officer shall identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained

   The Compliance Officer shall consider the rights of all students and how those rights may affect and be affected by the rights of other students. Additionally, the Compliance Officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's sex, gender, gender identity, or gender expression so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are providing equal access to programs and activities.

6. Right to privacy: A student's sex, gender, gender identity, and gender status is private information

   The district may only disclose such information to others when the disclosure is permitted by law, with the student's prior written consent, or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. (Education Code 220.3, 220.5; 34 CFR 99.31, 99.36)

   CSBA NOTE: Pursuant to Education Code 49061-49072, only a parent/guardian may authorize a change to a student's gender in the student's mandatory permanent student record. It is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel in developing processes and procedures in this regard.

7. Student Records: A student's sex and legal name shall be maintained as part of a student's mandatory permanent student record as specified in 5 CCR 432 and shall only be changed with proper documentation (Education Code 49061-49072)

   When a request to change a student's gender or name is submitted without proper documentation, any change to the student's gender or name shall be applied only to documents not included in the mandatory permanent student record such as attendance sheets, report cards, and school identification.

   The Superintendent or designee shall follow this guideline such that it does not change or alter the obligations of the district to maintain student records in accordance with Board Policy/Administrative Regulation 5125 – Student Records, and to ensure access to such records in accordance with Board Policy/Administrative Regulation 1340 – Access to District Records.

The district prohibits any act of verbal, nonverbal, or physical aggression, intimidation, or hostility, including any such act based on sex, gender, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature, including, but not limited to:

1. Refusing to address or refer to a student in a manner consistent with the student's gender identity

2. Disciplining a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity

3. Blocking, prohibiting, or restricting a student's entry to the restroom that corresponds to the student's gender identity

4. Disclosing student records that reveal a student's gender identity to individuals who do not have a legitimate need for the information except as permitted by law

5. Verbally or physically assaulting a student because of the student's sex, gender, gender identity, or gender expression, including, but not limited to, causing, attempting to cause, threatening to cause, or participating in an act of hate violence on the basis of sex, gender, gender identity, or gender expression

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900.3	Suspension or expulsion for act of hate violence

Ed. Code 48900.4	Suspension or expulsion for harassment, threats, or intimidation
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12926	Prohibition of discrimination; definitions
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color, or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
34 CFR ~~106.30~~110.25	~~Discrimination on the basis of sex; definitions~~Prohibition of discrimination based on age
34 CFR ~~110.25~~99.31	~~Prohibition of discrimination based on age~~Disclosure of personally identifiable information

34 CFR 99.3136	Disclosure of personally identifiable informationDisclosure of personally identifiable information in health and Safety Emergencies
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975
Management Resources	**Description**
CA Office of the Attorney General PublicationCourt Decision	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024Tennessee v. Cardona (2024) 737 F.Supp.3d 510
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024
California Department of Education PublicationCourt Decision	California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019Students for Fair Admissions v. Harvard (2024) 600 U.S. 181
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
CSBACA Office of the Attorney General Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024 (https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf)
CSBACA Office of the Attorney General Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 (https://oag.ca.gov/system/files/attachments/press-

	docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CSBA Publication	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
~~U.S DOE, Office for Civil Rights~~CSBA Publication	~~Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70~~Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
~~U.S.~~California Department of Education Publication	~~Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023~~Protection for LGBTQ+ Students: AB 1955 (https://www.cde.ca.gov/ci/pl/ab-1955-sum-of-prov.asp)
~~U.S. Dept. of Health & Human Services Publication~~Federal Register	~~Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)

U.S. DOE & U.S. DOJ, Office for Civil Rights Divisions PubPublication	Resource on Confronting Racial Discrimination in Student Discipline, May 2023Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act, February 28, 2025 (https://www.ed.gov/media/document/frequently-asked-questions-about-racial-preferences-and-stereotypes-under-title-vi-of-civil-rights-act-109530.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students For Fair Admissions v. Harvard, February 14, 2025 (https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOE, Office for Civil Rights Publication	Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County, June 2021Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023 (https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)
U.S. DOE, Office for Civil Rights Publication	U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf)

U.S. DOE, Office for Civil Rights Publication	~~Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022~~Dear Colleague Letter: Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf)
U.S. DOE, Office for Civil Rights Publication	~~Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973~~Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023
U.S. DOE, Office for Civil Rights Publication	~~Dear Colleague Letter: Race and School Programming, August 2023~~Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022
Website	CSBA District and County Office of Education Legal Services
Website	First Amendment Center
Website	California Interscholastic Federation (https://www.cifstate.org/landing/index)
Website	California Office of the Attorney General
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees

1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
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1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
3580	District Records
4040	Employee Use of Technology
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
~~4119.11~~	~~Sex Discrimination and Sex-Based Harassment~~
4119.21	Professional Standards

4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
~~4219.11~~	~~Sex Discrimination and Sex-Based Harassment~~
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
~~4319.11~~	~~Sex Discrimination and Sex-Based Harassment~~
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
5000	Concepts And Roles
5030	Student Wellness
5111	Admission
5111	Admission
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board

5113.12	District School Attendance Review Board
5116.2	Involuntary Student Transfers
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.3	Challenging Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.12	Search And Seizure

~~5145.13~~	~~Response To Immigration Enforcement~~
~~5145.13~~	~~Response To Immigration Enforcement~~
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6159.4	Behavioral Interventions For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials

6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6163.1	Library Media Centers
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
7110	Facilities Master Plan

Policy 5145.6: Parent/Guardian Notifications

Status: ADOPTED

Original Adopted Date: 03/01/2007 | **Last Revised Date:** 06/01/~~2024~~2025 | **Last Reviewed Date:** 06/01/~~2024~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice.

The Governing Board desires to promote effective communication from the district and/or school to families to keep families informed regarding educational programs, school operations, and the legal rights of students and parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent or designee believes will promote familial understanding and involvement.

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is not required. Any signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

Whenever a student enrolls in a district school during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

CSBA NOTE: The following paragraph applies to notices required for certain federal programs, including, but not necessarily limited to, Title I notices pursuant to 20 USC 6311 and 6312, notices regarding the rights of parents/guardians of students with disabilities pursuant to 34 CFR 300.503 and 300.504, and notices of the educational rights of students experiencing homelessness pursuant to 42 USC 11432. The following paragraph may be revised to reflect district practice.

Notifications shall be presented in an understandable and uniform format.

CSBA NOTE: Pursuant to state and federal antidiscrimination laws, including the Americans with Disabilities Act (42 USC 12101; 28 CFR 35) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794), auxiliary aides and services must be provided to qualified individuals with disabilities to enable those individuals to effectively communicate and participate in public programs, services, or activities. For example, for the Medi-Cal Program, the Department of Health Care Services (DHCS), the state agency that administers the program, has issued Policy and Procedure Letters No. 21-017R and No. 23-004, which require districts to develop a plan to meet these alternative format requirements. For more information on the Medi-Cal Program, see AR 5141.6 - School Health Services.

When necessary, the district shall provide notifications to qualified individuals with disabilities in alternative formats, such as braille, large font, or audio recordings, to enable such individuals to effectively participate in any program, service, or activity, as required by law.

CSBA NOTE: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in either language. Education Code 48985 requires the California Department of Education (CDE) to notify districts, by August 1 of each year, of the schools and the languages for which the translation of notices is required based on census data submitted to the CDE in the preceding fiscal year.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing~~ ~~Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
24 CCR 11B-703	Bathroom signage
17 CCR 2950-2951	Hearing tests
17 CCR 6000-6075	School attendance immunization requirements

22 CCR 101218.1	Child care licensing; parent/guardian rights
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
5 CCR 17782	Notice of Action; application for services
5 CCR 17783	Notice of Action; recipient of services
5 CCR 18066	Child care policies regarding excused and unexcused absences
5 CCR 18094-18095	Notice of Action; child care services
5 CCR 18114	Notice of delinquent fees; child care services
5 CCR 18118-18119	Notice of Action; child care services
5 CCR 3052	Behavioral intervention
5 CCR 4622	Uniform complaint procedures
5 CCR 4631	Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4917	Notification of sexual harassment policy
5 CCR 852	Exemptions from state assessments
5 CCR 863	Reports of state assessment results
Civ. Code 1798.29	District records; breach of security
Ed. Code 17288	Building standards for university campuses
Ed. Code 17612	Notification of pesticide use
Ed. Code 221.5	Equal opportunity
Ed. Code 231.5	Sexual harassment policy
Ed. Code 231.6	Poster of sexual harassment policy
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 262.3	Appeals for discrimination complaints; information regarding availability of civil remedies
Ed. Code 310	Language acquisition programs

Ed. Code 313	Reclassification of English learners; parental consultation
Ed. Code 313.2	Long-term English learner; notification
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals
Ed. Code 32390	Voluntary program for fingerprinting students
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5	Extracurricular and cocurricular activities
Ed. Code 35178.4	Notice of accreditation status
Ed. Code 35182.5	Advertising in the classroom
Ed. Code 35183	School dress code; uniforms
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities
Ed. Code 35211	Driver training; district insurance, parent/guardian liability
Ed. Code 35256	School Accountability Report Card
Ed. Code 35258	School Accountability Report Card
Ed. Code 35291	Rules for student discipline
Ed. Code 35292.5	All-gender restroom signage
Ed. Code 35292.6	School maintenance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 39831.5	School bus rider rules and information
Ed. Code 41329	School closures and consolidation
Ed. Code 440	English language proficiency assessment; instruction in English language development
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44808.5	Permission to leave school grounds
Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services
Ed. Code 46014	Regulations regarding absences for religious purposes
Ed. Code 46015	Accommodations for pregnant and parenting pupils

Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	Minimum age of admission
Ed. Code 48070.5	Promotion and retention of students
Ed. Code 48204	Residency requirements
Ed. Code 48205	Absence for personal reasons
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions
Ed. Code 48207-48208	Students with temporary disabilities in hospitals
Ed. Code 48213	Prior notice of exclusion from attendance
Ed. Code 48216	Immunization and exclusion from attendance
Ed. Code 48260.5	Notice regarding truancy
Ed. Code 48262	Need for parent conference regarding truancy
Ed. Code 48263	Referral to school attendance review board or probation department
Ed. Code 48301	Interdistrict transfers
Ed. Code 48412	Certificate of proficiency
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 48432.5	Involuntary transfers of students
Ed. Code 48850-48859	Students in foster care and students experiencing homelessness
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900.1	Parental attendance required after suspension
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48906	Notification of release of student to peace officer
Ed. Code 48911	Notification in case of suspension
Ed. Code 48911.1	Assignment to supervised suspension classroom
Ed. Code 48912	Closed sessions; consideration of suspension
Ed. Code 48915.1	Expelled students; enrollment in another district

Ed. Code 48916	Readmission procedures
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48980.3	Notification of pesticide use
Ed. Code 48980.4	Notice regarding full human papillomavirus (HPV) immunization
Ed. Code 48980.5	Availability of apprenticeship programs
Ed. Code 48980.6	Dual enrollment and International Baccalaureate options notification
Ed. Code 48981	Time and means of notification
Ed. Code 48982	Parent signature acknowledging receipt of notice
Ed. Code 48983	Contents of notice
Ed. Code 48984	Activities prohibited unless notice given
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 48985.5	Synthetic drug use
Ed. Code 48985.5	Synthetic drugs
Ed. Code 48986	Safe storage of firearms
Ed. Code 48987	Child abuse information
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees
Ed. Code 49063	Notification of parental rights
Ed. Code 49067	Student evaluation; student in danger of failing course
Ed. Code 49068	Transfer of permanent enrollment and scholarship record
Ed. Code 49069.7	Absolute right to access
Ed. Code 49070	Challenging content of student record
Ed. Code 49073	Release of directory information
Ed. Code 49073.6	Student records; social media
Ed. Code 49076	Access to student records

Ed. Code 49077	Access to information concerning a student in compliance with court order
Ed. Code 49392	Threats of homicide at school
Ed. Code 49403	Cooperation in control of communicable disease and immunizations
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49451	Physical examinations: parent's refusal to consent
Ed. Code 49452.5	Screening for scoliosis
Ed. Code 49452.6	Type 1 diabetes informational materials
Ed. Code 49452.7	Information on type 2 diabetes
Ed. Code 49452.8	Oral health assessment
Ed. Code 49455.5	Eye examination for purpose of eyeglasses
Ed. Code 49456	Results of vision or hearing test
Ed. Code 49471-49472	Insurance
Ed. Code 49475	Student athletes; concussions and head injuries
Ed. Code 49476	Student athletes; opioid fact sheet
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions
Ed. Code 49510-49520	Duffy-Moscone Family Nutrition Education and Services Act of 1970
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.25	Students participating in a newcomer program
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation from high school; exemption for eligible students with special needs
Ed. Code 51225.8	Completion and submission of FAFSA and CADAA
Ed. Code 51229	Course of study for grades 7-12
Ed. Code 51513	Personal beliefs; privacy
Ed. Code 51749.5	Independent study
Ed. Code 51938	HIV/AIDS and sexual health instruction

Ed. Code 52062	Local control and accountability plans and the statewide system of support
Ed. Code 52164	Language census
Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills
Ed. Code 52164.3	Reassessment of English learners; notification of results
Ed. Code 52242	Advanced placement examination fees
Ed. Code 54444.2	Migrant education programs; parent involvement
Ed. Code 56301	Child-find system; policies regarding written notification rights
Ed. Code 56321	Special education: proposed assessment plan
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education
Ed. Code 56329	Written notice of right to findings; independent assessment
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting
Ed. Code 56341.5	Individualized education program team meetings
Ed. Code 56343.5	Individualized education program meetings
Ed. Code 56366.45	Change in status of a nonpublic, nonsectarian school or agency
Ed. Code 56521.1	Behavioral intervention
Ed. Code 58501	Alternative schools; notice required prior to establishment
Ed. Code 60615	Exemption from state assessment
Ed. Code 60641	California Assessment of Student Performance and Progress
Ed. Code 60900.5	Use of CalPADS data
Ed. Code 69432.9	Submission of grade point average to Cal Grant program
Ed. Code 8212	Complaints related to preschool health and safety issues
Ed. Code 8483	Before/after school program; enrollment priorities
Ed. Code 8489	Expulsion and suspension procedures in childcare and development services programs
Ed. Code 8489.1	Expulsion and suspension procedures in childcare and development services programs
H&S Code 104420	Tobacco use prevention

H&S Code 104855	Availability of topical fluoride treatment
H&S Code 116277	Lead testing of potable water at schools and requirements to remedy
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information
H&S Code 124100-124105	Health screening and immunizations
H&S Code 1596.8555	Administration of child day care licensing; posting license
H&S Code 1596.857	Right to enter child care facility
H&S Code 1597.16	Licensed child care centers; lead testing
H&S Code 1797.196	Automated external defibrillator locations
Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus
Pen. Code 627.5	Hearing request following denial or revocation of registration
W&I Code 10228	Child care providers; posting of rates, discounts, and scholarships

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement
20 USC 7704	Impact Aid; policies and procedures related to children residing on Indian lands
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 200.48	Teacher qualifications

34 CFR 222.94	Impact Aid; district responsibilities
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

Management Resources	**Description**
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
California Attorney General	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
0510	School Accountability Report Card
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3231	Impact Aid
3260	Fees And Charges
3260	Fees And Charges
3312	Contracts
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.2	Integrated Pest Management
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3517	Facilities Inspection
3517-E(1)	Facilities Inspection
3543	Transportation Safety And Emergencies
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program

3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4112.2	Certification
4112.2	Certification
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5112.2	Exclusions From Attendance
5112.5	Open/Closed Campus
5113	Absences And Excuses

5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5119	Students Expelled From Other Districts
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.2	Withholding Grades, Diploma Or Transcripts
5125.3	Challenging Student Records
5131.6	Alcohol and Other Drugs
5131.61	Drug Testing
5132	Dress And Grooming
5132	Dress And Grooming
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry

5141.6	School Health Services
5141.6	School Health Services
5142.1	Identification And Reporting Of Missing Children
5143	Insurance
5143	Insurance
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
~~5145.13~~	~~Response To Immigration Enforcement~~
~~5145.13~~	~~Response To Immigration Enforcement~~
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.8	Refusal To Harm Or Destroy Animals
5146	Married/Pregnant/Parenting Students
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6020	Parent Involvement

6020	Parent Involvement
6111	School Calendar
6112	School Day
6112	School Day
6117	Year-Round Schedules
6141.4	International Baccalaureate Program
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study
6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6154	Homework/Makeup Work
6158	Independent Study
6158	Independent Study
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education

6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.4	Behavioral Interventions For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.8	Research
6162.8	Research
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6170.1	Transitional Kindergarten
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.3	Education For Juvenile Court School Students
6173.4	Education For American Indian Students
6175	Migrant Education Program
6175	Migrant Education Program
6178	Career Technical Education
6178	Career Technical Education
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice

6183	Home And Hospital Instruction
6184	Continuation Education
6184	Continuation Education
6190	Evaluation Of The Instructional Program
9310	Board Policies

Exhibit 5145.6-E(1): Parent/Guardian Notifications

Status: ADOPTED

Original Adopted Date: 03/01/2018 | **Last Revised Date:** 06/01/~~2024~~2025 | **Last Reviewed Date:** 06/01/~~2024~~2025

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of ~~2023~~ (~~SB 101~~2024 (AB 107, Ch. ~~12~~22, Statutes of ~~2023~~2024) extends the suspension of these requirements through the ~~2023-24~~2024-25 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

~~CSBA NOTE:~~ CSBA NOTE: Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students must be written in the primary language as well as in English.

The following exhibit lists notices that the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures (UCP) as mandated by 5 CCR 4622.

The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual, but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to parents/guardians. Other notices may exist and be identified in the future.

I. Annually

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 222.5; 46015
Board Policy/Administrative Regulation #: See BP 5146
Subject: Rights and options for pregnant and parenting students

CSBA NOTE: Pursuant to Education Code 234.7, districts were mandated to adopt policies, by July 1, 2018, with language that is equivalent to the model policy language developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"). The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website.

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 234.7
Board Policy/Administrative Regulation #: See BP 0410
Subject: Right to a free public education regardless of immigration status or religious beliefs

When to Notify: Beginning of each school year or upon enrollment
Education or Other Legal Code: Education Code 310
Board Policy/Administrative Regulation #: See BP 6142.2, AR 6174
Subject: Information on the district's language acquisition program

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 17611.5, 17612, 48980.3
Board Policy/Administrative Regulation #: See AR 3514.2
Subject: Use of pesticide products, active ingredients, internet address to access information, and, if district uses certain pesticides, integrated pest management plan

When to Notify: Annually by February 1
Education or Other Legal Code: Education Code 35256, 35258
Board Policy/Administrative Regulation #: See BP 0510
Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 35291, 48980
Board Policy/Administrative Regulation #: See AR 5144, AR 5144.1
Subject: District and site discipline rules

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 44050
Board Policy/Administrative Regulation #: See BP 4119.21, BP 4219.21, BP 4319.21
Subject: Code of conduct addressing employee interactions with students

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 46010.1
Board Policy/Administrative Regulation #: See AR 5113
Subject: Absence for confidential medical services

When to Notify: Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school
Education or Other Legal Code: Education Code 48929, 48980
Board Policy/Administrative Regulation #: See BP 5116.2
Subject: District policy authorizing transfer

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980
Board Policy/Administrative Regulation #: See BP 6111
Subject: Schedule of minimum days and student-free staff development days

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 231.5; 5 CCR 4917; 34 CFR 106.8
Board Policy/Administrative Regulation #: See AR 5145.7
Subject: Copy of sexual harassment policy as related to students; contact information for Title IX coordinator

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 32255-32255.6

Board Policy/Administrative Regulation #: See AR 5145.8
Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 35160.5, 46600-46611, 48204, 48301
Board Policy/Administrative Regulation #: See BP 5111.1, AR 5116.1, AR 5117
Subject: All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process

When to Notify: Beginning of each school year, if Governing Board allows such absence
Education or Other Legal Code: Education Code 48980, 46014
Board Policy/Administrative Regulation #: See AR 5113
Subject: Absence for religious exercise or purposes

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 48205
Board Policy/Administrative Regulation #: See AR 5113, BP 6154
Subject: Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 48206.3, 48207, 48208
Board Policy/Administrative Regulation #: See AR 6183
Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49403
Board Policy/Administrative Regulation #: See BP 5141.31
Subject: School immunization program

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49423, 49480
Board Policy/Administrative Regulation #: See AR 5141.21
Subject: Administration of prescribed medication

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49451; 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Right to refuse consent to physical examination

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49471, 49472
Board Policy/Administrative Regulation #: See BP 5143
Subject: Availability of insurance

When to Notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement
Education or Other Legal Code: Education Code 48980, 51225.3
Board Policy/Administrative Regulation #: See AR 6146.1
Subject: How district established graduation requirements do or do not satisfy college entrance A-G course criteria; district's CTE courses that satisfy A-G course criteria

When to Notify: Beginning of each school year in grades 11-12
Education or Other Legal Code: Education Code 48980.5
Board Policy/Administrative Regulation #: To be included in BP 6178
Subject: Information on local apprenticeship and pre-apprenticeship programs

When to Notify: At the beginning of each school year in grades 7-12
Education or Other Legal Code: Education Code 48980.6
Board Policy/Administrative Regulation #: To be included in BP 6141.4
Subject: Any dual enrollment or International Baccalaureate courses offered by the district

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48985.5
Board Policy/Administrative Regulation #: ~~Not currently in CSBA policy~~ See BP 5131.6
Subject: The dangers of using synthetic drugs not prescribed by a physician ~~and~~, possibility that such drugs can be found in counterfeit pills, and the risk of social media being used to market synthetic drugs, such as fentanyl

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48986, 49392
Board Policy/Administrative Regulation #: See AR 0450
Subject: Information and laws related to the safe storage of firearms and California's child access prevention laws

When to Notify: Annually (not otherwise specified)
Education or Other Legal Code: Education Code 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: See AR 1312.3, BP 0460, BP 3260
Subject: Uniform complaint procedures, available appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063
Board Policy/Administrative Regulation #: See AR 5125, AR 5125.3
Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7
Board Policy/Administrative Regulation #: See AR 5125
Subject: Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria for defining school officials and to determine legitimate educational interest, categories defined as directory information, disclosures, right to file complaint with U.S. Department of Education, course prospectus availability

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Release of directory information

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49069.5, 51225.1, 51225.25
Board Policy/Administrative Regulation #: See AR 6173, AR 6173.1, AR 6173.3, AR 6175
Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, ~~students who are migratory~~ and

newcomer students

When to Notify: Two or more times during the school year
Education or Other Legal Code: Education Code 49428
Board Policy/Administrative Regulation #: See BP 5141.5
Subject: How to access mental health services at school and/or in the community

When to Notify: Beginning of each school year in schools serving students in grades 6-12
Education or Other Legal Code: Education Code 49428.5
Board Policy/Administrative Regulation #: See BP 5141.5
Subject: Distribution of digitized mental health poster online

When to Notify: Annually or upon enrollment in elementary school
Education or Other Legal Code: Education Code 49452.6
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Availability of type 1 diabetes informational materials developed by the California Department of Education

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49520, 48980, 42 USC 1758, 7 CFR 245.5
Board Policy/Administrative Regulation #: See AR 3553
Subject: Eligibility and application process for free and reduced price meals

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 51513, 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022, BP 6162.8
Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures

When to Notify: When developing the local control and accountability plan and during the annual update of the local control and accountability plan (LCAP)
Education or Other Legal Code: Education Code 52062
Board Policy/Administrative Regulation #: See BP 0460
Subject: Opportunity to submit written comments regarding specific actions and expenditures in proposed plan or annual update

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 56301
Board Policy/Administrative Regulation #: See BP 6164.4
Subject: Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 58501, 48980
Board Policy/Administrative Regulation #: See AR 6181
Subject: Alternative schools

When/Whom to Notify: Annually (not otherwise specified)
Education or Other Legal Code: Education Code 60615, 5 CCR 852
Board Policy/Administrative Regulation #: See AR 6162.51
Subject: Student's participation in state assessments; option to request exemption from testing

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 60900.5
Board Policy/Administrative Regulation #: Not currently in CSBA policy
Subject: Use of CalPADS data as specified in Education Code 60900.5

When to Notify: Beginning of each school year
Education or Other Legal Code: Health and Safety Code 104855
Board Policy/Administrative Regulation #: See AR 5141.6
Subject: Availability of dental fluoride treatment; opportunity to accept or deny treatment

When to Notify: Beginning of each school year, if district receives Title I funds
Education or Other Legal Code: 20 USC 6312; 34 CFR 200.48
Board Policy/Administrative Regulation #: See BP 4112.2, AR 4222
Subject: Right to request information re: professional qualifications of child's teacher and paraprofessional

When to Notify: Beginning of each school year
Education or Other Legal Code: 34 CFR 104.8, 106.8
Board Policy/Administrative Regulation #: See BP 0410, BP 6178
Subject: Nondiscrimination

When to Notify: Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals
Education or Other Legal Code: 40 CFR 763.84, 40 CFR 763.93
Board Policy/Administrative Regulation #: See AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When to Notify: Beginning of each school year
Education or Other Legal Code: USDA FNS Instructions 113-1
Board Policy/Administrative Regulation #: See BP 3555
Subject: Information related to the district's food service programs

When to Notify: Beginning of each school year
Education or Other Legal Code: USDA SP-46-2016
Board Policy/Administrative Regulation #: See AR 3551
Subject: District policy on meal payments

II. At Specific Times During the Student's Academic Career

When to Notify: Beginning in grade 7, at least once prior to course selection and career counseling
Education or Other Legal Code: Education Code 221.5, 48980

Board Policy/Administrative Regulation #: See BP 6164.2
Subject: Course selection and career counseling

When to Notify: Upon a student's enrollment
Education or Other Legal Code: Education Code 310
Board Policy/Administrative Regulation #: See BP 6142.2, AR 6174
Subject: Information on the district's language acquisition programs

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program
Education or Other Legal Code: Education Code 32390, 48980
Board Policy/Administrative Regulation #: See AR 5142.1
Subject: Fingerprinting program

When/Whom to Notify: When participating in driver training courses under the jurisdiction of the district
Education or Other Legal Code: Education Code 35211
Board Policy/Administrative Regulation #: None
Subject: Civil liability, insurance coverage

When to Notify: Upon registration in K-6, if students have not previously been transported
Education or Other Legal Code: Education Code 39831.5
Board Policy/Administrative Regulation #: See AR 3543
Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

When to Notify: Beginning of each school year for high school students, if high school is open campus
Education or Other Legal Code: Education Code 44808.5, 48980
Board Policy/Administrative Regulation #: See BP 5112.5
Subject: Open campus

When to Notify: When admitted or advancing to sixth grade
Education or Other Legal Code: Education Code 48980.4
Board Policy/Administrative Regulation #: Not currently in CSBA policy
Subject: A statement regarding the state's public policy, advising that the student adhere to current immunization guidelines regarding full human papillomavirus (HPV) immunization before admission or advancement to the eighth grade level

When to Notify: Prior to providing an eye examination
Education or Other Legal Code: Education Code 49455.5
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Upcoming eye examinations at school site, including form on which parent/guardian may indicate lack of consent

When to Notify: When a parent/guardian request for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: ~~To be included in~~See AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When to Notify: Upon a student's enrollment
Education or Other Legal Code: Education Code 49063
Board Policy/Administrative Regulation #: See AR 5125, AR 5125.3
Subject: Specified rights related to student records

When to Notify: When students enter grade 7
Education or Other Legal Code: Education Code 49452.7
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Specified information on type 2 diabetes

When to Notify: ~~When in~~In transitional kindergarten, kindergarten, or in first grade if not previously enrolled in public school
Education or Other Legal Code: Education Code 49452.8
Board Policy/Administrative Regulation #: See AR 5141.32
Subject: Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights

When to Notify: Before grade 12
Education or Other Legal Code: Education Code 51225.8
Board Policy/Administrative Regulation #: See AR 6143
Subject: Completion and submission of FAFSA and CADAA

When to Notify: Beginning of each school year for students in grades 9-12
Education or Other Legal Code: Education Code 51229, 48980
Board Policy/Administrative Regulation #: See AR 6143, BP 6178
Subject: UC and CSU College admission requirements, UC and CSU ~~web sites~~websites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors to assist with selection of courses that meet college admission requirements and/or enroll in CTE courses, direction to the CaliforniaColleges.edu platform to access resources that help students and their families learn about college admission requirements

When to Notify: Beginning of each school year for students in grades 9-12
Education or Other Legal Code: Education Code 51229, 48980
Board Policy/Administrative Regulation #: See AR 5125
Subject: Disclosure that student data may be shared with the California College Guidance Initiative to provide students and their families with direct access to online tools and resources for college and career planning

When to Notify: Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year
Education or Other Legal Code: Education Code 51938, 48980
Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Sexual health and HIV prevention education; right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to

excuse

When to Notify: Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year
Education or Other Legal Code: Education Code 60641, 5 CCR 863
Board Policy/Administrative Regulation #: See AR 6162.51
Subject: Results of tests; test purpose, individual score and intended use

When/Whom to Notify: By October 15 for students in grade 12
Education or Other Legal Code: Education Code 69432.9
Board Policy/Administrative Regulation #: See AR 5121, AR 5125
Subject: Forwarding of student's grade point average to Cal Grant program; timeline to opt out

When to Notify: Upon enrollment in a California State Preschool program
Education or Other Legal Code: Education Code 8489.1
Board Policy/Administrative Regulation #: See AR 5148.3
Subject: Limitations on disenrollment, including expulsion and suspension and how to file an appeal in the event of expulsion or suspension

When to Notify: When child is enrolled or reenrolled in a licensed child care center or preschool
Education or Other Legal Code: Health and Safety Code 1596.7996
Board Policy/Administrative Regulation #: See AR 5148
Subject: Information on risks and effects of lead exposure, blood lead testing

When to Notify: When child is enrolled in kindergarten
Education or Other Legal Code: Health and Safety Code 124100, 124105
Board Policy/Administrative Regulation #: See AR 5141.32
Subject: Health screening examination

When to Notify: To students in grades 11-12, early enough to enable registration for fall test
Education or Other Legal Code: 5 CCR 11523
Board Policy/Administrative Regulation #: See AR 6146.2
Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: To secondary students, if district receives Title I funds
Education or Other Legal Code: 20 USC 7908
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Request that district not release student's name, address, and phone number to military recruiters without prior written consent

III. When Special Circumstances Occur

When to Notify: In the event of a breach of security of district records
Education or Other Legal Code: Civil Code 1798.29
Board Policy/Administrative Regulation #: See BP 3580
Subject: Types of records affected, date of breach, description of incident, contact information for credit reporting agencies

When to Notify: Upon receipt of a complaint alleging discrimination
Education or Other Legal Code: Education Code 262.3
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Civil law remedies available to complainants

When to Notify: When determining whether an English learner should be reclassified as fluent

English proficient
Education or Other Legal Code: Education Code 313, 5 CCR 11303
Board Policy/Administrative Regulation #: See AR 6174
Subject: Description of reclassification process, opportunity for parent/guardian to participate

When to Notify: When Student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year
Education or Other Legal Code: Education Code 313.2, 440, 20 USC 6312
Board Policy/Administrative Regulation #: See AR 6174
Subject: Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program

When to Notify: For districts under financial distress, as defined, upon an affirmative action by the Board to implement a school closure or consolidation
Education or Other Legal Code: Education Code 41329
Board Policy/Administrative Regulation #: Not currently in CSBA policy
Subject: The date of the closure or consolidation, student's new school assignment, district resources to support student transition, contacts for additional information.

When to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: See BP 6112
Subject: Public hearing on alternative schedule in secondary grades

When to Notify: When ~~homeless or~~a student experiencing homelessness or a foster youth applies for enrollment in before/after school program
Education or Other Legal Code: Education Code 8483
Board Policy/Administrative Regulation #: See AR 5178.2
Subject: Right to priority enrollment how to request priority enrollment

When to Notify: When certification status of a nonpublic, nonsectarian school or agency attended by a district student changes, within 14 days of becoming aware of the change
Education or Other Legal Code: Education Code 56366.45
Board Policy/Administrative Regulation #: Not currently in CSBA policy
Subject: A change in certification status of nonpublic, nonsectarian school or agency

When to Notify: When a child in a California State Preschool program exhibits persistent and serious challenging behaviors
Education or Other Legal Code: Education Code 8489.1
Board Policy/Administrative Regulation #: See AR 5148.3
Subject: Description of the child's behaviors and program plan for maintaining the child's safe participation in program and expulsion/unenrollment process

When to Notify: At least 24 hours before the effective date of suspending or expelling a child from a California State Preschool program
Education or Other Legal Code: Education Code 8489.1
Board Policy/Administrative Regulation #: See AR 5148.3
Subject: "Notice of Action, Recipient of Services," as described in 5 CCR 17783

When to Notify: Before high school student attends specialized secondary program on a university campus
Education or Other Legal Code: Education Code 17288
Board Policy/Administrative Regulation #: None

Subject: University campus buildings may not meet Education Code requirements for structural safety

When to Notify: At least 72 hours before use of pesticide product not included in annual list
Education or Other Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: See AR 3514.2
Subject: Intended use of pesticide product

When to Notify: To members of athletic teams
Education or Other Legal Code: Education Code 32221.5
Board Policy/Administrative Regulation #: See AR 5143
Subject: Offer of insurance; no-cost and low-cost program options

When to Notify: Annually to parents/guardians of student athletes before participation in competition
Education or Other Legal Code: Education Code 33479.3
Board Policy/Administrative Regulation #: See AR 6145.2
Subject: Information on sudden cardiac arrest

When to Notify: If school has lost its WASC accreditation status
Education or Other Legal Code: Education Code 35178.4
Board Policy/Administrative Regulation #: See BP 6190
Subject: Loss of status, potential consequences

When/Whom to Notify: When district has contracted for electronic products or services that disseminate advertising
Education or Other Legal Code: Education Code 35182.5
Board Policy/Administrative Regulation #: See BP 3312
Subject: Advertising will be used in the classroom or learning center

When to Notify: At least six months before implementing a schoolwide uniform policy
Education or Other Legal Code: Education Code 35183
Board Policy/Administrative Regulation #: See AR 5132
Subject: Dress code policy requiring schoolwide uniform

When to Notify: Before implementing a year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: See BP 6117
Subject: Public hearing on year-round schedule

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days
Education or Other Legal Code: Education Code 46601
Board Policy/Administrative Regulation #: See AR 5117
Subject: Appeal process

When to Notify: Before early entry to transitional kindergarten or kindergarten, if early entry offered
Education or Other Legal Code: Education Code 48000
Board Policy/Administrative Regulation #: See AR 5111, AR 6170.1
Subject: Effects, advantages and disadvantages of early entry

When to Notify: When student identified as being at risk of retention
Education or Other Legal Code: Education Code 48070.5
Board Policy/Administrative Regulation #: See AR 5123

Subject: Student at risk of retention

When to Notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health
Education or Other Legal Code: Education Code 48213
Board Policy/Administrative Regulation #: See AR 5112.2
Subject: Student has been excluded from school

When to Notify: Before already admitted student is excluded for lack of immunization
Education or Other Legal Code: Education Code 48216, 17 CCR 6040
Board Policy/Administrative Regulation #: See AR 5141.31
Subject: Need to submit evidence of immunization or exemption within 10 school days; referral to medical care

When to Notify: When a student is classified as truant
Education or Other Legal Code: Education Code 48260.~~5,~~ ~~48262~~
~~Board~~5Board Policy/Administrative Regulation #: See AR 5113.1
Subject: Truancy, parental obligation, availability of alternative programs, ~~student consequences, need for~~right to a conference, availability of mental health and supportive services

When to Notify: When a truant is referred to a SARB or probation department
Education or Other Legal Code: Education Code 48263
Board Policy/Administrative Regulation #: See AR 5113.1
Subject: Name and address of SARB or probation department and reason for referral

When/Whom to Notify: When student requests to voluntarily transfer to continuation school
Education or Other Legal Code: Education Code 48432.3
Board Policy/Administrative Regulation #: See AR 6184
Subject: Copy of district policy and regulation on continuation education

When to Notify: Prior to involuntary transfer to continuation school
Education or Other Legal Code: Education Code 48432.5
Board Policy/Administrative Regulation #: See AR 6184
Subject: Right to require meeting prior to involuntary transfer to continuation school

When/Whom to Notify: To person holding educational rights, prior to recommending placement of foster youth outside school of origin
Education or Other Legal Code: Education Code 48853.5
Board Policy/Administrative Regulation #: See AR 6173.1
Subject: Basis for the placement recommendation

When to Notify: When a foster youth or an Indian child receives a suspension, expulsion, manifestation determination, or involuntary transfer
Education or Other Legal Code: Education Code 48853.5
Board Policy/Administrative Regulation #: See AR 6173.1, AR 6173.4
Subject: Suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information to a foster youth's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, the child's county social worker

When to Notify: When student is removed from class and teacher requires parental attendance at school
Education or Other Legal Code: Education Code 48900.1
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Parental attendance required; timeline for attendance

When to Notify: Prior to withholding grades, diplomas, or transcripts
Education or Other Legal Code: Education Code 48904
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student
Education or Other Legal Code: Education Code 48904.3
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer
Education or Other Legal Code: Education Code 48906
Board Policy/Administrative Regulation #: See BP 5145.11
Subject: Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse

When to Notify: At time of suspension
Education or Other Legal Code: Education Code 48911
Board Policy/Administrative Regulation #: See BP 5144.1, AR 5144.1
Subject: Notice of suspension

When to Notify: When original period of suspension is extended
Education or Other Legal Code: Education Code 48911
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Extension of suspension

When to Notify: At the time a student is assigned to a supervised suspension classroom
Education or Other Legal Code: Education Code 48911.1
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: The student's assignment to a supervised suspension classroom

When to Notify: Before holding a closed session re: suspension
Education or Other Legal Code: Education Code 48912
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Intent to hold a closed session re: suspension

When to Notify: When a student expelled from another district for certain acts seeks admission
Education or Other Legal Code: Education Code 48915.1, 48918
Board Policy/Administrative Regulation #: See BP 5119
Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied
Education or Other Legal Code: Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs
Education or Other Legal Code: Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Readmission procedures

When to Notify: At least 10 calendar days before expulsion hearing
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Decision to expel; right to appeal to ~~county~~ ~~board~~County Board of Education; obligation to inform new district of status

When to Notify: Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school
Education or Other Legal Code: Education Code 48929, 48980
Board Policy/Administrative Regulation #: See BP 5116.2
Subject: Right to request a meeting with principal or designee

When to Notify: One month before the scheduled minimum day
Education or Other Legal Code: Education Code 48980
Board Policy/Administrative Regulation #: See BP 6111
Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents/guardians request guidelines for filing complaint of child abuse at a school site
Education or Other Legal Code: Education Code 48987
Board Policy/Administrative Regulation #: See AR 5141.4
Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course
Education or Other Legal Code: Education Code 49067
Board Policy/Administrative Regulation #: See AR 5121
Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school into the district
Education or Other Legal Code: Education Code 49068
Board Policy/Administrative Regulation #: See AR 5125
Subject: Right to receive copy of student's record and a hearing to challenge content of student's records

When/Whom to Notify: When parent/guardian's challenge of student record is denied and parent/guardian appeals
Education or Other Legal Code: Education Code 49070
Board Policy/Administrative Regulation #: See AR 5125.3
Subject: If ~~board~~Governing Board sustains allegations, the correction of destruction of record; if denied, right to submit written objection

When/Whom to Notify: When district is considering program to gather safety-related information from students' social media activity
Education or Other Legal Code: Education Code 49073.6
Board Policy/Administrative Regulation #: See BP 5125
Subject: Opportunity for input on proposed program

When/Whom to Notify: When district adopts program to gather information from students' social media activity, and annually thereafter
Education or Other Legal Code: Education Code 49073.6
Board Policy/Administrative Regulation #: AR 5125
Subject: Information is being gathered, access to records, process for removal or corrections, destruction of records

When to Notify: Within 24 hours of release of information to a judge or probation officer

Education or Other Legal Code: Education Code 49076
Board Policy/Administrative Regulation #: See AR 5125
Subject: Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena
Education or Other Legal Code: Education Code 49077
Board Policy/Administrative Regulation #: See AR 5125
Subject: Release of information pursuant to court order or subpoena

When to Notify: When screening results in suspicion that student has scoliosis
Education or Other Legal Code: Education Code 49452.5
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects
Education or Other Legal Code: Education Code 49456; 17 CCR 2951
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Vision or hearing test results

When to Notify: Annually to parents/guardians of student athletes
Education or Other Legal Code: Education Code 49475
Board Policy/Administrative Regulation #: See AR 6145.2
Subject: Information on concussions and head injuries

When to Notify: Annually to parents/guardians of student athletes before their first practice or competition
Education or Other Legal Code: Education Code 49476
Board Policy/Administrative Regulation #: See AR 6145.2
Subject: Opioid fact sheet

When/Whom to Notify: Within 30 days of foster youth, student experiencing homelessness, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or ~~immigrant student enrolled in~~enrollment of newcomer ~~program~~student in grades 11-12
Education or Other Legal Code: ~~Educational~~Education Code 51225.1, 51225.25
Board Policy/Administrative Regulation #: See BP 6146.1, AR 6173, AR 6173.1, AR 6173.3, AR 6175
Subject: Exemption from local graduation requirements, effect on college admission, option for fifth year of high school, transfer opportunities through California Community Colleges

When to Notify: When satisfactory educational progress in one or more independent study courses is not being made by student under 18
Education or Other Legal Code: ~~Educational~~Education Code 51749.5
Board Policy/Administrative Regulation #: See BP 6158
Subject: Findings from evaluation to determine if it is in student's best interest to remain in independent study or whether student should be referred to an alternative program.

When to Notify: Before any test/survey questioning personal beliefs
Education or Other Legal Code: Education Code 51513
Board Policy/Administrative Regulation #: See AR 5022
Subject: Permission for test, survey questioning personal beliefs

When to Notify: At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year
Education or Other Legal Code: Education Code 51938

Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Instruction in HIV prevention or sexual health by guest speaker or outside consultant

When to Notify: Prior to administering survey regarding health risks and behaviors to students in 7-12
Education or Other Legal Code: Education Code 51938
Board Policy/Administrative Regulation #: See AR 5022
Subject: Notice that the survey will be administered

When to Notify: Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency
Education or Other Legal Code: Education Code 52164.1, 52164.3, 5 CCR 11511.5
Board Policy/Administrative Regulation #: See AR 6174
Subject: Results of state test of English proficiency

When to Notify: When migrant education program is established
Education or Other Legal Code: Education Code 54444.2
Board Policy/Administrative Regulation #: See BP 6175, AR 6175
Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program
Education or Other Legal Code: Health and Safety Code 1596.857, 22 CCR 101218.1
Board Policy/Administrative Regulation #: See AR 5148
Subject: Parent/guardian right to enter and inspect facility and other rights as specified

When to Notify: When a licensed child care center has a building constructed before January 1, 2010 and has drinking water tested for lead
Education or Other Legal Code: Health and Safety Code 1597.16
Board Policy/Administrative Regulation #: See AR 5148
Subject: The requirement to test the facility, and the results of the test

When to Notify: When an automated external defibrillator (AED) is placed in a school serving students in grades 6-12, at least annually notify students
Education or Other Legal Code: Health and Safety Code 1797.196
Board Policy/Administrative Regulation #: See AR 6145.2 Athletic Competition
Subject: The location of all AED units on campus

When/Whom to Notify: When district receives Tobacco-Use Prevention Education Funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: See AR 3513.3
Subject: The district's tobacco-free schools policy and enforcement procedures

When to Notify: When sharing student immunization information with an immunization system
Education or Other Legal Code: Health and Safety Code 120440
Board Policy/Administrative Regulation #: See AR 5125, BP 5141.31, AR 5141.32
Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share

When/Whom to Notify: At least 14 days prior to sex offender coming on campus as volunteer
Education or Other Legal Code: Penal Code 626.81
Board Policy/Administrative Regulation #: See AR 1240, BP 1250
Subject: Dates and times permission granted; obtaining information from law enforcement

When to Notify: When hearing is requested by person asked to leave school premises
Education or Other Legal Code: Penal Code 627.5
Board Policy/Administrative Regulation #: See AR 3515.2

Subject: Notice of hearing

When/Whom to Notify: When responding to complaint re: discrimination, special education, or noncompliance with law
Education or Other Legal Code: 5 CCR 4631
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Findings, disposition of complaint, any corrective actions, appeal rights and procedures

When to Notify: When child participates in licensed child care and development program
Education or Other Legal Code: 5 CCR 18066
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies regarding excused and unexcused absences

When to Notify: Within 30 days of application for subsidized child care or preschool services
Education or Other Legal Code: 5 CCR 17782, 18094, 18118
Board Policy/Administrative Regulation #: See AR 5148, AR 5148.3
Subject: Policies re: Approval or denial of services

When to Notify: At least 14 days before change in service or other intended action, upon recertification or update of application for child care or preschool services
Education or Other Legal Code: 5 CCR 17783, 18095, 18119
Board Policy/Administrative Regulation #: See AR 5148, AR 5148.3
Subject: Policies re: Any change in service, such as in fees, amount of service, termination of service

When to Notify: Upon child's enrollment in child care program
Education or Other Legal Code: 5 CCR 18114
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies re: Policy on fee collection

When to Notify: When payment of child care fees is seven days late
Education or Other Legal Code: 5 CCR 18114
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies re: Notice of delinquent fees

When to Notify: When district substantively changes policy on student privacy rights
Education or Other Legal Code: 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022
Subject: Notice of any substantive change in policy or regulation

When to Notify: For districts receiving Title I funds, when a child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught
Education or Other Legal Code: 20 USC 6312
Board Policy/Administrative Regulation #: See BP 4112.2
Subject: Timely notice to parent/guardian of child's assignment

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners
Education or Other Legal Code: 20 USC 6312
Board Policy/Administrative Regulation #: See AR 6174
Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy
Education or Other Legal Code: 20 USC 6318

Board Policy/Administrative Regulation #: See AR 6020
Subject: Notice of policy

When to Notify: When district receives Impact Aid funds for students residing on Indian lands, to parents/guardians of Indian children
Education or Other Legal Code: 20 USC 7704; 34 CFR 222.94
Board Policy/Administrative Regulation #: See AR 3231
Subject: Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments

When to Notify: When household is selected for verification of eligibility for free or reduced-price meals
Education or Other Legal Code: 42 USC 1758, 7 CFR 245.6a
Board Policy/Administrative Regulation #: See AR 3553
Subject: Need to submit verification information; any subsequent change in benefits; appeals

~~When/Whom to Notify: When student is homeless or unaccompanied minor~~
~~Education or Other Legal Code: Education Code 48852.5, 42 USC 11432~~
~~Board Policy/Administrative Regulation #: See AR 6173~~
~~Subject: Educational and related opportunities; transportation services; placement decision and right to appeal; duties of district liaison; public notice~~

~~When~~ to Notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30
Education or Other Legal Code: 34 CFR 99.34
Board Policy/Administrative Regulation #: See AR 5125
Subject: Right to receive records and an opportunity for hearing upon request

When to Notify: When student complains of sexual harassment
Education or Other Legal Code: 34 CFR 106.44, 106.45
Board Policy/Administrative Regulation #: See AR 5145.7
Subject: Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable

When to Notify: When district receives federal funding assistance for nutrition program
Education or Other Legal Code: USDA FNS Instruction 113-1
Board Policy/Administrative Regulation #: See BP 3555
Subject: Rights and responsibilities, nondiscrimination policy, complaint procedures

IV. Special Education Notices

When to Notify: Prior to a student with disabilities beginning tenth grade
Education or Other Legal Code: ~~Educational~~Education Code 51225.31
Board Policy/Administrative Regulation #: See BP 6146.1
Subject: Exemption from local graduation requirements

When to Notify: Prior to conducting initial evaluation
Education or Other Legal Code: Education Code 56301, 56321, 56321.5, 56321.6, 56329, 20 USC 1415 (d), 34 CFR 300.502, 300.503
Board Policy/Administrative Regulation #: See BP 6159.1, AR 6159.1, AR 6164.4
Subject: Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards

When/Whom to Notify: Before functional behavioral assessment begins
Education or Other Legal Code: Education Code 56321
Board Policy/Administrative Regulation #: See AR 6159

Subject: Notification and consent

When to Notify: 24 hours before IEP when district intending to record
Education or Other Legal Code: Education Code 56341.1
Board Policy/Administrative Regulation #: See AR 6159
Subject: Intention to audio-record IEP meeting

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting
Education or Other Legal Code: Education Code 56341.5, 34 CFR 300.322
Board Policy/Administrative Regulation #: See AR 6159
Subject: Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate

When to Notify: When parent/guardian orally requests review of IEP
Education or Other Legal Code: Education Code 56343.5
Board Policy/Administrative Regulation #: See AR 6159
Subject: Need for written request

When to Notify: Within one school day of emergency intervention or serious property damage
Education or Other Legal Code: Education Code 56521.1
Board Policy/Administrative Regulation #: See AR 6159.4
Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services
Education or Other Legal Code: 20 USC 1415(c), 34 CFR 300.300, 300.503
Board Policy/Administrative Regulation #: See AR 6159, AR 6159.1
Subject: Prior written notice

When/Whom to Notify: Upon filing of state complaint
Education or Other Legal Code: 20 USC 1415(d), 34 CFR 300.504
Board Policy/Administrative Regulation #: See AR 6159.1
Subject: Procedural safeguards notice

When/Whom to Notify: When disciplinary measures are taken or a change in placement
Education or Other Legal Code: 20 USC 1415(k), 34 CFR 300.530
Board Policy/Administrative Regulation #: See AR 5144.2
Subject: Decision and procedural safeguards notice

When to Notify: Upon requesting a due process hearing
Education or Other Legal Code: 20 USC 1415(k), 34 CFR 300.508
Board Policy/Administrative Regulation #: See AR 6159.1
Subject: Child's name, address, school, description of problem, proposed resolution

When to Notify: Eligibility for services under Section 504
Education or Other Legal Code: 34 CFR 104.32, 104.36
Board Policy/Administrative Regulation #: See AR 6164.6
Subject: District responsibilities, district actions, procedural safeguards

V. ~~Classroom Notices~~ Building, Classroom, and Other Notices to Be Posted

Where to Post: In each bathroom and locker room at each school site
Education or Other Legal Code: Education Code 231.6
Board Policy/Administrative Regulation #: See AR 5145.7
Subject: Poster that notifies students of the applicable written policy on sexual harassment required by Education Code 231.5

Where to Post: In all district schools and offices, including staff lounges and student government meeting rooms
Education or Other Legal Code: Education Code 234.1
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Uniform complaint procedures ~~board~~Board policy and administrative regulation

Where to Post: In each classroom used for license exempt California State Preschool Program
Education or Other Legal Code: Education Code 8212
Board Policy/Administrative Regulation #: See AR/E 1312.3
Subject: Health and safety requirements for preschool programs; where to get complaint form

Where to Post : In each classroom in each school
Education or Other Legal Code: Education Code 35186
Board Policy/Administrative Regulation #: See AR/E 1312.4
Subject: Complaints subject to Williams uniform complaint procedures

Where to Post: On or Before July 1, 2026, in a prominent and conspicuous location outside at least one all-gender restroom
Education or Other Legal Code: Education Code 35292.5
Board Policy/Administrative Regulation #: See AR 3517, AR 5145.3
Subject: Signage identifying the bathroom facility as being open to all genders and in conformity with 24 CCR 11B-703, is available during school hours and school functions when students are present, designated point of contact

Where to Post: In any school serving any of grades 3-12, in a prominent and conspicuous location in every restroom required to stock menstrual products,
Education or Other Legal Code: Education Code 35292.6
Board Policy/Administrative Regulation #: See AR 3517
Subject: Requirement to stock and make available free of cost an adequate supply of menstrual products that includes email address and telephone number for a designated individual responsible for maintaining requisite supply of menstrual products

Where to Post: In a licensed child care and development center at a location accessible to parents/guardians
Education or Other Legal Code: Health and Safety Code 1596.857
Board Policy/Administrative Regulation #: See AR 5148
Subject: Parent/guardian right to inspect, prohibition against retaliation, right to file complaint; registered sex offender database available to public; review licensing reports of facility visits and substantiated complaints against facility

Where to Post: In a prominent, publicly accessible location in the child care facility
Education or Other Legal Code: Health and Safety Code 1596.8555
Board Policy/Administrative Regulation #: See AR 5148
Subject: Child care license

Where to Post: In a prominent location adjacent to child care license at facility
Education or Other Legal Code: Welfare and institutions Code 10228
Board Policy/Administrative Regulation #: See AR 5148
Subject: Rates, discounts, or scholarship policies

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
24 CCR 11B-703	Bathroom signage
17 CCR 2950-2951	Hearing tests
17 CCR 6000-6075	School attendance immunization requirements
22 CCR 101218.1	Child care licensing; parent/guardian rights
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
5 CCR 17782	Notice of Action; application for services
5 CCR 17783	Notice of Action; recipient of services
5 CCR 18066	Child care policies regarding excused and unexcused absences
5 CCR 18094-18095	Notice of Action; child care services
5 CCR 18114	Notice of delinquent fees; child care services
5 CCR 18118-18119	Notice of Action; child care services
5 CCR 3052	Behavioral intervention
5 CCR 4622	Uniform complaint procedures
5 CCR 4631	Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4917	Notification of sexual harassment policy
5 CCR 852	Exemptions from state assessments
5 CCR 863	Reports of state assessment results
Civ. Code 1798.29	District records; breach of security
Ed. Code 17288	Building standards for university campuses
Ed. Code 17612	Notification of pesticide use
Ed. Code 221.5	Equal opportunity
Ed. Code 231.5	Sexual harassment policy
Ed. Code 231.6	Poster of sexual harassment policy

Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 262.3	Appeals for discrimination complaints; information regarding availability of civil remedies
Ed. Code 310	Language acquisition programs
Ed. Code 313	Reclassification of English learners; parental consultation
Ed. Code 313.2	Long-term English learner; notification
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals
Ed. Code 32390	Voluntary program for fingerprinting students
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5	Extracurricular and cocurricular activities
Ed. Code 35178.4	Notice of accreditation status
Ed. Code 35182.5	Advertising in the classroom
Ed. Code 35183	School dress code; uniforms
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities
Ed. Code 35211	Driver training; district insurance, parent/guardian liability
Ed. Code 35256	School Accountability Report Card
Ed. Code 35258	School Accountability Report Card
Ed. Code 35291	Rules for student discipline
Ed. Code 35292.5	All-gender restroom signage
Ed. Code 35292.6	School maintenance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 39831.5	School bus rider rules and information
Ed. Code 41329	School closures and consolidation
Ed. Code 440	English language proficiency assessment; instruction in English language development
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44808.5	Permission to leave school grounds

Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services
Ed. Code 46014	Regulations regarding absences for religious purposes
Ed. Code 46015	Accommodations for pregnant and parenting pupils
Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	Minimum age of admission
Ed. Code 48070.5	Promotion and retention of students
Ed. Code 48204	Residency requirements
Ed. Code 48205	Absence for personal reasons
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions
Ed. Code 48207-48208	Students with temporary disabilities in hospitals
Ed. Code 48213	Prior notice of exclusion from attendance
Ed. Code 48216	Immunization and exclusion from attendance
Ed. Code 48260.5	Notice regarding truancy
Ed. Code 48262	Need for parent conference regarding truancy
Ed. Code 48263	Referral to school attendance review board or probation department
Ed. Code 48301	Interdistrict transfers
Ed. Code 48412	Certificate of proficiency
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 48432.5	Involuntary transfers of students
Ed. Code 48850-48859	Students in foster care and students experiencing homelessness
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900.1	Parental attendance required after suspension
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48906	Notification of release of student to peace officer
Ed. Code 48911	Notification in case of suspension
Ed. Code 48911.1	Assignment to supervised suspension classroom

Ed. Code 48912	Closed sessions; consideration of suspension
Ed. Code 48915.1	Expelled students; enrollment in another district
Ed. Code 48916	Readmission procedures
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48980.3	Notification of pesticide use
Ed. Code 48980.4	Notice regarding full human papillomavirus (HPV) immunization
Ed. Code 48980.5	Availability of apprenticeship programs
Ed. Code 48980.6	Dual enrollment and International Baccalaureate options notification
Ed. Code 48981	Time and means of notification
Ed. Code 48982	Parent signature acknowledging receipt of notice
Ed. Code 48983	Contents of notice
Ed. Code 48984	Activities prohibited unless notice given
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 48985.5	Synthetic drug use
Ed. Code 48985.5	Synthetic drugs
Ed. Code 48986	Safe storage of firearms
Ed. Code 48987	Child abuse information
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees
Ed. Code 49063	Notification of parental rights
Ed. Code 49067	Student evaluation; student in danger of failing course
Ed. Code 49068	Transfer of permanent enrollment and scholarship record
Ed. Code 49069.7	Absolute right to access
Ed. Code 49070	Challenging content of student record
Ed. Code 49073	Release of directory information
Ed. Code 49073.6	Student records; social media
Ed. Code 49076	Access to student records

Ed. Code 49077	Access to information concerning a student in compliance with court order
Ed. Code 49392	Threats of homicide at school
Ed. Code 49403	Cooperation in control of communicable disease and immunizations
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49451	Physical examinations: parent's refusal to consent
Ed. Code 49452.5	Screening for scoliosis
Ed. Code 49452.6	Type 1 diabetes informational materials
Ed. Code 49452.7	Information on type 2 diabetes
Ed. Code 49452.8	Oral health assessment
Ed. Code 49455.5	Eye examination for purpose of eyeglasses
Ed. Code 49456	Results of vision or hearing test
Ed. Code 49471-49472	Insurance
Ed. Code 49475	Student athletes; concussions and head injuries
Ed. Code 49476	Student athletes; opioid fact sheet
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions
Ed. Code 49510-49520	Duffy-Moscone Family Nutrition Education and Services Act of 1970
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.25	Students participating in a newcomer program
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation from high school; exemption for eligible students with special needs
Ed. Code 51225.8	Completion and submission of FAFSA and CADAA
Ed. Code 51229	Course of study for grades 7-12
Ed. Code 51513	Personal beliefs; privacy
Ed. Code 51749.5	Independent study
Ed. Code 51938	HIV/AIDS and sexual health instruction
Ed. Code 52062	Local control and accountability plans and the statewide system of support
Ed. Code 52164	Language census

Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills
Ed. Code 52164.3	Reassessment of English learners; notification of results
Ed. Code 52242	Advanced placement examination fees
Ed. Code 54444.2	Migrant education programs; parent involvement
Ed. Code 56301	Child-find system; policies regarding written notification rights
Ed. Code 56321	Special education: proposed assessment plan
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education
Ed. Code 56329	Written notice of right to findings; independent assessment
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting
Ed. Code 56341.5	Individualized education program team meetings
Ed. Code 56343.5	Individualized education program meetings
Ed. Code 56366.45	Change in status of a nonpublic, nonsectarian school or agency
Ed. Code 56521.1	Behavioral intervention
Ed. Code 58501	Alternative schools; notice required prior to establishment
Ed. Code 60615	Exemption from state assessment
Ed. Code 60641	California Assessment of Student Performance and Progress
Ed. Code 60900.5	Use of CalPADS data
Ed. Code 69432.9	Submission of grade point average to Cal Grant program
Ed. Code 8212	Complaints related to preschool health and safety issues
Ed. Code 8483	Before/after school program; enrollment priorities
Ed. Code 8489	Expulsion and suspension procedures in childcare and development services programs
Ed. Code 8489.1	Expulsion and suspension procedures in childcare and development services programs
H&S Code 104420	Tobacco use prevention
H&S Code 104855	Availability of topical fluoride treatment
H&S Code 116277	Lead testing of potable water at schools and requirements to remedy
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information

H&S Code 124100-124105	Health screening and immunizations
H&S Code 1596.8555	Administration of child day care licensing; posting license
H&S Code 1596.857	Right to enter child care facility
H&S Code 1597.16	Licensed child care centers; lead testing
H&S Code 1797.196	Automated external defibrillator locations
Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus
Pen. Code 627.5	Hearing request following denial or revocation of registration
W&I Code 10228	Child care providers; posting of rates, discounts, and scholarships

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement
20 USC 7704	Impact Aid; policies and procedures related to children residing on Indian lands
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 200.48	Teacher qualifications
34 CFR 222.94	Impact Aid; district responsibilities
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities

34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

Management Resources	**Description**
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
California Attorney General	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
0510	School Accountability Report Card
1240	Volunteer Assistance

1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3231	Impact Aid
3260	Fees And Charges
3260	Fees And Charges
3312	Contracts
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.2	Integrated Pest Management
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3517	Facilities Inspection
3517-E(1)	Facilities Inspection
3543	Transportation Safety And Emergencies
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
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Policy 5145.7: ~~Sex Discrimination and Sex-Based~~Sexual Harassment

Status: ADOPTED

Original Adopted Date: 03/01/2012 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Education Code 231.5 and 34 CFR 106.8 mandate the district to have written policies on sex discrimination and sex-based harassment. The following policy addresses sex discrimination and sex-based harassment against students in the school setting. As part of this mandate, the district should also adopt a sex discrimination and sex-based harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~Moreover, this Board policy and the accompanying administrative regulation reflect the right of a transgender student to participate in sex-segregated educational programs and use facilities consistent with one's gender identity, as specified in Education Code 221.5 and 34 CFR 106.31, as amended by 89 Fed. Reg. 33474, and best practices based on existing state and federal law.~~

~~Both federal law, Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), and state law (Education Code 220, 231.5), prohibit sex discrimination, including sex-based harassment and require districts to establish procedures for the prompt and equitable resolution of sex discrimination, including sex-based harassment complaints. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the scope of the uniform complaint procedures (UCP) as specified in BP/AR 1312.3 - Uniform Complaint Procedures, it is unclear whether districts would additionally be required to follow the process specified in BP/AR 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status.~~

~~Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg, 33474, a district can be held liable for civil damages for sex discrimination, including sex-based harassment of students pursuant to Title IX if the district has knowledge of conduct that reasonably may constitute sex-based harassment in its education program or activity and does not respond promptly and effectively.~~

In addition to filing a private civil lawsuit, an alleged victim of sex discrimination, including sex-based harassment, may file a complaint with the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education.

The Governing Board is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits at school or at school-sponsored or school-related activities, sex discrimination and sex-based harassment, as defined in the accompanying administrative regulation, targeted at any student, based on the student's actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and, parental, marital, and family status.

CSBA NOTE: Districts are required to prohibit retaliation when a right or privilege secured by Title IX is interfered with, including when a person reports possible sex discrimination, made a sex-discrimination complaint, or participated or refused to participate in any way in the district's Title IX process. Pursuant to 34 CFR 106.71, as amended by 89 Fed. Reg. 33474, when the district has information about conduct that reasonably may constitute retaliation under Title IX, including peer retaliation, the district is required to respond to such conduct using the procedures used for other forms of sex discrimination as specified in 34 CFR 106.44 and 106.45; see AR/E(1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Pursuant to Education Code 220.1, as added by AB 1955 (Ch. 95, Statutes of 2024), a district, including a Governing Board member, may not retaliate or otherwise take adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in Education Code 220.1, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

CSBA NOTE: The following two paragraphs relate to student and employee reporting of sex discrimination, including sex-based harassment. It is important to note that reporting to law enforcement and/or child protective services does not relieve a school district of its responsibility to investigate a complaint of sex discrimination, including sex-based harassment.

The district strongly encourages students who feel that they are being or have experienced sex discrimination, including sex-based harassment, on school grounds or at a school-sponsored or school-related activity, or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee.

CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires a district to respond promptly and effectively when it has knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in its education program or activity. 34 CFR 106.44 further

~~obligates a district to require its Title IX Coordinator to monitor the district's programs and activities for barriers to reporting information of such conduct and its employees to notify the Title IX Coordinator when they have such information.~~

~~The following paragraph should be revised to reflect the district's timeline.~~

~~Any employee who receives a report or observes an incident of sex discrimination, including sex-based harassment, by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.~~

~~Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, when the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant, and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to the respondent, as appropriate.~~

~~The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances.~~

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires that all employees receive training related to their duties under Title IX promptly upon hire or change of position that alters their duties under Title IX, and annually thereafter. The training provided to all employees is required to include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment, and the applicable notice and information requirements. 34 CFR 106.8, as amended 89 Fed. Reg. 33474, requires additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees.~~

~~The Superintendent or designee shall ensure that all district staff are trained regarding the district's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment. (34 CFR 106.8)~~

CSBA NOTE: Education Code 231.5 and 34 CFR 106.8 **mandate** the district to have written policies on sexual harassment. The following policy addresses sexual harassment against students in the school setting. As part of this mandate, the district should also adopt a sexual harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the

United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Both federal law (Title IX) and state law (Education Code 220, 231.5) prohibit sexual harassment and require districts to establish procedures for the prompt and equitable resolution of sexual harassment complaints. Whether a complaint is investigated and resolved through the federal Title IX complaint procedures in accordance with AR 5145.71 – Title IX Sexual Harassment Complaint Procedures, or the uniform complaint procedures in accordance with BP/AR 1312.3 – Uniform Complaint Procedures, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. In order to meet the applicable timelines, in some instances it may be necessary to review a complaint under both procedures concurrently. See the accompanying administrative regulation, BP/AR 1312.3 - Uniform Complaint Procedures, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. Pursuant to 34 CFR 106.44, a district is "deliberately indifferent" if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with OCR.

Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination or harassment includes discrimination or harassment not just because of one protected class under state law, but also because of the combination of two or more protected bases.

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The Governing Board is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits at district or at district-sponsored or district-related activities, sexual harassment, as defined in the accompanying administrative regulation, targeted at any student.

CSBA NOTE: Districts are required to prohibit retaliation when a right or privilege secured by state or federal law is interfered with. Education Code 221.8 prohibits retaliation when a person files a discrimination complaint. Additionally, Title IX prohibits retaliation when a person reports possible sex discrimination including sexual harassment, made a sex discrimination or sexual harassment complaint, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Pursuant to 34 CFR 106.71, complaints alleging retaliation may be filed in accordance with grievance procedures used for other forms of sexual harassment as specified in 34 CFR 106.44 and 106.45; see AR/E(1) 5145.71 – Title IX Sexual Harassment Complaint Procedures.

Additionally, the Board prohibits retaliatory behavior or action against any person who reports, files a complaint, testifies about, assists with, or otherwise supports a complainant in alleging sexual harassment, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1, 221.8; 34 CFR 106.71)

CSBA NOTE: The following two paragraphs relate to reporting by students and employees of sexual harassment. It is important to note that reporting to law enforcement and/or child protective services does not relieve a school district with actual knowledge of sexual harassment of its responsibility to investigate a complaint of sexual harassment.

The district strongly encourages students who feel that they are being or have experienced sexual harassment on district grounds or at a district-sponsored or district-related activity, or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee.

CSBA NOTE: 34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program of activity, to respond promptly in a manner that is not unreasonable in light of known circumstances. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school.

The following paragraph should be revised to reflect the district's timeline.

Any employee who receives a report or observes an incident of sexual harassment by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures or Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures concurrently meets the requirements of Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.

The Title IX Coordinator shall offer and coordinate supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of this policy in the manner specified in the accompanying administrative regulation.

CSBA NOTE: Government Code 12950.1 requires that districts provide once every two years at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of such training to all nonsupervisory employees. 34 CFR 106.45 requires that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding

prejudgment of the facts at issue, conflicts of interest, and bias. 34 CFR 106.45 requires additional training for investigators and decisionmakers.

The Superintendent or designee shall ensure that all district staff are trained regarding this policy, and that employees required to receive training related to their duties under Title IX receive training as specified in Administrative Regulation 4119.11/4219.11/4319.11 – Sexual Harassment. (Government Code 12950.1; 2 CCR 11023, 11024; 34 CFR 106.45)

Instruction/Information

~~CSBA NOTE: Pursuant to Education Code 231.7, as added by AB 1071 (Ch. 65, Statutes of 2023), CDE is required to make available on its website (1) resources on abuse, including sexual, emotional, and physical abuse, and teen dating violence prevention for professional learning purposes, (2) information about local and national hotlines and services for youth experiencing teen dating violence, and (3) other relevant materials for parents/guardians, and other caretakers of students.~~

~~The Superintendent or designee shall ensure that all district students receive age-appropriate information on sex discrimination and sex-based harassment. Such instruction and information shall include:~~

1. ~~What acts and behavior constitute sex discrimination and sex-based harassment, including the fact that sex discrimination and sex-based harassment could occur between people of the same sex and could involve sexual violence~~
2. ~~A clear message that students do not have to endure sex discrimination or sex-based harassment under any circumstance~~
3. ~~Encouragement to report observed incidents of sex discrimination and sex-based harassment even when the alleged victim of the discrimination or harassment has not complained~~

~~CSBA NOTE: Where sex discrimination, or sex-based harassment or violence, occurs in the context of other possible rule violations, students may be reluctant to report such conduct. For example, a student who experiences sex-based harassment while away from school without permission may be reluctant to file a complaint if the student believes discipline will be imposed for the violation. As such, Item #4 below clarifies that any other rule violation will be addressed separately from the sex discrimination and/or sex-based harassment complaint in order to encourage students to report the harassment.~~

4. ~~A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sex discrimination or sex-based harassment incident will be addressed separately and will not affect the manner in which the sex discrimination or sex-based harassment complaint will be received, investigated, or resolved~~
5. ~~A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sex discrimination and sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of the discrimination or harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students~~

~~6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sex discrimination and/or sex-based harassment should be made~~

~~7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sex discrimination or sex-based harassment complaint continues~~

~~8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sex discrimination or sex-based harassment and/or other students during an investigation~~

CSBA NOTE: Pursuant to Education Code 231.7, the California Department of Education is required to make available on its website (1) resources on abuse, including sexual, emotional, and physical abuse, and teen dating violence prevention for professional learning purposes, (2) information about local and national hotlines and services for youth experiencing teen dating violence, and (3) other relevant materials for parents/guardians, and other caretakers of students.

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence

2. A clear message that students do not have to endure sexual harassment under any circumstance

3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained

CSBA NOTE: Where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report such conduct. For example, a student who experiences sexual harassment while away from school without permission may be reluctant to file a complaint if the student believes discipline will be imposed for the violation. As such, Item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to the harassment, prevent recurrence, and address any continuing effect on students

6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made

7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues

8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

~~CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sex-based harassment. Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. For more information regarding suspension and expulsion, see AR 5144.1 - Suspension and Expulsion/Due Process and AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities).~~

~~When there is an allegation of Title IX sex discrimination, including sex-based harassment, 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, prohibits the district from imposing any disciplinary sanctions against a respondent for the allegedly discriminatory behavior until the grievance procedures are completed.~~

~~Upon completion of an investigation of sex discrimination and/or sex-based harassment, any student found to have engaged in sex discrimination, and/or sex-based harassment or sexual violence, in violation of this policy, shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.~~

~~Upon investigation of sex discrimination and/or sex-based harassment, any employee found to have engaged in sex discrimination against, and/or sex-based harassment or sexual violence toward, any student, shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.~~

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. For more information regarding suspension and expulsion, see AR 5144.1 - Suspension and Expulsion/Due Process and AR 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities).

Pursuant to 34 CFR 106.44 and 106.45, when there is a complaint alleging Title IX sexual harassment, the district is prohibited from imposing any disciplinary sanctions against a respondent for the allegedly discriminatory behavior until the grievance procedures are completed.

Upon completion of an investigation of sexual harassment, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon completion of an investigation of sexual harassment, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining

agreement.

Record-Keeping

~~CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the district is required to keep the following records for at least seven years: (1) for each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process implemented in accordance with 34 CFR 106.44 or grievance procedures implemented in accordance with 34 CFR 106.45, (2) for each notification the Title IX Coordinator receives of information about conduct that may reasonably constitute sex discrimination under Title IX, actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures, and (3) all materials used to train district employees; the Title IX Coordinator and designees; investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process.~~

~~The Superintendent or designee shall maintain records in accordance with law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sex-based harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the district is required to keep for at least seven years (1) each sexual harassment investigation, (2) any disciplinary sanctions imposed on a respondent, (3) any remedies provided to the complainant designed to restore of preserve equal access to the district's education program or activity, (4), any appeal and result of the appeal, (5) any informal resolution and result of the informal resolution, and (6) all materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

The Superintendent or designee shall maintain records in accordance with law, including in accordance with Administrative Regulation 5145.71 – Title IX Sexual Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service, and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	~~Prohibition of disclosure of~~No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	**Description**

~~California Department of Education Publication~~	~~California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019~~
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (~~2000~~2001, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
~~CSBA Publication~~	~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~
~~CSBA Publication~~	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Sexual Harassment: It's Not Academic, September 2008~~
~~U.S. DOE, Office for Civil Rights Publication~~	~~Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~xamples of Policies and Emerging Practices for Supporting ansgender Students, May 2016~~

Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3580	District Records
3580	District Records
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures

~~4119.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4219.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4319.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation

5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
~~5146~~	~~Married/Pregnant/Parenting Students~~
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

Regulation 5145.7: ~~Sex Discrimination and Sex-Based~~Sexual Harassment

Status: ADOPTED

Original Adopted Date: 10/01/2014 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Education Code 231.5 and Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibit discrimination based on sex, including sex-based harassment, and mandate that the district adopt and publish complaint procedures. For more information regarding Title IX complaint procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.~~

~~**Definitions**~~

~~CSBA NOTE: 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex discrimination includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Those provisions further clarify that sex-based harassment includes harassment on the basis of a sex stereotype, sex characteristic, any of the other specified bases, and when sex-based harassment may create a hostile environment.~~

~~*Sex discrimination* includes treating a student differently with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services based on the student's sex, sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or the student's association with a person or group with one or more of these actual or perceived characteristics.~~

~~Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.~~

~~CSBA NOTE: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a~~

~~reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim; see AR 5144.1 - Suspension and Expulsion/Due Process.~~

~~Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, sex-based harassment includes (1) a district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) "hostile environment harassment," defined as unwelcome sex-based conduct that, based on the totality of the circumstance, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2.~~

CSBA NOTE: Education Code 231.5 and Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibit discrimination based on sex, including sexual harassment, and **mandate** that the district adopt and publish complaint procedures. For more information regarding Title IX complaint procedures, see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information related to sexual harassment by and against district employees, interns, volunteers, and job applicants, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Definitions

CSBA NOTE: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim; see AR 5144.1 - Suspension and Expulsion/Due Process.

Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

~~*Sex-based*~~*Sexual* harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of ~~sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)~~ one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. (Education Code 200, 210.2, 220, 221.51, 230, 260; Government Code 11135; 20 USC 1681-1688)

~~1. Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct~~

~~CSBA NOTE: Pursuant to 34 CFR 106.11, as amended by 89 Fed. Reg. 33474, Title IX grievance procedures are required for Title IX sex discrimination complaints, including sex-based harassment complaints, for conduct which occurs on or after August 1, 2024 under the district's education program or activity, which includes conduct alleged to be contributing to a hostile environment that occurred outside the district's education program or activity or outside the United States. Item #2 below reflects "hostile environment harassment" as defined by 34 CFR 106.2, as amended by 89 Fed. Reg. 33474.~~

~~2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity~~

~~Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.~~

~~3. Sexual assault, dating violence, domestic violence, or stalking as defined in 34 CFR 106.2~~

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress

2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student

3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational

environment

4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity

Examples of Sex Discrimination and Sex-Based Harassment

CSBA NOTE: The following list contains common examples of sexual harassment from the U.S. Department of Education's Office for Civil Rights (OCR) January 2001 Revised Sexual Harassment Guidance, which has been rescinded, and definitions specified in 5 CCR 4916. Some items on this list have been modified to make them applicable to sex-based harassment in general, not just sexual harassment.

Examples of types of conduct which are prohibited in the district and which may constitute sex-based harassment, under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions

2. Unwelcome sex-based slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions

3. Graphic verbal comments about an individual's body or overly personal conversation

4. Sex-based jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature

5. Spreading sex-based rumors

6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class

7. Massaging, grabbing, fondling, stroking, or brushing the body

8. Touching an individual's body or clothes in a sexual way

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex

10. Displaying sexually suggestive objects

11. Sexual assault, sexual battery, or sexual coercion

~~12. Electronic communications containing comments, words, or images described above~~

Any prohibited conduct that occurs off campus or outside of district-related or district-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

CSBA NOTE: Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291).

For purposes of applying the complaint procedures specified in Title IX, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Title IX Coordinator/Compliance Officer

~~CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX and its implementing regulations. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the Compliance Officer(s) for the district's uniform complaint procedures (UCP) pursuant to AR 1312.3 - Uniform Complaint Procedures. Districts may modify this regulation to designate separate district employees to serve these functions.~~
CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are required to designate an employee as the Title IX Coordinator to ensure district compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the Compliance Officer specified in AR 1312.3 - Uniform Complaint Procedures and AR 5145.3 – Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination. Districts may modify the following to designate separate district employees to serve these functions. However, if the district wishes to separate these responsibilities, it is recommended that one individual be

responsible for oversight of the complaint process for the district; see AR 1312.3 – Uniform Complaint Procedures and AR 5145.3 – Nondiscrimination/Harassment.

~~The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures and Administrative Regulation 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator(s) may be contacted at:~~

The district designates the following individual as the responsible employee to coordinate its efforts to comply with Title IX. The individual shall also serve as the Compliance Officer specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures and Administrative Regulation 5145.3 – Nondiscrimination/Harassment as the responsible employee to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator may be contacted at:

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

~~**Notifications**~~

~~CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education (CDE) is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website. Additionally, Title IX, and its implementing regulations, 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, require the district to provide notifications and take specified actions to prevent sex discrimination, including sex-based harassment. For more information regarding measures to prevent discrimination, see AR 5145.3 - Nondiscrimination/Harassment.~~

~~To prevent unlawful sex discrimination and sex-based harassment in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment.~~

~~In addition to the measures to prevent discrimination specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment, the Superintendent or designee shall ensure that a copy of the district's sex discrimination and sex-based harassment policy and regulation:~~

1. ~~Is displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted~~

~~(Education Code 231.5)~~

~~CSBA NOTE: Education Code 231.6 requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it, as specified below. The district may partner with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.~~

~~2. Is summarized on a poster, which shall be prominently and conspicuously displayed in each bathroom and locker room at each school~~

~~The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)~~

~~3. Is provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session (Education Code 231.5)~~

~~4. Appears in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)~~

Notifications

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the district's sexual harassment policy and regulation:

1. Is included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

2. Is displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

CSBA NOTE: Education Code 231.6 requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it, as specified

below. The district may partner with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.

3. Is summarized on a poster, which shall be prominently and conspicuously displayed in each bathroom and locker room at each school

   The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

4. Is posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6; 34 CFR 106.8)

5. Is provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session (Education Code 231.5)

6. Appears in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Reports and Complaints

~~CSBA NOTE: The following paragraph relates to student and employee reporting of sex discrimination, including sex-based harassment, and should be revised to reflect the district's timeline.~~
CSBA NOTE: The following paragraph relates to student and employee reporting of sexual harassment and should be revised to reflect the district's timeline.

A student or a ~~student's~~student's parent(s)/guardian(s) who believes that the student has been subjected to ~~sex discrimination, including sex-based~~sexual harassment~~,~~ in a district program or activity or who has witnessed ~~sex discrimination, including sex-based~~sexual harassment~~,~~ is strongly encouraged to report the incident to the ~~district's~~district's Title IX Coordinator, a teacher, the principal, or any other available school employee. Within one workday of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes ~~sex discrimination or sex-based~~an incident of sexual harassment shall, within one workday, report the observation to the Title IX Coordinator as specified in the accompanying ~~board~~Board policy. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of ~~sex discrimination or sex-based~~sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

CSBA NOTE: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with BP/AR 1312.3 – Uniform Complaint Procedures.

~~**Complaint Procedures**~~

~~CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the scope of the UCP as specified in BP/AR 1312.3 - Uniform Complaint Procedures, it is unclear whether districts would additionally be required to follow the process specified in BP/AR 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~All complaints and allegations of sex discrimination and sex-based harassment shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

All complaints alleging sexual harassment against students in the school setting shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to Board Policy and Administrative Regulation 1312.3 – Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

~~**Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students**~~

~~CSBA NOTE: The terms and definitions used below are consistent with California law, case law, and generally accepted terms within academia and in publications issued by state and federal agencies such as CDE and OCR, including provisions in the California Gender Recognition Act that recognize three gender options, female, male, and nonbinary, and define "nonbinary" and other related terms such as "intersex" and "transgender". In addition to consistency with the above, the definition of~~

"gender identity" below is consistent with the Resolution Agreement between the Arcadia Unified School District, OCR, and the U.S. Department of Justice, Civil Rights Division, which defines "gender identity" as "one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity."

The following section is also consistent with OCR's fact sheet "Supporting Intersex Students: A Resource for Students, Families, and Educators," issued in October 2021 and CDE's "Update FLASH #158, Guidance for Changing a Student's Gender in CALPADS," which provides guidance on changing a student's gender and/or legal name on the student's mandatory permanent record.

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, regardless of whether that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Intersex student means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

Nonbinary student means a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

CSBA NOTE: 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status.

Starting in the 2025-26 school year through the 2029-2030 school year, Education Code 218.3, as added by AB 5 (Ch. 220, Statutes of 2023), requires a district serving students in any of grades 7-12 to provide at least one hour of training annually to all teachers and certificated employees serving students in grades 7-12 which incorporates CDE's online training curriculum to support lesbian, gay bisexual, transgender, queer, and questioning (LGBTQ) cultural competency. The district is required

to maintain records documenting the date that each employee completed the training and the name of the entity that provided the training; see AR 5145.3 - Nondiscrimination/Harassment.

Pursuant to Education Code 219, as added by SB 857 (Ch. 228, Statutes of 2023), the State Superintendent of Public Instruction has established the LGBTQ Statewide Advisory Task Force (LGBTQ SAT) to identify the needs of LGBTQ students and to make recommendations to assist in implementing supportive policies and initiatives including: (1) mental health and feelings of safety and support, (2) inclusive and safe access to school facilities, (3) inclusive instructional material and school curriculum, (4) prevention of, response to, and oversight of, bullying and harassment to determine the effectiveness of policies and programs, and (5) inclusive participation in school activities. For more information on the LGBTQ SAT, see CDE's website.

Districts with questions about the rights of transgender and gender-nonconforming students should consult CSBA's District and County Office of Education Legal Services or district legal counsel. For more information on the rights of transgender students, see CSBA's, "Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools."

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, sex stereotypes, sex characteristics, sexual orientation, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct that are prohibited in the district and which may constitute sex-based hostile environment harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity

2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable

3. Blocking a student's entry to the restroom that corresponds to the student's gender identity

4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex

5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent

6. Using gender-specific slurs

7. Assaulting a student because of the student's gender, sex characteristic, sexual orientation, gender identity, or gender expression

To ensure that intersex, nonbinary, transgender, and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the

district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

CSBA NOTE: Timelines included in Items #1-2 below may be modified to reflect district practice.

Pursuant to state and federal law, a district has the responsibility to ensure a safe, nondiscriminatory school environment for all students and equal access to the educational program for intersex, nonbinary, transgender, or gender non-conforming students. As part of its obligation, the district must keep a student's private information, including a student's gender, gender identity, or gender expression, confidential. CDE's "School Success and Opportunity Act (Assembly Bill 1266) Frequently Asked Questions," available on its website, references a transgender student's informational privacy right under Article I, Section I of the California Constitution as protecting the student's gender identity from disclosure. However, CDE specifies that, pursuant to 34 CFR 99.36, disclosure of such information to appropriate parties is permitted in connection with an emergency, as necessary to protect the health or safety of the student or other individuals.

Education Code 220.3 and 220.5, as added by AB 1955 (Ch. 95, Statutes of 2024), clarify that under existing law a district, including a Governing Board member, may not require an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person, or enact or enforce any policy, rule, or administrative regulation that would require the same, without the student's consent unless otherwise required by state or federal law.

Therefore, a district is required to take measures such as those specified in the following paragraph, to prevent unintentional release of students' private information and should contact CSBA's District and County Office of Education Legal Services or district legal counsel before disclosing a student's gender identity without the student's consent.

1. Right to privacy: A student's intersex, nonbinary, transgender, or gender-nonconforming status is the student's private information

   The district shall develop strategies to prevent unauthorized disclosure of students' private information. Such strategies may include, but are not limited to, collecting or maintaining information about student gender only when relevant to the educational program or activity, protecting or revealing a student's gender identity as necessary to protect the health or safety of the student, and keeping a student's unofficial record separate from the official record.

   The district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. (Education Code 220.3, 220.5; 34 CFR 99.31, 99.36)

   The district shall only allow disclosure of a student's personally identifiable information to employees in accordance with law. Any district employee to whom a student's intersex, nonbinary, transgender, or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the Compliance Officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the

student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming student. If the student permits the employee to notify the Compliance Officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the Compliance Officer may discuss with the student any need to disclose the student's intersex, nonbinary, transgender, or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and request assistance in doing so.

2. Determining a Student's Gender Identity: The Compliance Officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose

3. Addressing a Student's Transition Needs: The Compliance Officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained

The meeting shall discuss the intersex, nonbinary, transgender, or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Compliance Officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

CSBA NOTE: Pursuant to Education Code 221.5, a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity, regardless of the gender listed on the student's educational records. Additionally, 34 CFR 106.31, as amended by 89 Fed. Reg. 33474, provides that a district (1) may not exclude a student from participation in, deny a student the benefits of, or otherwise subject a student to discrimination on the basis of sex in any education program or activity, (2) that in the limited circumstances in which different treatment or separation on the basis of sex is permitted, a district may not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a student to more than de minimis harm, and (3) that preventing a student from participating in an education program or activity consistent with the person's gender identity subjects a person to more than de minimis harm on the basis of sex. In commentary accompanying the Final Rule, the U.S. Department of Education (USDOE) clarifies that Title IX protects students from sex discrimination, including sex-based harassment, when they access sex-separate facilities. This protection applies with equal force to all students, including transgender and nonbinary students, requiring districts to provide access to sex-separate facilities, including

bathrooms, in a manner that does not cause more than de minimis harm. USDOE intends to issue a separate final rule to address Title IX's application to sex-separate athletic teams which is governed by 34 CFR 106.41, rather than 34 CFR 106.31 as described above.

Beginning July 1, 2026, Education Code 35292.5, as amended by SB 760 (Ch. 227, Statutes of 2023), requires each school maintaining any of grades 1-12 with more than one female student restroom and more than one male student restroom to provide and maintain at least one all-gender restroom for student use that meets the requirements of law.

For more information on the rights of transgender students, see CSBA's updated, "Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools."

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity

   To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is intersex, nonbinary, transgender, or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

   Beginning July 1, 2026, each school shall provide and maintain at least one all-gender restroom for student use that meets the requirements of Education Code 35292.5.

CSBA NOTE: Education Code 49062.5 and 49070 require districts to update a former student's records to change the student's name and/or gender as specified below. See AR 5125 - Student Records. Pursuant to 5 CCR 432, a district is required to maintain for each student a mandatory permanent student record that includes the student's legal name, sex, and other specified details. While 5 CCR 4910 refers to "sex" as the "biological condition or quality of being a female or male human being," it also defines "gender" to mean "sex," which includes "a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth." When responding to a request to change the gender or legal name of intersex, nonbinary, transgender, or gender non-conforming students, districts should be mindful of laws prohibiting gender-based discrimination. In "Update FLASH #158, Guidance for Changing a Student's Gender in CALPADS," CDE distinguishes the process for updating a student's legal name from the process for updating a student's gender. According to CDE, a district must receive formal documentation that a student's name has been legally changed before the student's recorded legal name may be changed in the student's mandatory permanent student record (official record). When documentation is not provided, CDE states the district should nonetheless update all other school records (unofficial records such as attendance sheets, report cards, and school identification) to reflect the name change. On the other hand, to change a student's gender in the student's official records, CDE states that there is no specific requirement regarding formal documentation or

process that a district should review or require in determining the gender to be recorded in the official records. Pursuant to Education Code 49061, only a parent/guardian may authorize a change to a student's gender in the student's official record. The district should consult CSBA's District and County Office of Education Legal Services or district legal counsel in developing a policy in this regard.

5. Student Records: Upon each student's enrollment, the district is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name

   A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061)

   However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record

   However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying board policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site

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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Boardboard to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or /guardian for act of willful misconduct by a minor

Civ. Code 51.9	Liability for sexual harassment; business, service, and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	~~Prohibition of disclosure of~~No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	**Description**
~~California Department of Education Publication~~	~~California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019~~
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510

Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (~~2000~~2001, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
~~CSBA Publication~~	~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~
~~CSBA Publication~~	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Sexual Harassment: It's Not Academic, September 2008~~
~~U.S. DOE, Office for Civil Rights Publication~~	~~Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~xamples of Policies and Emerging Practices for Supporting ansgender Students, May 2016~~
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education

Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3580	District Records
3580	District Records
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4119.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4131	Staff Development

4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4219.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4319.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention

5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
~~5146~~	~~Married/Pregnant/Parenting Students~~
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

Regulation 5145.71: Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 07/01/2020 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sex-based harassment, and mandates that the district adopt and publish complaint procedures. The following administrative regulation reflects the Title IX grievance procedures detailed in 34 CFR 106.44-106.45, as amended by 89 Fed. Reg. 33474.~~

~~Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state and federal law. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 1312.3 - Uniform Complaint Procedures, it is unclear whether districts would additionally be required to follow the procedures specified in AR 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 1312.3 - Uniform Complaint Procedures for this purpose.~~

~~See AR 1312.3 - Uniform Complaint Procedures. Also see AR 5145.3 Nondiscrimination/Harassment and BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment for information about prohibited conduct, training and instruction, required notifications, and processes for reporting sex discrimination and sex-based harassment.~~

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district student, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.~~

~~Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and **mandates** that the district adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the district's uniform complaint procedures (UCP); see BP/AR 1312.3 - Uniform Complaint Procedures.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not "deliberately indifferent." 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is "deliberately indifferent" only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that districts with questions about specific complaints consult CSBA's District and County Office of Education Legal Service or district legal counsel.

See BP/AR 5145.7 - Sexual Harassment for information about prohibited conduct, student instruction, required notifications, and processes for reporting sexual harassment.

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a district school exercises substantial control over the

context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44).

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or on behalf of students shall be investigated and resolved in accordance with Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures are concurrently met while implementing the Title IX procedure.

Basic Requirements

~~CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the district's grievance procedures follow specified basic requirements, which are reflected below.~~

~~When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)~~

~~1. Treat complainants and respondents equitably~~

~~2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent~~

~~The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.~~

~~3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures~~

~~4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any~~

~~5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.~~

~~Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)~~

~~If either party is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.~~

CSBA NOTE: 34 CFR 106.45 requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

   Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness

3. Ensure that the Title IX Coordinator, investigator, or decisionmaker, or any person that facilitates an informal resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45

4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process

5. Include reasonably prompt timeframes for the conclusion of the grievance process, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment

8. Include the procedures and permissible bases for the complainant and respondent to appeal

9. Describe the range of supportive measures available to complainants and respondents

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

~~**Filing a Complaint**~~

~~Upon receiving information from an allegation of sex discrimination, include sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, a "complaint" is defined as an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.~~

~~A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.21)~~

~~Complaints of sex discrimination and sex-based harassment may only be brought by a student, or former student, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, a parent/guardian or other authorized legal representative with the legal right to act on behalf of the student, or the Title IX Coordinator or designee. (34 CFR 106.45)~~

~~CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including sex-based harassment, promptly and effectively, the Title IX Coordinator or designee should file a complaint even when the victim chooses not to do so, when, based on the considerations described below, the Title IX Coordinator or designee determines that a health or safety threat exists or when the district would be prevented from ensuring equal access based on sex in its programs and activities. In such cases, the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.~~

~~If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an information resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)~~

1. ~~The victim's request not to proceed with initiation of a complaint~~
2. ~~The victim's reasonable safety concerns regarding initiation of a complaint~~
3. ~~The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated~~
4. ~~The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence~~
5. ~~The age and relationship of the parties, including whether the respondent is an employee of the district~~
6. ~~The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals~~
7. ~~The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred~~
8. ~~Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures~~

~~If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex, the Title IX Coordinator may initiate a complaint.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator or designee is required to take the steps described below upon initiating a complaint.~~

~~If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint, as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, in addition to Title IX Coordinators or designees, investigators, and decisionmakers, persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures may not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent, and are required to receive specified training.~~

~~The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator is required to monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, as specified below.~~

~~The Title IX Coordinator shall monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)~~

Reporting Allegations/Filing a Formal Complaint

CSBA NOTE: Pursuant to 34 CFR 106.30, the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for any employee to forward the report to the Title IX Coordinator as specified in AR 5145.7 - Sexual Harassment, and may be revised to reflect district practice.

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 5145.7 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint,

requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect district practice.

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process

Supportive Measures

~~CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires districts to offer and coordinate supportive measures as described below. Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, "supportive measures" are defined as individualized measures offered as appropriate, reasonably available and without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without charging a fee to the complainant or respondent to (1) restore or preserve the party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment, or (2) provide support during the recipients' grievance procedures specified in 34 CFR 106.45 or during any informal resolution process as specified in 34 CFR 106.44.~~

~~Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course-related adjustments; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class schedules; mutual restrictions on contact; changes in class locations; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district's provision of supportive measures does not require the district, its employees, or any other persons authorized to provide aid, benefit, or service on the district's behalf to alter the alleged discriminatory conduct for the purpose of providing the supportive measures unless there is an allegation of sex-based harassment or retaliation.~~

~~Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)~~
~~Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district is required to provide both parties for whom supportive measures have been implemented with the~~

~~opportunity to challenge, to an impartial employee, the implementation of such measures. An "impartial employee" must be someone other than the employee who made the decision to provide the supportive measures which are being challenged, but who has the authority to modify or reverse the decision if the employee determines that the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the definition of supportive measures as specified in 34 CFR 106.2.~~

~~The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)~~

~~The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)~~

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

~~CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process. 34 CFR 106.44 allows a student to be removed in emergency situations as described below, but 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that a student not be "disciplined" prior to a finding being made pursuant to the Title IX grievance process. Due to this inconsistency in state and federal law, districts are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.~~

~~A student shall not be disciplined for alleged sex discrimination, including sex-based harassment, under Title IX until the investigation has been completed. However, on an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)~~

~~If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)~~

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the district may remove the student from the district's education program or activity on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. Any such removal may not constitute discipline for student record purposes or Board Policy 5144 – Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

~~CSBA NOTE: The following section describes when the Title IX Coordinator or designee may dismiss a Title IX complaint and actions the Title IX Coordinator or designee is required to take when a complaint is dismissed pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)~~

~~1. The district is unable to identify the respondent after taking reasonable steps to do so~~

2. The respondent is not participating in the district's education program or activity and is not employed by the district

3. The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

   Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The following paragraph should be revised to reflect the timeline established by the district.

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within _____ days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome

2. New evidence that would change the outcome and that was not reasonably available when dismissal was made

3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent

2. Implement appeal procedures equally for the parties

3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint

4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations

~~5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome~~

~~6. Notify the parties of the result of the appeal and the rationale for the result~~

~~If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

~~If a complaint is dismissed, the conduct may still be addressed pursuant to Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures as applicable.~~
The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures, as applicable.

Informal Resolution Process

~~CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, criteria for the facilitator of the informal resolution process, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.44, as amended by 89 Fed. Reg. 33474.~~

~~Additionally, 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, provides potential terms that may be included in an informal resolution agreement. Because such agreements will be fact-specific and reflective of sensitive topics, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when drafting informal resolution agreements.~~

~~At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Tite IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)~~

~~The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of participation in the district's education program or activity, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)~~

~~The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)~~

1. ~~Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed~~

2. ~~Obtains the parties' voluntary consent to the informal resolution process~~

3. ~~Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student~~

~~The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district' education program or activity. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.45.

As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR 106.44, which prohibits the district from imposing discipline on a respondent for sexual harassment until the full investigation process is complete. Also see "Stipulated Expulsion" in AR 5144.1 - Suspension and Expulsion/Due Process.

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing enrollment or employment. (34 CFR 106.45)

As part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared

2. Obtains the parties' voluntary, written consent to the informal resolution process

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

~~**Notice of Allegations**~~

~~CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)~~

~~1. The district's complaint process, including any informal resolution process~~

~~2. Sufficient information, available at the time, to allow parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident~~

~~Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.~~

~~If, during the course of the investigation, new Title IX allegations arise about the~~

~~complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.~~

~~3. A statement that retaliation is prohibited~~

~~4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified~~

~~CSBA NOTE: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.~~

~~The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.~~

Written Notice

CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process

2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known

   Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence

5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

CSBA NOTE: The following paragraph is optional. Although not required by law, it is recommended that the district provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

~~CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sex discrimination, including sex-based harassment, as specified in 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sexual harassment as specified in 34 CFR 106.45.

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

~~CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.~~

~~The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)~~

~~During the investigation process, the district's designated investigator shall: (34 CFR 106.45)~~

1. ~~Provide an equal opportunity for the parties to present fact witnesses, and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible~~

2. ~~Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance~~

3. ~~Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:~~

   a. ~~Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence~~

      ~~If an accurate description is provided, the district shall, upon request of any party,~~

provide the parties with an equal opportunity to access the relevant and permissible evidence.

b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence

c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures

4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures

5. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness

6. Exclude as impermissible the following types of evidence, and questions seeking that evidence:

a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege

b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures

c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

CSBA NOTE: The following paragraph should be amended to reflect district practice regarding the process established to enable the decisionmaker to question parties and witnesses adequately to assess a party's or witness's credibility.

The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

CSBA NOTE: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The investigator shall complete the investigation within ____ days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence

2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence

3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney

4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation

7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

CSBA NOTE: It is recommended that districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements

Written Decision

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the person designated as the decisionmaker of the determination of responsibility may be the same person designated as the Title IX Coordinator or designee and/or investigator, so long as there is no conflict of interest or bias. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decisionmaker and designate the Superintendent as the person to consider appeals.~~

~~The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)~~

~~Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)~~

~~1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred~~

~~2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred~~

~~The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The written decision shall be issued within _____ days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the person designated as the decisionmaker of the determination of responsibility may not be the same person designated as the Title IX Coordinator, investigator, or the person who considers the appeal. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, it is recommended that the district, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect district practice.

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. The following paragraph specifies a 60-day period in order to align with the requirements of the UCP, which are simultaneously triggered when a complaint of sexual harassment is received. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires the district's complaint procedures to state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district counsel in determining which standard to use.

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30

2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process

3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

~~**Appeal of the Decision**~~

~~CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision, and requires the district to offer the parties an appeal process that at a minimum is the same as it offers in all other comparable proceedings, if any, including proceedings related to other discrimination complaints, such as AR 1312.3 - Uniform Complaint Procedures and AR 4030 - Nondiscrimination in Employment. The district may revise the following section to reflect applicable timelines and appeals process established by the district.~~

~~The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.~~

~~Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)~~

~~When conducting an appeal, the district shall permit a final appeal to the Governing Board using a process that is in accordance with law and otherwise consistent with the appeal process as specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures.~~

~~Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.~~

~~The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.~~

Appeals

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines established by the district.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. It is recommended that the Superintendent serve as the decisionmaker for appeals.

34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision based on any of the reasons specified in the following paragraph, or if the district has any other additional bases for an appeal that it offers equally to both parties.

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties

2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator

3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

CSBA NOTE: The timeframes in the following two paragraphs are optional and may be revised to reflect district practice.

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

CSBA NOTE: The following paragraph is consistent with requirements under Education Code 262.3, 5 CCR 4622, and the California Department of Education's Federal Program Monitoring instrument to provide notice regarding civil law remedies in the annual UCP notice and in the final written decision in the UCP process.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

~~**Extension of Timelines**~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause, with notice to the parties that includes the reason for the delay.~~

~~Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)~~

~~**Remedies**~~ Remedies

~~When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary actions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

CSBA NOTE: 34 CFR 106.45 requires the district's Title IX complaint process to list or describe the range of possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

~~The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)~~

~~For students in grades 4-12, discipline for sexual harassment may include suspension and/or~~

~~expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)~~

~~Other actions that may be taken with a student who is determined to be responsible for sex discrimination and/or sex-based harassment include, but are not limited to:~~

1. ~~Transfer from a class or school as permitted by law~~
2. ~~Parent/guardian conference~~
3. ~~Education of the student regarding the impact of the conduct on others~~
4. ~~Positive behavior support~~
5. ~~Referral of the student to a student success team~~
6. ~~Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law~~

~~When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.~~

~~The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)~~

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion in accordance with Board Policy and Administrative Regulation 5144.1 – Suspension/Expulsion and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities). (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Conference with parent/guardian
3. Educating the student regarding the impact of the student's conduct on others
4. Positive behavior support
5. Referral of the student to a student success team

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

~~CSBA NOTE: The following paragraph reflects Title IX record-keeping requirements pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474.~~

~~The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)~~

~~1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures~~

~~2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented~~

~~3. All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process~~

~~The district shall make such training materials available upon request by members of the public.~~

~~For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure340.1):~~

~~1. A record of the allegation(s)~~

~~2. A record of the investigation procedures followed~~

~~3. A record of the written determination~~

~~4. A record of the corrective action implemented, if any~~

~~5. A record of any appeals and the outcome of the same~~

~~6. All training materials addressing the prohibition and investigation of childhood sexual assault~~

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances

3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

   The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)

2. A record of the investigation procedures followed

3. A record of the written determination

4. A record of the corrective action implemented, if any

5. A record of any appeals and the outcome of the same

6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination

Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (~~2000~~2001, 9th Cir.) 208 F.3d 736
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
~~CSBA Publication~~	~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~

~~CSBA Publication~~	~~Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011~~
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Sexual Harassment: It's Not Academic, September 2008~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001~~
~~U.S. DOE, Office for Civil Rights Publication~~	~~Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016~~
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Justice, Federal Bureau of Investigation

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures

1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination in Employment
~~4030~~	~~Nondiscrimination In Employment~~
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.12	Title IX Sexual Harassment Complaint Procedures
5030	Student Wellness
5141.4	Child Abuse Prevention And Reporting

5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
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5145.9	Hate-Motivated Behavior
~~5146~~	~~Married/Pregnant/Parenting Students~~
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6159	Individualized Education Program
6159	Individualized Education Program
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504

Exhibit 5145.71-E(1): Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/01/2020 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to students, parents/guardians, or other authorized legal representatives of elementary and secondary school students, that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or the U.S. Department of Education, Office of Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sex discrimination, including sex-based harassment; the district's grievance procedures that provide for the prompt and equitable resolution of sex discrimination, including sex-based harassment complaints; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements.~~

~~Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to students, parents/guardians, or other authorized legal representative of students. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.~~

~~Additionally, state law, Education Code 231.5, 231.6, 234.6, and 48980, require distribution of the district's sexual harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the district's website, displaying prominently in school offices, and in a poster displayed in locker rooms and bathrooms.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator

and/or the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for employees, bargaining units, and applicants for employment, see E(1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook for students or parents/guardians.

Additionally, state law (Education Code 231.5, 231.6, 234.6, and 48980) requires distribution of the district's sexual harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the district's website, displaying prominently in school offices, and in a poster displayed in locker rooms and bathrooms.

NOTICE OF TITLE IX ~~NONDISCRIMINATION~~SEXUAL HARASSMENT POLICY

The ~~Code of Federal Regulations, Title 34, Section 106.8 requires the~~ district ~~to issue the following notification to students at all grade levels, and their parents/guardians or other authorized legal representative:~~

~~The district does~~shall not discriminate on the basis of sex ~~and prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

The district ~~is required, as specified in Title IX, to~~shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 5145.7 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the Compliance Officer specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures and AR 5145.3 – Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The ~~district has designated and authorized the~~ following employee~~(s)~~ serves as the district's Title IX Coordinator ~~to address~~and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~sexual harassment:

_____
(name and/or title/position)
_____
(address)
_____
(telephone number)
_____
(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district ~~must~~is required to provide notice to students, parents/guardians, ~~or other authorized legal representatives of students,~~employees, bargaining units, and applicants for admission and employment of the district's grievance procedures and process, including how to report ~~conduct that may constitute sex discrimination, including sex-based harassment,~~ or file a formal complaint of sex discrimination~~, including sex-based~~ and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including ~~sex-based~~sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of ~~sex harassment, including sex-based~~sexual harassment, the Title IX Coordinator ~~will~~shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on ~~sex discrimination, including sex-based~~sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 5145.7 – ~~Sex Discrimination and Sex-Based~~ Sexual Harassment and Administrative Regulation 5145.71 - Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures on the district's website at _____~~((~~insert website link~~)~~_____.) _____.

To inspect or obtain a copy of the district's ~~sex discrimination and sex-based~~sexual harassment policies and administrative regulations, please contact~~:~~_____(: (insert location/phone/email of contact person) _____.

Materials used to train ~~employees;~~ the Title IX Coordinator~~;~~, investigator(s), ~~decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures;~~decisionmakers, and any person(s) who facilitates an informal resolution process~~,~~ are also publicly available on the district's website or at the district office upon request.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing~~ ~~Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629

Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (~~2000~~2001, 9th Cir.) 208 F.3d 736
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
~~CSBA Publication~~	~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~
~~CSBA Publication~~	~~Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011~~
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Sexual Harassment: It's Not Academic, September 2008~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001~~

~~U.S. DOE, Office for Civil Rights Publication~~	~~Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016~~
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Justice, Federal Bureau of Investigation

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination in Employment
~~4030~~	~~Nondiscrimination In Employment~~
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action

4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4317.7	Employment Status Reports
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5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.9	Hate-Motivated Behavior
~~5146~~	~~Married/Pregnant/Parenting Students~~
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6159	Individualized Education Program
6159	Individualized Education Program

6164.5 Student Success Teams
6164.5 Student Success Teams
6164.6 Identification And Education Under Section 504
6164.6 Identification And Education Under Section 504

Policy 5146: Married/Pregnant/Parenting Students

Status: ADOPTED

Original Adopted Date: 12/01/2013 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474 effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Pursuant to Education Code 48410, students may be exempted from compulsory attendance in continuing education classes if they must render personal services to a dependent. See AR 5112.1 - Exemptions from Attendance.

The Governing Board recognizes that responsibilities pertaining to marriage, pregnancy, or parenting, including related obligations, ~~medical~~ conditions, or recovery, may disrupt a student's education and increase the chance of a student dropping out of school. The Board desires to minimize interruption to such ~~students'~~students' educational progress by supporting married, pregnant, and parenting students in their continued education, assisting them to attain strong academic and parenting skills, and promoting the healthy development of their child(ren).

CSBA NOTE: Pursuant to Education Code 221.51, districts are prohibited from applying any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex, or from excluding or denying any student from any educational program or activity, including extracurricular activity, solely on the basis of a ~~student's~~student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from such conditions.

Additionally, 34 CFR 106.~~1-106.82, as amended by 89 Fed. Reg. 33474,~~40 prohibits ~~discrimination~~ districts from applying any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex ~~in~~ , which includes the ~~district's education program or activity, including current, potential, or past~~prohibition to discriminate on the basis of a student's pregnancy, childbirth, false pregnancy, or termination of pregnancy~~, or lactation,~~ or recovery therefrom. For more information regarding the prohibition of discrimination against students in educational programs and ~~related medical conditions or recovery, and parental, marital, and family status;~~activities, see BP/AR 5145.~~7 - Sex Discrimination and Sex-Based~~ 3 – Nondiscrimination/Harassment.

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's ~~current,~~actual or potential~~, or past~~ pregnancy, childbirth, false pregnancy, termination of pregnancy, ~~lactation,~~ or related ~~medical~~ conditions or recovery. In addition, the district shall not adopt any rule concerning a

student's actual, or potential, or past parental, family, or marital status that discriminates against and/or treats a student differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

CSBA NOTE: Education Code 222.5 requires the following annual notifications.

TheIn accordance with Board Policy/Exhibit(1) 5145.6 - Parent/Guardian Notifications, the Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

CSBA NOTE: Pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, when a student or a person who has a legal right to act on behalf of a student, informs any employee of the student's pregnancy or related conditions, the employee is required to provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination, including sex-based harassment, and ensure the student's equal access to the district's education program or activity.

Any employee who is informed by a student, or a person who has a legal right to act on behalf of a student, of a student's pregnancy or related conditions shall provide that person with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific acts to prevent sex discrimination, including sex-based harassment, and ensure the student's equal access to the district's education program or activity. (34 CFR 106.8)

CSBA NOTE: Pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, once notified of a student's pregnancy or related conditions, the district is required to take specified actions, as described below, to protect the student against sex discrimination.

When notified of a student's pregnancy or related conditions, the Title IX Coordinator shall provide the student, and if applicable the person who has a legal right to act on behalf of the student and who notified the Title IX Coordinator of the student's pregnancy or related conditions, with the district's notice of nondiscrimination, as specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment and Exhibit (1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. The Title IX Coordinator shall also coordinate actions specified in 34 CFR 106.40 to prevent discrimination against, and ensure equal access to, the student, including the following: (34 CFR 106.44)

1. Notifying the student that the district is required to not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions

   However, a student's voluntary participation in a separate portion of the district's education program or activity does not constitute prohibited discrimination if the district ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

2. To the extent consistent with 34 CFR 106.40(b)(3), ensuring that pregnancy or related conditions are treated in the same manner and under the same policies as any other temporary medical condition with respect to any medical or hospital benefit, service, plan, or policy the district administers, operates, offers, or participates in with respect to students

~~admitted to the district's education program or activity~~

~~3. Informing the student that the district may not require the student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in the district's class, program, or extracurricular activity unless the certified level of physical ability of health is necessary for participation in the class, program, or extracurricular activity; the district requires such certification of all participating students; and, the information obtained is not used as a basis for Title IX discrimination~~

~~CSBA NOTE: Pursuant to Family Code 7002, any person under the age of 18 years who enters into a valid marriage is an emancipated minor and therefore has the same rights as an adult. Such rights include, but are not limited to, those related to the verification of student absences (see AR 5113 - Absences and Excuses), application for a work permit (see AR 5113.2 - Work Permits), and access to student records (see AR 5125 - Student Records).~~

For ~~school~~district-related purposes, a student under ~~the age of~~ 18 years of age who enters into a valid marriage is an emancipated minor who shall have all the rights and privileges of students who are 18 years of age or older, even if the marriage has been dissolved. (Family Code 7002)

Such rights include, but are not limited to, those related to the verification of student absences as specified in Administrative Regulation 5113 - Absences and Excuses, application for a work permit as specified in Administrative Regulation 5113.2 - Work Permits, and access to student records as specified in Administrative Regulation 5125 - Student Records.

Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

CSBA NOTE: Both federal law (34 CFR 106.40) and state law (Education Code 221.51; 5 CCR 4950) prohibit districts from requiring a student to take a course or participate in a separate program or school for pregnant and parenting students. When students voluntarily participate in such alternative programs, federal law requires that the alternative program be "comparable" to the regular education program, and state law requires that the program be "equal" to the regular education program. The following paragraph reflects the state standard which is more stringent and thus would prevail.

Any alternative education program, activity, or course that is offered separately to students who are pregnant or parenting ~~students~~, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

~~CSBA NOTE: Education Code 221.51 authorizes districts to require certification by a physician or nurse practitioner that a student is physically and emotionally able to participate in the regular education program or activity. However, 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, prohibits districts from requiring a student who is pregnant or has related conditions to provide~~

~~certification from a healthcare provider or any other person verifying that the student is physically able to participate in the district's class, program, or extracurricular activity unless the certified level of physical ability of health is necessary for participation in the class, program, or extracurricular activity; the district requires such certification of all participating students; and, the information obtained is not used as a basis for sex discrimination. Additionally, Education Code 221.51 and 34 CFR 106.40 require that pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related conditions be treated in the same manner as any other temporary disabling condition. Thus, the district cannot require a student who is pregnant or has related conditions to provide a physician's note to participate in physical education classes unless the certified level of physical ability is necessary for participation and such certification is required of all students. A student who is pregnant or who has related conditions who cannot accomplish the requirements of the regular physical education curriculum may be offered accommodations, as specified in "Accommodations" below, or voluntary access to a comparable program, as described above. Education Code 48206.3 defines a "temporary disability" as a physical, mental, or emotional disability after which the student can reasonably be expected to return to regular day classes or an alternative education program; see AR 6183 - Home and Hospital Instruction.~~

CSBA NOTE: Education Code 221.51 authorizes districts to require certification by a physician or nurse practitioner that a student is physically and emotionally able to participate in the regular education program or activity. Additionally, 34 CFR 106.40 authorizes districts to require such certification of a physician, so long as the certification is required of all students for other physical or emotional conditions requiring the attention of a physician. In addition, Education Code 221.51 and 34 CFR 106.40 require that pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions or recovery be treated in the same manner as any other temporary disabling condition. Thus, the district may not require a student who is pregnant or has related conditions to provide a physician's note to participate in physical education classes unless required of all students with temporary medical conditions, but a pregnant student who cannot accomplish the requirements of the regular physical education curriculum may be offered an alternative physical education curriculum. Education Code 48206.3 defines a "temporary disability" as a physical, mental, or emotional disability after which the student can reasonably be expected to return to regular day classes or an alternative education program; see AR 6183 - Home and Hospital Instruction.

~~The~~If required for students with any other temporary disabling condition, the Superintendent or designee ~~shall not~~may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, ~~lactation,~~ or related ~~medical~~ conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the ~~district's education program or activity, including an extracurricular activity, unless the certified level of physical ability is necessary for participation and such certification is required of all students.~~ education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

CSBA NOTE: Items #1-7 below are optional and may be revised to reflect district practice.

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

CSBA NOTE: The district may choose to offer child care and development services as an incentive to encourage ~~the school~~ attendance of parenting students, as provided in Item #1 below. For more

information about child care and development services, see BP/AR 5148 - Child Care and Development.

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during ~~school~~district-sponsored activities

2. Parenting education and life skills instruction

CSBA NOTE: The federal Women, Infants, and Children grant program (42 USC 1786; 7 CFR 246.1-246.28) provides funding that may be used for special school nutrition supplements for low-income pregnant and lactating students as provided in Item #3 below; see the U.S. Department of Agriculture's website. Education Code 49553 specifies nutritional standards for these special school nutrition supplements.

3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28

4. Health care services, including prenatal care

CSBA NOTE: Health and Safety Code 104460 requires districts receiving Tobacco-Use Prevention Education funds to provide access to tobacco-use prevention and intervention services to pregnant and parenting students; see AR 5131.62 - Tobacco.

5. Tobacco, alcohol, and/or drug prevention and intervention services

6. Academic and personal counseling

7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

Absences

~~Pregnant~~Students who are pregnant or parenting ~~students~~ may be excused for absences for medical appointments and other purposes specified in ~~BP/AR~~Board Policy/Administrative Regulation 5113 - Absences and Excuses.

CSBA NOTE: Education Code 48205 authorizes an excused absence without a note from a physician for a parenting student to care for a sick child. For more information regarding excused absences, see AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

Parental Leave

~~CSBA NOTE: Education Code 46015 provides that a pregnant or parenting student is entitled to eight weeks of parental leave, or longer if deemed medically necessary by the student's physician. Pursuant to Education Code 46015, the student's failure to notify the school as required below does not abridge the student's rights. Additionally, 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, requires the district to allow a student who is pregnant or who has related conditions to voluntarily take a leave of absence to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. If the district has a leave policy that allows for a greater period of time than the medically necessary period, and the student qualifies for leave under such policy, the district is required to permit the student to take leave under that policy.~~CSBA NOTE: The following paragraph is in regard to the length of time of parental leave. Districts that have an applicable leave policy should revise the following paragraph accordingly.

A student who is pregnant or parenting~~, or has a related condition,~~ shall be entitled to parental leave ~~in order to protect the health of the student and/or the infant, and to allow the student to care for and bond with the infant~~as permitted by law. The period of the leave shall be the greater of eight weeks, or the length of time deemed medically necessary by the ~~student's healthcare provider, or, if the district has a leave policy for which the student qualifies, the amount of time provided for in such policy.~~student's healthcare provider. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. (Education Code 46015; 34 CFR 106.40)

The student, if ~~age~~ 18 years of age or older, or the student's ~~parent/guardian~~educational rights holder shall notify the ~~school~~district of the student's intent to take parental leave~~.~~ , although failure to do so does not abridge any of the rights provided to the student under this policy. (Education Code 46015)

No student shall be required to take all or part of the parental leave. (Education Code 46015~~; 34 CFR 106.40~~)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A student who is pregnant or parenting, or has related conditions, shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

~~CSBA NOTE: Pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, when a student returns to school after taking parental leave, the district is required to reinstate the student to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.~~

Following the leave, a student who is pregnant or parenting, or has related conditions, may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. (Education Code 46015~~; 34 CFR 106.40~~)~~)~~

Upon return to school, a student who is pregnant or parenting ~~student~~ shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

Accommodations

~~CSBA NOTE: Pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, the district is required to provide reasonable accommodations for students who are pregnant or parenting, or have related conditions, as specified below. Additionally, pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, the school is~~CSBA NOTE: When necessary to ensure a pregnant student's access to the educational program, the district is required to make adjustments to the regular program that are reasonable and responsive to the student's pregnancy status. Examples include providing a larger desk, allowing frequent trips to the restroom, or permitting temporary access to elevators as necessary. Pursuant to 34 CFR 106.40, the district is also required to provide any services to pregnant students that it provides to other students with temporary medical conditions~~,~~ such as at-home instruction or tutoring for students who miss school because of such medical conditions.

When necessary, the district shall provide ~~reasonable~~ accommodations to enable a student who is pregnant or parenting~~, or with related conditions,~~ to access the educational program. ~~The district shall consult with the student when identifying potential modifications. Any modification accepted by the student shall be implemented. Any proposed modification that would fundamentally alter the nature of the district's education program or activity shall not be implemented. (34 CFR 106.40)~~

~~Reasonable modifications may include, but are not limited to: (34 CFR 106.40)~~

1. ~~Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom~~
2. ~~Intermittent absences to attend medical appointments~~
3. ~~Access to online or homebound education~~
4. ~~Changes in schedule or course sequence~~
5. ~~Extensions of time for coursework and rescheduling of tests and examinations~~
6. ~~Allowing a student to sit or stand, or carry or keep water nearby~~
7. ~~Counseling~~
8. ~~Changes in physical space or supplies, such as access to a larger desk or a footrest~~
9. ~~Elevator access~~
10. ~~Any other change to policies, practices, or procedures~~

~~A student who is pregnant or who has a related condition shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)~~

~~CSBA NOTE: In addition to lactation accommodations required by state law, 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, requires that a student who is lactating has access to a lactation space other than a bathroom, that is clean, shielded from view, and free from intrusion from others that may be used to express breast milk or breastfeed.~~

~~The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222; 34 CFR 106.40)~~

1. ~~Access to a private and secure room, other than a restroom, that is clean, shielded from view, and free from intrusion by others to express breast milk or breastfeed an infant child~~
2. ~~Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk~~
3. ~~Access to a power source for a breast pump or any other equipment used to express breast milk~~
4. ~~Access to a place to store expressed breast milk safely~~
5. ~~A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child~~

Additionally, a student who is pregnant, experiences a false pregnancy, or terminates a pregnancy, or who must recover from any of these, shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)

The district shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

~~CSBA NOTE: Since a student's current, potential, or past parental, family, or marital status is protected from discrimination pursuant to Title IX and its implementing regulations, as amended by 89 Fed. Reg. 33474, districts are required to follow Title IX grievance procedures when investigating and resolving a complaint based on alleged conduct that occurred on or after August 1, 2024. As such a complaint may also fall within Education Code 46015, which authorizes the use of the district's uniform complaint procedures (UCP) established pursuant to 5 CCR 4600-4670, it is unclear whether districts would additionally be required to follow the UCP. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

CSBA NOTE: Education Code 46015 authorizes the use of the district's uniform complaint procedures established pursuant to 5 CCR 4600-4670 for complaints alleging the district's noncompliance with requirements related to the provision of parental leave or other requirements of Education Code 46015.

Any complaint alleging discrimination on the basis of a ~~student's current,~~ student's actual or potential~~, or past~~ pregnancy, ~~family, or~~ marital, or parental status~~,~~; district noncompliance with the requirements of Education Code 46015 ~~or 34 CFR 106.40,~~; or district noncompliance with the requirement to provide reasonable accommodations for lactating students~~,~~ shall be investigated and resolved in accordance with ~~the Title IX grievance procedures as specified in 34 CFR 106.44 and 106.45 and~~ Board Policy/Administrative Regulation ~~5145.71 - Title IX Sex Discrimination and Sex-Based Harassment~~1312.3 - Uniform Complaint Procedures. ~~(Education Code 222, 46015; 5 CCR 4600- 4670; 34 CFR 106.44, 106.45)~~

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support ~~current, potential, and past~~ married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, ~~school~~ attendance, graduation rate, and/or student feedback on district programs and services.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101351-101439.1	Infant care centers
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4950	Nondiscrimination; marital and parental status

~~Civ. Code 51~~	~~Unruh Civil Rights Act~~
Ed. Code 221.51	Nondiscrimination; married, pregnant, and parenting students
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 230	Sex discrimination
Ed. Code 46015	Parental leave
Ed. Code 48050	Residents of adjoining states
Ed. Code 48205	Excused absences
Ed. Code 48206.3	Temporary disability; definition
Ed. Code 48220	Compulsory education requirement
Ed. Code 48410	Persons exempted from continuation classes
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49553	Nutrition supplements for pregnant/lactating students
Ed. Code 51220.5	Parenting skills and education
Ed. Code 51745	Independent study
Ed. Code 52610.5	Enrollment of pregnant and parenting students in adult education
Ed. Code 8200-8490	Child Care and Development Services Act
Fam. Code 7002	Description of emancipated minor
H&S Code 104460	Tobacco prevention services for pregnant and parenting students

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
34 CFR 106.40	Marital or parental status
42 USC 1786	Special supplemental nutrition program for women, infants, and children
7 CFR 246.1-246.28	Special supplemental nutrition program for women, infants, and children

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 168 (2004)
California Women's Law Center Publication	Pregnant Students and Confidential Medical Services, 2013 (https://www.cwlc.org/dev2019/download/pregnant-students-and-confidential-medical-services/)

~~California Women's Law Center Publication~~	~~The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002~~
Court Decision	American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307
~~U.S. Department of Education, Office for Civil Rights Publication~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
U.S. Department of Education, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
~~U.S. Department of Education Publication~~	~~Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
Website	CSBA District and County Office of Education Legal Services
Website	California Women's Law Center
Website	U.S. Department of Agriculture, Women, Infants, and Children Program
Website	U.S. Department of Education
Website	California Department of Education

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1400	Relations Between Other Governmental Agencies And The Schools
~~4119.11~~	~~Sex Discrimination and Sex-Based Harassment~~

~~4119.11~~	~~Sex Discrimination and Sex-Based Harassment~~
4131	Staff Development
~~4219.11~~	~~Sex Discrimination and Sex-Based Harassment~~
~~4219.11~~	~~Sex Discrimination and Sex-Based Harassment~~
~~4319.11~~	~~Sex Discrimination and Sex-Based Harassment~~
~~4319.11~~	~~Sex Discrimination and Sex-Based Harassment~~
5030	Student Wellness
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.2	Work Permits
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5125	Student Records
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5141.25	Availability Of Condoms
5141.6	School Health Services
5141.6	School Health Services
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
~~5145.7~~	~~Sex Discrimination and Sex-Based Harassment~~~~Sexual Harassment~~
~~5145.7~~	~~Sex Discrimination and Sex-Based Harassment~~

~~5145.71~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~5145.71-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
5147	Dropout Prevention
5148	Child Care And Development
5148	Child Care And Development
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study
6158	Independent Study
6158	Independent Study
6164.5	Student Success Teams
6164.5	Student Success Teams
6184	Continuation Education
6184	Continuation Education

Policy 6142.91: Reading/Language Arts Instruction

Status: ADOPTED

Original Adopted Date: 07/01/2005 **| Last Revised Date:** ~~12~~06/01/~~2013~~2025 **| Last Reviewed Date:** ~~12~~06/01/~~2013~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice and the grade levels served by the district.

Education Code 51210 and 51220 require that English be included in the district's course of study offered in grades 1-12, including knowledge of, and appreciation for literature, language, and composition, as well as the skills of speaking, reading, and listening. For grades 1-6, Education Code 51210 requires the district's course of study to also include spelling and handwriting, including instruction in cursive or joined italics in the appropriate grade levels. For more information regarding the requirements for courses of study, see AR 6143 - Courses of Study.

Additionally, to meet high school graduation requirements, Education Code 51225.3 requires completion of three courses in English. For more information regarding high school graduation requirements, see BP 6146.1 - High School Graduation Requirements and BP 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities.

In May 2025, the State Board of Education (SBE) approved the revised, "California Comprehensive State Literacy Plan," in an effort to align and integrate state literacy initiatives, content standards, and state guidance documents to support teachers of students, birth through grade 12. More information about the plan is available on the California Department of Education's (CDE) website.

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

~~CSBA NOTE: In August 2010, the State Board of Education (SBE) adopted the Common Core State Standards pursuant to Education Code 60605.8, consisting of a set of national standards in English language arts and mathematics and additional standards added by the state. These standards are available on the California Department of Education's (CDE) web site. State curriculum frameworks, instructional materials adoptions, and assessments will be aligned to these standards, which all California schools are expected to implement in the 2014-15 school year. For further information about the standards and recommendations for implementation, see CSBA's Governing to the Core series of governance briefs.~~ CSBA NOTE: In 2023, the Legislature appropriated funds to CDE to create, in consultation with the executive director of SBE, a Literacy Roadmap to help educators apply the state's curriculum framework to classroom instruction, navigate the resources

and professional development opportunities available to implement effective literacy instruction, and improve literacy outcomes for all students with a focus on equity.

Pursuant to Education Code 33548, the Instructional Quality Commission (IQC) is required to consider incorporating the Model Library Standards and media literacy content, which encompasses the foundational skills that lead to digital citizenship including the ability to access, analyze, evaluate, and use media and information, into the English language arts/English language development (ELA/ELD) curriculum framework when that framework is next revised and, as amended by AB 2876 (Ch. 927, Statutes of 2024), in its criteria for evaluating instructional materials when ELA/ELD instructional materials are next adopted by SBE.

Additionally, pursuant to Education Code 33547, the IQC is required to consider including content designed to provide teachers with resources to meet the unique academic and English language development needs of newcomer students, and ensure that the instructional materials for students in grades kindergarten-8 include resources for teachers to help them meet these needs. For more information on educating English learners, see BP/AR 6174 – Education for English Learners.

For each grade level, the Board shall adopt ~~academic standards~~instructional materials that meet or exceed the Common Core State Standards in the following strands:

1. Reading: Foundational skills, text complexity and analysis, and the growth of comprehension

2. Writing: Text types, responding to reading, production and distribution of writings, and research

3. Speaking and listening: Oral language development, comprehension, flexible communication, and collaboration

4. Language: Conventions, effective use, knowledge of language, and vocabulary

CSBA NOTE: As a condition of receiving funds for instructional materials from any state source, Education Code 60119 requires the Governing Board to annually hold a public hearing to determine whether each student in the district has sufficient standards-aligned textbooks or instructional materials in English/language arts and other specified subjects to use in class and to take home. For a definition of "sufficiency" for this purpose and a sample Board resolution, see BP/E 6161.1 - Selection and Evaluation of Instructional Materials.

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

~~CSBA NOTE: AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Pupil Retention Block Grant (Education Code 41505-41508), which allowed program funds to be used to provide a supplementary, intensive reading program for grades K-4, into the local control funding formula. At their discretion, districts may design a supplemental instructional program to meet the purposes of that program or other goals for reading performance.~~

Screening for Risk of Reading Difficulties

CSBA NOTE: The following section is for districts that serve students in any of grades kindergarten-2. Pursuant to Education Code 53008, the Board is required to adopt one or more screening instruments to assess all students in grades kindergarten-2 for risk of reading difficulties, including possible neurological disorders such as dyslexia, from the list of screening instruments approved by SBE. Pursuant to Education Code 53008, beginning in the 2025–26 school year, and annually thereafter, districts are required to assess each student in grades kindergarten-2 for risk of reading difficulties using the screening instrument(s) adopted by the Board, unless the student's parent/guardian opts out of the screening as specified below.

For information on English language proficiency testing, see BP 6174 – Education for English Learners.

The Board shall adopt, at a public meeting, one or more screening instruments to assess students in grades kindergarten-2 for risk of reading difficulties. The screening instrument(s) adopted by the Board shall provide assessments for both English-speaking and non-English speaking students, in languages reflecting the primary languages of students in the district, to the extent assessments in those languages are available. (Education Code 53008)

The district shall annually assess each student in grades kindergarten-2 for risk of reading difficulties. In determining when during the school year to screen students, the district shall consider whether students have received sufficient instruction in foundational reading skills to support a valid assessment. The district may provide additional student screenings or diagnostic evaluations, as appropriate. (Education Code 53008)

If a student enrolls for the first time in grades kindergarten-2 after the screening instrument(s) has been administered, the district shall assess the student within 45 calendar days of enrollment, unless either: (Education Code 53008)

1. The student's parent/guardian opts out of the screening in writing

2. The student's parent/guardian provides documentation or the district has documentation that the student has had a similar screening in their prior school for their current grade and the parent/guardian was made aware of the results

Students who do not speak sufficient English to be screened with an English-language instrument shall be screened in their primary language if a screening instrument in their primary language is

available. If a screening instrument is not available in at least one language in which a student is proficient, the student shall be screened in accordance with Education Code 53008.

When a student acquires sufficient English language knowledge and fluency to be able to be assessed using the district's screening instrument, or if a screening instrument in their primary language becomes available, the district shall assess that student using the appropriate screening instrument. (Education Code 53008)

A student may be exempted from the screening for risk of reading difficulties if the parent/guardian provides prior written consent and the student meets any of the following criteria: (Education Code 53008)

1. Has a current identification or diagnosis of a reading difficulty, reading disorder, or other disability

2. Is eligible for special education and related services pursuant to the Individuals with Disabilities Education Act (IDEA) or a plan pursuant to Section 504 of the Rehabilitation Act of 1973

3. Is in the process of being assessed for eligibility for special education and related services pursuant to IDEA or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, and the student is being evaluated with diagnostic assessments that make screening for risk of reading difficulties redundant

CSBA NOTE: Pursuant to Education Code 53008, the district is required to provide parents/guardians with information about screening for risk of reading difficulties as specified below, and is encouraged to provide information about screening with other back-to-school materials at the beginning of the school year.

The district shall, no later than 15 calendar days before administration of the screening instrument(s), provide parents/guardians of students eligible for screening for risk of reading difficulties with information about the screening, including the date(s) of the screening and instructions for how parents/guardians can opt out of their child's screening. (Education Code 53008)

Staffing and Professional Development

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

~~CSBA NOTE: AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Professional Development Block Grant (Education Code 41530-41532) and the Mathematics and Reading Professional Development Program (Education Code 99230-99242) into the local control funding formula. At~~

~~their discretion, districts may provide professional development opportunities to meet the purposes of those programs or other local needs.~~

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

CSBA NOTE: The following paragraph is for districts that serve students in grades kindergarten-2.

Employees administering screening instruments for risk of reading difficulties shall be appropriately trained to administer the instrument. (Education Code 53008)

Program Evaluation

The Superintendent or designee shall provide the Board with data from state and district reading assessments and program evaluations to enable the Board to monitor program effectiveness

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State	Description
5 CCR 11980-11985.6	Mathematics and Reading Professional Development Program (AB 466 trainings)
5 CCR 11991-11991.2	Reading First achievement index
Ed. Code 33530-33548	Instructional Quality Commission
Ed. Code ~~41505-41508~~	~~Pupil Retention Block Grant~~
~~Ed. Code 41530-41532~~	~~Professional Development Block Grant~~
~~Ed. Code 44735~~	~~Teaching as a Priority Block Grant~~
Ed. Code 44755-44757.5	Teacher Reading Instruction Development Program, K-3
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51225.3	High school graduation requirements
Ed. Code 53008	Screening for risk of reading difficulties

Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60200.4	Fundamental skills
Ed. Code 60207	Curriculum frameworks
Ed. Code 60350-60352	Core reading program instructional materials
Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards
Ed. Code 99220-99221	California Reading Professional Development Institutes
Ed. Code 99230-99242	Mathematics and Reading Professional Development Program (AB 466 trainings)

Federal	**Description**
20 USC 6381-6381k	Even Start Family Literacy Program
20 USC 6383	Improving literacy through school libraries

Management Resources	**Description**
California Department of Education Publication	California Comprehensive State Literacy Plan (Draft), rev. May 2025 (https://www.cde.ca.gov/ci/pl/documents/slpdraftmay2025.docx)
California Department of Education Publication	English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014
~~California Department of Education Publication~~	~~Common Core State Standards for English Language Arts, August 2010~~
~~California Department of Education Publication~~	~~2023 Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve, June 2023~~
California Department of Education Publication	Recommended Literature: Kindergarten Through Grade Twelve (https://www.cde.ca.gov/ci/cr/rl/)
California Department of Education Publication	California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. March 2013 (https://www.cde.ca.gov/be/st/ss/documents/finalelaccssstandards.pdf)

~~CSBA Publication~~	~~Governing to the Core; Pathway Options for High School Mathematics Governance Briefs, May 2014~~
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education~~, Reading/Language Arts~~ (https://www.cde.ca.gov/)
Website	CSBA

Cross References

Code	Description
0500	Accountability
4131	Staff Development
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4331	Staff Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6120	Response To Instruction And Intervention
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.4	International Baccalaureate Program
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6146.4	Differential Graduation and Competency Standards for Students with Disabilities
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials

6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.1	Library Media Centers
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6174	Education For English Learners
6174	Education For English Learners
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6179	Supplemental Instruction
6190	Evaluation Of The Instructional Program

Policy 6145.2: Athletic Competition

Status: ADOPTED

Original Adopted Date: 11/01/2011 **| Last Revised Date:** ~~10~~06/01/~~2018~~2025 **| Last Reviewed Date:** ~~10~~06/01/~~2018~~2025

CSBA NOTE: Pursuant to Education Code 35179, the Governing Board has control of and responsibility for all aspects of district interscholastic athletic policies, programs, and activities.

Pursuant to Education Code 51242, the Board may exempt any high school student engaged in a school-sponsored interscholastic athletic program after regular school hours from the requirement to attend physical education courses; see BP 6142.7 - Physical Education and Activity.

The Governing Board recognizes that the district's athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The district's athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.

The Board encourages business and community support for district athletic programs, subject to the district's advertising and promotion policy and regulation and other applicable district policies and regulations ~~governing advertisements and donations~~.

Nondiscrimination and Equivalent Opportunities in the Athletic Program

CSBA NOTE: Pursuant to Education Code 35179, the Board is responsible for ensuring that district and interscholastic athletic policies, programs, and activities are in compliance with law. Gender equity and nondiscrimination in district and interscholastic athletic programs and activities are governed by both federal law (Title IX, 20 USC 1681-1688) and state law (Education Code 200-262.4; 5 CCR 4900-4965).

~~In Mansourian v. Regents of University of California, the Ninth Circuit Court of Appeals ruled that a university receiving federal funds can be held liable for failing to effectively accommodate the athletic interests of both men and women even if the aggrieved women did not first provide the appropriate university officials with notice of their disadvantageous treatment and an opportunity to cure it. See the accompanying administrative regulation for factors the district must consider in determining whether equivalent opportunities are being provided.~~

Education Code 221.2-221.3 (the California Racial Mascot Act) declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames in public schools to be contrary to providing an equal education ~~and specifically prohibit~~. Specifically, Education Code 221.3, as amended by AB 3074 (Ch. 665, Statutes of 2024), prohibits public schools, except public schools operated by an Indian tribe or a tribal organization, from using the term "Redskins" as a school or athletic team name, mascot, or nickname. ~~The following paragraph includes an expansion of this prohibition to cover~~Beginning July 1, 2026, Education Code 221.3, as amended by AB 3074, also prohibits public schools other than those operated by an Indian tribe or a tribal organization, from using any ~~racially~~ derogatory ~~or discriminatory~~Native American term for school or athletic team ~~name, mascot, or nickname and may~~names, mascots, or nicknames, without the written consent of a local federally recognized Indian tribe. Education Code 33315, as amended by AB 3074, requires that the uniform complaint procedures (UCP) be ~~revised~~used to investigate and resolve complaints alleging a violation of Education Code 221.3. See BP/AR 1312.3 – Uniform Complaint Procedures.

In light of recent federal executive orders that potentially conflict with state law, as well as legal challenges to ~~reflect district practice. Also see BP 0410 - Nondiscrimination~~state law, it is recommended that districts with questions about discrimination in interscholastic athletic programs and activities consult CSBA's District ~~Programs~~ and ~~Activities~~County Office of Education Legal Services or district legal counsel.

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law, including, but not limited to, the use of any racially derogatory or discriminatory school or athletic team name, mascot, or nickname.

Derogatory Native American terms, including Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Redskins, Savages, Squaw, and Tribe, shall not be used for any school or athletic team name, mascot, or nickname, unless permitted in accordance with Education Code 221.3. Any district school using or in which any such derogatory term is being used, shall complete the implementation of a new school or athletic team name, mascot, or nickname before the start of the 2028-2029 school year.

If a school selects a new school or athletic team name due to this prohibition, then any purchases or replacements of materials or fixtures due required by the implementation of the new name shall be completed before the start of the 2028-2029 school year. (Education Code 221.3)

The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, and that students are permitted to participate in athletic activities consistent with their gender identity.

Any complaint alleging discrimination in the district's athletic program shall be filed in accordance with the ~~district's uniform~~appropriate complaint procedures.

CSBA NOTE: The following paragraph is for districts that maintain grades 9-12 and that participate in the California Interscholastic Federation (CIF). In order to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, Education Code 33353 requires a

district that participates in CIF to post on its website a standardized incident form developed by the California Department of Education (CDE), including information on how to submit a completed incident form to the district. The district is required to submit information related to any completed standardized incident form to CDE, if requested.

The district shall post on its website the California Department of Education's (CDE) standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form. (Education Code 33353)

California Interscholastic Federation

CSBA NOTE: The following optional section is for use by districts that maintain grades 9-12. Pursuant to Education Code 35179, the district may join an association, such as ~~the California Interscholastic Federation (CIF),~~CIF, for the purpose of providing regional or statewide interscholastic athletic programs and activities for district students. Pursuant to Education Code 33353, CIF is responsible for setting rules governing interscholastic athletic programs. Students who attend schools that participate in interscholastic sports are therefore subject to CIF regulations as well as applicable district rules.

Any district school that participates in the California Interscholastic Federation (CIF) shall conduct its athletic activities in accordance with CIF bylaws and rules and any applicable district policy and regulation. The Superintendent or designee shall have responsibility for the district's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for site-level decisions, as appropriate.

CSBA NOTE: Pursuant to CIF rules established in accordance with Education Code 33353, the Board is required to designate an individual from each school that participates in CIF sports to serve as a representative to the local CIF league. The name and contact information of these representatives must be annually reported to CIF. The following paragraph may be revised to reflect district practice.

The Board shall annually designate a representative to the local CIF league from each school that participates in CIF sports. The Superintendent or designee shall recommend a candidate for the position who demonstrates an understanding of the district's goals for student learning and interscholastic activities, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the district, and interpersonal communication and leadership skills.

The designated representative(s) shall vote on issues that impact interscholastic athletics at the league and section levels, perform any other duties required by the CIF league, and report regularly to the Board on league, section, and statewide issues related to athletic programs.

Student Eligibility

CSBA NOTE: The following section provides that student eligibility for participation in athletic programs shall be based on the same criteria adopted by the Board for all other extracurricular or

cocurricular activities (see BP/AR 6145 - Extracurricular and Cocurricular Activities), and may be revised to reflect district practice.

Education Code 48850 specifies that a ~~homeless~~ student experiencing homelessness, or a foster youth whose residence changes pursuant to a court order or decision of a child welfare worker, shall be deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports; see AR 6173 - Education for Homeless Children and AR 6173.1 - Education for Foster Youth.

In addition, Education Code 49700-49701 establish a uniform means of assisting children of active duty military families transferred from one state to another, by reducing or eliminating the barriers to their educational success caused by the frequent moves and deployments of their parents/guardians; see BP/AR 6173.2 - Education of Children of Military Families. Among other things, Education Code 49701 requires flexibility of districts' local rules to facilitate eligibility for extracurricular activities of children of military personnel.

Eligibility requirements for student participation in the district's interscholastic athletic program, including requirements pertaining to academic achievement, shall be the same as those set by the district for participation in extracurricular and cocurricular activities.

CSBA NOTE: The following optional paragraph is for use by districts that participate in CIF. CIF bylaws specify eligibility criteria for participating student athletes, including criteria related to age, grade, attendance, scholastic achievement, residence, transfers, and discipline. In addition, in accordance with CIF bylaws, students in home schooling or home study/independent study programs are not eligible for CIF interscholastic competition unless they are enrolled in a program under the jurisdiction of a CIF member school district (i.e., a program in which the district approves the curriculum, administers the program, and evaluates the student).

In addition, the Superintendent or designee shall ensure that students participating in interscholastic athletics governed by CIF satisfy CIF eligibility requirements.

CSBA NOTE: Education Code 49010-49011 and ~~the California Department of Education's (~~CDE~~)~~ Fiscal Management Advisory ~~12~~23-02, "Pupil Fees, Deposits, and Other Charges~~,~~," clarify that districts may not charge a fee for student participation in extracurricular activities, regardless of whether the activity is elective. Such prohibited fees include, but are not limited to, the cost of uniforms, locks, lockers, and equipment.

However, pursuant to Education Code 32220-32224~~,~~ and CDE Fiscal Management Advisory 23-02, "Pupil Fees, Deposits, and Other Charges," the district may charge a fee for required medical and accident insurance for athletic team members that is not paid for with school district or student body funds, as long as costs for insurance are covered for those determined to be financially unable to pay; see the accompanying administrative regulation, AR 3260 – Fees and Charges, and AR 5143 - Insurance. The district may also charge a fee for other students to attend athletic events as spectators since such attendance is not directly related to the educational program. ~~Districts are advised to seek legal counsel before~~It is recommended that districts with questions about charging a fee for any activity which may be construed as related to the

educational program consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Students shall not be charged a fee to participate in an athletic program, including, but not limited to, a fee to cover the cost of uniforms, locks, lockers, or athletic equipment.

Sportsmanship

CSBA NOTE: CIF has adopted a set of principles entitled , "Pursuing Victory with Honor," to provide the tools for teaching character development to student athletes. , including a "Code of Conduct for Student-Athletes," "Code of Conduct for Coaches," and "Code of Conduct for Parents/Guardians." Each of these Codes reflect the Six Pillars of Character: trustworthiness, respect, responsibility, fairness, caring, and good citizenship.

Districts that are not affiliated with CIF may delete or modify the following optional section to reflect district practice.

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide byteach, enforce, advocate, and model the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and abide by the applicable Code of EthicsConduct adopted by CIF.

Students and staff shall be subject to disciplinary action for improper conduct.

Health and Safety

CSBA NOTE: See the accompanying administrative regulation for additional requirements pertaining to the health and safety of student athletes, including students who experience concussions or other head injuries, heat illness, or sudden cardiac arrest.

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities.

CSBA NOTE: CIF requires students in grades 9-12 to undergo medical examinations before participating in interscholastic competition; see BP 5141.3 - Health Examinations. Pursuant to Education Code 49458, any examination required for participation in an interscholastic athletic program may be conducted by a physician or physician assistant.

Students shall have a medical clearance before participating in interscholastic athletic programs. Care shall be taken to ensure that all athletic trainingstraining and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall

ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

CSBA NOTE: Education Code 35179.4~~, as added by AB 2009 (Ch. 646, Statutes of 2018),~~ requires any district that offers an interscholastic athletic program to develop a written emergency action plan, as provided below.

A sample emergency action plan that may be used in the event of sudden cardiac arrest, catastrophic injury, or other medical emergency is available on CIF's ~~web site.~~website. Additional information about creating an emergency action plan is available on Anyone Can Save a Life's website.

The Superintendent or designee shall develop a written emergency action plan that describes the location of emergency medical equipment, including automated external defibrillator(s~~)~~), and procedures to be followed in the event of sudden cardiac arrest or other medical emergency related to the athletic program's activities or events~~.~~, including concussion and heat illness. The plan shall include a description of the manner and frequency at which the procedures to be followed in the event of medical emergencies will be rehearsed, based on coaches training requirements specified in Education Code 35179.1. The plan shall be posted in accordance with guidelines of the National Federation of State High School Associations. (Education Code 35179.4)

Coaches and/or athletic trainers shall comply with any training required by law and in accordance with the accompanying administrative regulation and Administrative Regulation 4127/4227/4327 - Temporary Athletic Team Coaches.

In the event of a serious injury or a perceived imminent risk to a student's health during or immediately after an athletic activity, the coach or any other district employee who is present shall remove the student athlete from the activity, observe universal precautions in handling blood or other bodily fluid, and/or seek medical treatment for the student as appropriate.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

Whenever a serious injury or illness is suffered by a student athlete, the Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury or illness suffered by the student and any actions taken to treat the student.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 350	Fees not permitted

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
5 CCR 4920-4922	Nondiscrimination in intramural, interscholastic, and club activities
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 17578	Cleaning and sterilizing of football equipment
Ed. Code 17580-17581	Football equipment
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32220-32224	Insurance for athletic teams
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 33315	Uniform Complaint Procedures
Ed. Code 33353-33353.5	California Interscholastic Federation; implementation of policies, insurance program
Ed. Code 33354	California Department of Education authority over interscholastic athletics
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5	Intradistrict open enrollment
Ed. Code 35179	Interscholastic athletics; associations or consortia
Ed. Code 35179.1	California High School Coaching Education and Training Program
Ed. Code 35179.4	Emergency action plan
Ed. Code 35179.5	Interscholastic athletics; limitation on full-contact practices
Ed. Code 35179.6	School-sponsored on-campus event in or around swimming pool
Ed. Code 35179.8	Development of guidelines, procedures, and safety standards for prevention and management of exertional heat illness
Ed. Code 48850	Academic achievement of students in foster care and homeless children
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48930-48938	Student organizations
Ed. Code 49010-49013	Student fees
Ed. Code 49020-49023	Athletic programs; legislative intent, equal opportunity

Ed. Code 49030-49034	Performance enhancing substances
Ed. Code 49458	Health examinations; interscholastic athletic program
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51242	Exemption from physical education for athletic program participants
H&S Code 124238-124238.5	Nevaeh Youth Sports Safety Act
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Pen. Code 245.6	Hazing

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.31	Nondiscrimination on the basis of sex in education programs or activities
34 CFR 106.33	Nondiscrimination on the basis of sex; comparable facilities
34 CFR 106.41	Nondiscrimination in athletic programs

Management Resources	**Description**
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory ~~12~~23-02, ~~April~~ ~~24,~~ ~~2013~~November 28, 2023 (https://www.cde.ca.gov/re/lr/fm/fma2302.asp)
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
California Interscholastic Federation Publication	Code of Conduct for Student-Athletes (https://www.cifstate.org/coaches-admin/pvh/conduct_students.pdf)
California Interscholastic Federation Publication	Code of Conduct for Coaches (https://www.cifstate.org/coaches-admin/pvh/conduct_coaches.pdf)
California Interscholastic Federation Publication	Code of Conduct for Parents/Guardians (https://www.cifstate.org/coaches-admin/pvh/conduct_parents-guardians.pdf)
California Interscholastic Federation Publication	Guidelines for Gender Identity Participation (https://www.cifstate.org/governance/constitution/Guidelines_for_Gender_Identity_Participation.pdf)

California Interscholastic Federation Publication	Event Emergency Guidelines, 2013 (https://www.cifstate.org/sports-medicine/emergency_action_plan/index)
California Interscholastic Federation Publication	California Interscholastic Federation Constitution and Bylaws
California Interscholastic Federation Publication	Keep Their Heart in the Game: A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/Guardians (https://www.cifstate.org/sports-medicine/sca/ParentTeamMeetingHandout2017.pdf)
California Interscholastic Federation Publication	Athletic Department Emergency Action Plan: Response Teams (https://www.cifstate.org/sports-medicine/emergency_action_plan/index)
California Interscholastic Federation Publication	A Guide to Equity in Athletics (https://www.cifstate.org/governance/equity/Equity_handbook.pdf)
Centers for Disease Control~~&~~ & Prevention Publication	Acute Concussion Evaluation (ACE) Care Plan, 2006 (https://www.cdc.gov/heads-up/media/pdfs/providers/ace_v2-a.pdf)
Centers for Disease Control~~&~~ & Prevention Publication	~~Heads Up: Concussion in High School Sports, Tool Kit, June 2010~~Heads Up (https://www.cdc.gov/heads-up/index.html)
~~Centers for Disease Control&Prevention Publication~~	~~Heads Up: Concussion in Youth Sports, Tool Kit, July 2007~~
Court Decision	Hartzell v. Connell (1984) 35 Cal. 3d 899
Court Decision	Kahn v. East Side Union High School District (2003) 31 Cal. 4th 990
Court Decision	Mansourian v. Regents of University of California (2010) 602 F. 3d 957
Court Decision	McCormick v. School District of Mamaroneck (2004) 370 F.3d 275
~~CSBA Publication~~	~~Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017~~
~~National Federation of StateHighSchool Association~~	~~Emergency Action Planning Guide for After-School Practices and Events~~

~~U.S. DOE Office for Civil Rights Publication~~	~~Withdrawal of Dear Colleague Letter on Transgender Students, Dear Colleague Letter, February 22, 2017~~
U.S. DOE Office for Civil Rights Publication	Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague Letter, April 20, 2010 (https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20100420.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	California Interscholastic Federation
Website	Centers for Disease Control and Prevention, Concussion Resources
Website	National Federation of State High School Associations
Website	National Operating Committee on Standards for Athletic Equipment
Website	U.S. Anti-Doping Agency
Website	U.S. Department of Education, Office for Civil Rights
Website	Anyone Can Save A Life (https://www.anyonecansavealife.org/implementation-and-training/emergency-action-plans)
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0500	Accountability
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1230	School-Connected Organizations
1230	School-Connected Organizations
1260	Educational Foundation
1312.3	Uniform Complaint Procedures

1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1321	Solicitation Of Funds From And By Students
1321	Solicitation Of Funds From And By Students
1325	Advertising And Promotion
1330.1	Joint Use Agreements
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3452	Student Activity Funds
3513.4	Drug And Alcohol Free Schools
3514	Environmental Safety
3514	Environmental Safety
3515.2	Disruptions
3515.2	Disruptions
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3541.1	Transportation For School-Related Trips
3541.1-E(1)	Transportation For School-Related Trips
3541.1-E(2)	Transportation For School-Related Trips
3580	District Records
3580	District Records
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions

4119.43	Universal Precautions
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
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4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
5030	Student Wellness
5111.1	District Residency
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5113.11	Attendance Supervision
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5131	Conduct
5131.1	Bus Conduct

5131.1	Bus Conduct
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.61	Drug Testing
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5131.63	Steroids
5137	Positive School Climate
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.3	Health Examinations
5141.3	Health Examinations
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
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5141.6	School Health Services
5141.6	School Health Services
5141.7	Sun Safety
5142	Safety
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5143	Insurance
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5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process

5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.3	Nondiscrimination/Harassment
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5145.7	Sex Discrimination and Sex-Based Harassment
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6173.1	Education For Foster Youth
6173.1	Education For Foster Youth

6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
7110	Facilities Master Plan

Regulation 6145.2: Athletic Competition

Status: ADOPTED

Original Adopted Date: 05/01/2017 **| Last Revised Date:** ~~07~~06/01/~~2019~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2019~~2025

Nondiscrimination and Equivalent Opportunities in the Athletic Program

CSBA NOTE: The following section reflects pertinent provisions of state and federal law regarding nondiscrimination (Education Code 200-262.4; 5 CCR 4900-4965; Title IX, 20 USC 1681-1688). The Office for Civil Rights (OCR) in the U.S. Department of Education oversees complaints regarding violations of Title IX.No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of any actual or perceived characteristic specified in law and ~~BP~~Board Policy 0410 - Nondiscrimination in District Programs and Activities. (Education Code 220, 221.5, 230 5 CCR 4920, 34 CFR 106.41)

CSBA NOTE: 5 CCR 4921 and 34 CFR 106.41 authorize the establishment of separate teams for males and females where the selection of teams is based on competitive skills. 34 CFR 106.41 also authorizes single-sex teams for contact sports, as defined. Because state regulations do not address single-sex teams for contact sports, it is recommended that districts ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to establishing any such single-sex team for a contact sport for which selection is not based on competitive skills.The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

CSBA NOTE: Pursuant to Education Code 221.5, a district is required to permit a transgender student to participate in sex-segregated school programs and activities, including athletic teams and competitions, consistent with the student's gender identity, regardless of the gender listed in the student's records; see BP/AR 5145.3 - Nondiscrimination/Harassment. The California Interscholastic Federation's (CIF) bylaws and , "Guidelines for Gender Identity Participation," contain procedures for addressing student complaints regarding gender identity-based participation in interscholastic sports. ~~Also see CSBA's Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination.~~In light of recent federal executive orders that potentially conflict with state law, as well as legal challenges to state law, it is recommended that districts with questions about discrimination in interscholastic athletic programs and activities consult CSBA's District and County Office of Education Legal Services or district legal counsel.Each student shall be allowed to participate in any single-sex athletic program or activity consistent with the student's gender identity, irrespective of the gender listed on the student's records, for which the student is otherwise eligible to participate. (Education Code 221.5)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to

try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

CSBA NOTE: 5 CCR 4922 and 34 CFR 106.41, as reflected in ~~items~~Items #1-11 below, list factors that districts must consider when determining whether equivalent opportunities are being provided. CIF's , "A Guide to Equity in Athletics," suggests actions that districts can take for each of the factors to help the district meet its equivalence goals. ~~Any~~It is recommended that any district with questions about equivalent athletic opportunities for its students ~~should~~ consult CSBA's District and County Office of Education Legal Service or district legal counsel.The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the offered selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes

CSBA NOTE: Education Code 230 provides the following three-part test to determine if a district has effectively accommodated the interests and abilities of both sexes in athletics. This test is the same three-part test that is used by OCR for helping to determine equivalent opportunities under Title IX.The athletic program may be found to effectively accommodate the interests and abilities of both sexes using any one of the following tests: (Education Code 230, 5 CCR 4922)

~~CSBA NOTE: CIF's A Guide to Equity in Athletics advises that, in order to meet the criterion specified in item #1a below, the ratio of male/female athletes should be within five percent of the ratio of male/female district enrollment.~~

a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments

b. Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

CSBA NOTE: In evaluating whether there is an unmet interest in a particular sport and sufficient ability to sustain a team in the sport (~~item~~Item #1c below), OCR considers (1) whether an institution uses nondiscriminatory methods of assessment when determining the athletic interests and abilities of its students, (2) whether a viable team for the underrepresented sex was recently eliminated, (3) multiple indicators of interest, (4) multiple indicators of ability, and (5) frequency of conducting assessments. A student survey is one indicator that may be used. ~~A letter issued by OCR in April 2010~~OCR's April 2010 Dear Colleague Letter, "Intercollegiate Athletics Policy Clarification: The Three-Part Test," provides information that the district might consider in developing its own survey. In addition, CIF's , "A Guide to Equity in Athletics," provides sample surveys.

c. Where the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in ~~item~~Item #1b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program

~~3.~~ 2. The provision and maintenance of equipment and supplies

~~4.~~ 3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices

~~5.~~ 4. Travel and per diem allowances

~~6.~~ 5. Opportunities to receive coaching and academic tutoring

~~7.~~ 6. Assignment and compensation of coaches and tutors

~~8.~~ 7. Provision of locker rooms, practice facilities, and competitive facilities

~~9.~~ 8. Provision of medical and training facilities and services

~~10.~~ 9. Provision of housing and dining facilities and services

~~11.~~ 10. Publicity

CSBA NOTE: 5 CCR 4922 clarifies that unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams shall not by itself constitute a failure to provide equivalent opportunities. However, the provision of necessary funding for teams of both sexes is a factor in the determination, as specified below.

~~12.~~ 11. Provision of necessary funds

Each school that offers competitive athletics shall, at the end of the school year, post on its school ~~web site~~website, or on the district ~~web site~~website if the school does not have a ~~web site~~website, the following information: (Education Code 221.9)

1. The total enrollment of the school, classified by gender

2. The number of students enrolled at the school who participate in competitive athletics, classified by gender

3. The number of boys' and girls' teams, classified by sport and by competition level

The data reported for ~~items~~Items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the ~~web site~~website. (Education Code 221.9)

Concussions and Head Injuries

CSBA NOTE: Education Code 49475 requires districts to distribute information on concussions and head injuries to student athletes and their parents/guardians. The district may use fact sheets developed by the Centers for Disease Control and Prevention (CDC), available on CIF's ~~web site~~website, or other resources to develop the information sheet.

The requirements of Education Code 49475 apply to any district that offers an athletic program at any grade level and for any sport. These requirements do not apply to students engaging in an athletic activity during the regular school day or as part of a physical education course.

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student initiates practice or competition. (Education Code 49475)

CSBA NOTE: Education Code 49032 requires that each high school coach complete an education program that includes, but is not limited to, a basic understanding of the signs and symptoms of concussions and appropriate response to them. Free online courses are available through CIF's ~~web site~~website. Also see AR 4127/4227/4327 - Temporary Athletic Team Coaches.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding ~~concussion~~ the signs and symptoms~~, prevention~~ of, and the appropriate response to, concussions. (Education Code 35179.1, 49032)

CSBA NOTE: Education Code 49475 requires that a student at any grade level engaged in an athletic program apart from the regular school day or physical education course who is suspected of sustaining a concussion be immediately removed from the athletic activity and not be allowed to return until a health care provider provides written clearance. CDC's ~~web site~~website includes an , "Acute Concussion Evaluation" form which may be used to provide injured students and their parents/guardians with information about monitoring symptoms and the health care provider's recommendations regarding returning to daily activities, school, and sports. See CIF's ~~web site~~website for additional information regarding concussions.

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until the student is evaluated by a licensed health

care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. If the health care provider determines that the student sustained a concussion or a head injury, the student shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

CSBA NOTE: The following paragraph is for use by districts that offer a football program and may be revised to reflect the grade levels offered by the district.

A middle school or high school football team shall not hold a full-contact practice during the off-season and shall not conduct more than two full-contact practices per week during the preseason and regular season (from 30 days before the commencement of the regular season until the completion of the final interscholastic football game of that season). In addition, the full-contact portion of a practice shall not exceed 90 minutes in any single day. For these purposes, full-contact practice means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game. (Education Code 35179.5)

Heat Illness

CSBA NOTE: Pursuant to Education Code 35179.1, the district or CIF-developed coaching education program required by Education Code 49032 must include training on the signs and symptoms of, and the appropriate response to, heat illness. The National Federation of State High Schools offers a free online course, available on CIF's ~~web site, that fulfills these requirements.~~website, that fulfills these requirements. Additionally, pursuant to Education Code 35179.8, CIF, in consultation with the California Department of Education (CDE), is required to develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the signs and symptoms of, and the appropriate response to, heat illness, including heat cramps, heat syncope, heat exhaustion, and exertional heat stroke. (Education Code 35179.1, 49032)

CSBA NOTE: The following optional paragraph reflects recommendations in CSBA's and CIF's joint publication , "Preventing Catastrophic Heat Illness~~,~~," and may be expanded to include additional district strategies.

Additionally, CIF recommends the use of a Wet Bulb Globe Temperature, which more accurately measures heat stress in direct sunlight, to help athletic programs determine if modifications in activity are necessary to make athletics safer for participants.

To assist in the prevention of heat illness, coaches and/or athletic trainers shall gradually increase the intensity and duration of exercise to acclimate student athletes to practice in the heat, provide adequate rest breaks, make water available during all athletic activities, and alter practice plans in extreme environmental conditions.

Sudden Cardiac Arrest

CSBA NOTE: Education Code 33479.3 requires that student athletes and their parents/guardians receive information on the nature and warning signs of sudden cardiac arrest, as provided below. This information is available from CIF or, if the athletic activity is not governed by CIF, on ~~the California Department of Education's (CDE) web site.~~CDE's website. In addition, Education Code 33479.2 encourages districts to post on their ~~web sites~~websites the information provided on CDE's ~~web site~~website pertaining to sudden cardiac arrest.

The Superintendent or designee shall distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by CIF, the student and parent/guardian shall, prior to the student's participation in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's ~~web site~~website. (Education Code 33479.2, 33479.3)

CSBA NOTE: Education Code 33479.6 requires the coach of an athletic activity to complete, every two years, a training course related to the nature and warning signs of sudden cardiac arrest. See AR 4127/4227/4327 - Temporary Athletic Team Coaches. Free online courses are available through CIF's ~~web site~~website.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the ~~nature and warning~~ signs and symptoms of, and the appropriate response to, sudden cardiac arrest. (Education Code 33479.6, 33479.7, 35179.1, 49032)

CSBA NOTE: Education Code 33479.5 and CIF bylaws provide for a student's removal from participation in an athletic activity if the student passes out or faints. As defined by Education Code 33479.1, an "athletic activity" includes (1) interscholastic athletics; (2) an athletic contest or competition sponsored by a school, including cheerleading and club-sponsored sports activities; (3) noncompetitive cheerleading sponsored by a school; and (4) practices, interscholastic practices, and scrimmages for all these activities. Pursuant to Education Code 33479.5, this requirement does not apply when a student engages in an athletic activity during the regular school day or as part of a physical education course, unless the activity constitutes a practice, interscholastic practice, or scrimmage. Furthermore, Education Code 33479.5 authorizes, but does not require, the removal of a student from an athletic activity if the student exhibits symptoms of sudden cardiac arrest other than passing out or fainting, as provided below. However, to promote student safety, the district may choose to require its staff to remove from an athletic activity a student who exhibits any symptom of sudden cardiac arrest at any time.

If a student athlete passes out or faints, or is known to have passed out or fainted, while participating in or immediately following participation in an athletic activity, the student shall be removed from participation at that time. If a student exhibits any other symptoms of sudden cardiac arrest, including seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue, the student may be removed from participation by a coach or other employee who observes these symptoms. If any such symptoms are observed, notification shall be given to the student's parent/guardian so that the parent/guardian can determine the treatment, if any, the student should seek. A student who has been removed from participation shall

not be permitted to return until the student is evaluated and given written clearance to return to participation by a health care provider. (Education Code 33479.2, 33479.5)

Automated External Defibrillators

CSBA NOTE: Pursuant to Education Code 35179.6, a district that offers an interscholastic athletic program is required to make an automated external defibrillator (AED) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events. Education Code 35179.6 encourages districts to make AEDs available for emergency care or treatment within three to five minutes of sudden cardiac arrest to any person in attendance at an on-campus athletic activity or event. Pursuant to Health and Safety Code 124238.5, beginning January 1, 2027, districts are required to provide student athletes with access to an AED during any official practice or match that, when medical circumstances warrant its use, is administered by a medical professional, coach, or other designated person who holds AED certification and complies with any other qualifications pursuant to law. See BP/AR 5141 - Health Care and Emergencies for requirements related to employee notifications and the proper use and maintenance of AEDs.

Education Code 35179.6 clarifies that the district or district employee will not be liable for civil damages resulting from any act or omission in the rendering of emergency care or treatment provided that the employee complies with the requirements of Health and Safety Code 1797.196 and does not act with gross negligence or willful or wanton misconduct by using, attempting to use, or maliciously failing to use an AED to render emergency care or treatment.

The Superintendent or designee shall acquire at least one automated external defibrillator (AED) for each district school that participates in any interscholastic athletic program and shall make the AED(s) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events for the purpose of providing emergency care or treatment to students, spectators, and other individuals in attendance at the athletic program's on-campus activities and events. (Education Code 35179.6)

CSBA NOTE: Pursuant to Health and Safety Code 1797.196, as amended by AB 3262 (Ch. 19, Statutes of 2024), when an AED is placed in a school serving students in grades 6-12, the principal shall, at least annually, notify students as to the location of all AED units on the campus.

The district shall comply with all requirements of Health and Safety Code 1797.196 pertaining to any AED acquired by the district, including, but not limited to, regular maintenance and testing of the AED, and the provision and posting of information regarding the location of any AED and proper use of the AED. (Education Code 35179.6; Health and Safety Code 1797.196)

Additional Notifications

CSBA NOTE: The following optional section lists notices that the district may be required to send to students participating in interscholastic athletics and their parents/guardians. This section should be revised to reflect district practice.

Before students participate in practice or competition as part of interscholastic athletic activities, the Superintendent or designee shall, in addition to providing the students and their

parents/guardians with the notices described above, send a notice to the students and their parents/guardians which:

CSBA NOTE: Education Code 33353 requires CIF to provide information to students and parents/guardians about procedures for discrimination complaints arising from interscholastic athletic activities. Education Code 33354 allows a complainant to file a discrimination complaint directly with CDE.

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Compliance Officer/Title IX Coordinator

CSBA NOTE: Education Code 221.61 requires districts to post specified information on their ~~web sites~~websites related to Title IX. A district that does not maintain a ~~web site~~website may comply by posting the information on the ~~web site~~website of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. See AR 5145.3 - Nondiscrimination/Harassment. Optional ~~item~~Item #2 below provides that this information will also be provided in writing to the parents/guardians of student athletes.

2. Includes a copy of students' Title IX rights pursuant to Education Code 221.8

CSBA NOTE: In *Kahn v. East Side Union High School District*, the California Supreme Court analyzed the liability of a coach for an injury to a member of a high school diving team. The court acknowledged that some risk of injury is inherent in sports and part of a coach's job is to "push" a student athlete to advance in skill level and to undertake more difficult tasks. According to the court, a coach could be found liable only when the coach intentionally injures the student or engages in conduct that is so reckless that it is outside of the ordinary activity involved in teaching or coaching the sport.

The district may or may not wish to seek a waiver of liability for accidents or injuries resulting from participation in athletic activities. Whether a liability waiver is legally effective is likely to be determined on a case-by-case basis, and it is questionable whether a student's right to participate in extracurricular activities could be made contingent upon the submission of a waiver. ~~Legal counsel should be consulted when addressing the complex issues related to liability waivers.~~It is recommended that districts with questions about liability waivers consult CSBA's District and County Office of Education Legal Services or district legal counsel.

3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

CSBA NOTE: Education Code 32221.5 requires the district to provide information about insurance protection to each student participating on a school athletic team. For specific language that must be contained in this statement, see AR 5143 - Insurance.

4. Provides information about insurance protection pursuant to Education Code 32221.5

5. Requests parental permission for the student to participate in the program and, if appropriate, to be transported by the district to and from competitions

CSBA NOTE: Pursuant to Education Code 48900, a student may be subject to suspension or expulsion for engaging, or attempting to engage, in hazing.

6. States the district's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

7. Includes a copy of the local CIF league rules

CSBA NOTE: Pursuant to Education Code 49033 and CIF bylaws, any student participating in athletics and the student's parent/guardian must sign the statement described below. Also see BP/AR 5131.63 - Steroids.

8. Includes information about the CIF bylaw and district policy requiring any student athlete and the student's parent/guardian to sign a statement that the student will not use steroids, unless prescribed by a licensed health care practitioner, and will not use prohibited dietary supplements that include substances banned by the U.S. Anti-Doping Agency

CSBA NOTE: Pursuant to Education Code 49476~~, as added by SB 1109 (Ch. 693, Statutes of 2018)~~, the district must annually provide to student athletes and their parents/guardians CDC's opioid fact sheet for patients. The CDC's fact sheet, "Prescription Opioids: What You Need To Know~~,~~," is available on its ~~web site~~website.

9. Includes the opioid fact sheet published by the Centers for Disease Control and Prevention in accordance with Education Code 49476~~.~~

   The district shall provide this fact sheet annually to each student athlete and shall require the student and the student's parent/guardian to sign a document acknowledging receipt of the fact sheet.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 350	Fees not permitted

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
5 CCR 4920-4922	Nondiscrimination in intramural, interscholastic, and club activities
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 17578	Cleaning and sterilizing of football equipment
Ed. Code 17580-17581	Football equipment
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32220-32224	Insurance for athletic teams
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 33315	Uniform Complaint Procedures
Ed. Code 33353-33353.5	California Interscholastic Federation; implementation of policies, insurance program
Ed. Code 33354	California Department of Education authority over interscholastic athletics
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5	Intradistrict open enrollment
Ed. Code 35179	Interscholastic athletics; associations or consortia
Ed. Code 35179.1	California High School Coaching Education and Training Program
Ed. Code 35179.4	Emergency action plan
Ed. Code 35179.5	Interscholastic athletics; limitation on full-contact practices
Ed. Code 35179.6	School-sponsored on-campus event in or around swimming pool
Ed. Code 35179.8	Development of guidelines, procedures, and safety standards for prevention and management of exertional heat illness
Ed. Code 48850	Academic achievement of students in foster care and homeless children
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48930-48938	Student organizations
Ed. Code 49010-49013	Student fees
Ed. Code 49020-49023	Athletic programs; legislative intent, equal opportunity

Ed. Code 49030-49034	Performance enhancing substances
Ed. Code 49458	Health examinations; interscholastic athletic program
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51242	Exemption from physical education for athletic program participants
H&S Code 124238-124238.5	Nevaeh Youth Sports Safety Act
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Pen. Code 245.6	Hazing

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.31	Nondiscrimination on the basis of sex in education programs or activities
34 CFR 106.33	Nondiscrimination on the basis of sex; comparable facilities
34 CFR 106.41	Nondiscrimination in athletic programs

Management Resources	**Description**
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory ~~12~~23-02, ~~April~~ ~~24,~~ ~~2013~~November 28, 2023 (https://www.cde.ca.gov/re/lr/fm/fma2302.asp)
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
California Interscholastic Federation Publication	Code of Conduct for Student-Athletes (https://www.cifstate.org/coaches-admin/pvh/conduct_students.pdf)
California Interscholastic Federation Publication	Code of Conduct for Coaches (https://www.cifstate.org/coaches-admin/pvh/conduct_coaches.pdf)
California Interscholastic Federation Publication	Code of Conduct for Parents/Guardians (https://www.cifstate.org/coaches-admin/pvh/conduct_parents-guardians.pdf)
California Interscholastic Federation Publication	Guidelines for Gender Identity Participation (https://www.cifstate.org/governance/constitution/Guidelines_for_Gender_Identity_Participation.pdf)

California Interscholastic Federation Publication	Event Emergency Guidelines, 2013 (https://www.cifstate.org/sports-medicine/emergency_action_plan/index)
California Interscholastic Federation Publication	California Interscholastic Federation Constitution and Bylaws
California Interscholastic Federation Publication	Keep Their Heart in the Game: A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/Guardians (https://www.cifstate.org/sports-medicine/sca/ParentTeamMeetingHandout2017.pdf)
California Interscholastic Federation Publication	Athletic Department Emergency Action Plan: Response Teams (https://www.cifstate.org/sports-medicine/emergency_action_plan/index)
California Interscholastic Federation Publication	A Guide to Equity in Athletics (https://www.cifstate.org/governance/equity/Equity_handbook.pdf)
Centers for Disease Control~~&~~ & Prevention Publication	Acute Concussion Evaluation (ACE) Care Plan, 2006 (https://www.cdc.gov/heads-up/media/pdfs/providers/ace_v2-a.pdf)
Centers for Disease Control~~&~~ & Prevention Publication	~~Heads Up: Concussion in High School Sports, Tool Kit, June 2010~~Heads Up (https://www.cdc.gov/heads-up/index.html)
~~Centers for Disease Control&Prevention Publication~~	~~Heads Up: Concussion in Youth Sports, Tool Kit, July 2007~~
Court Decision	Hartzell v. Connell (1984) 35 Cal. 3d 899
Court Decision	Kahn v. East Side Union High School District (2003) 31 Cal. 4th 990
Court Decision	Mansourian v. Regents of University of California (2010) 602 F. 3d 957
Court Decision	McCormick v. School District of Mamaroneck (2004) 370 F.3d 275
~~CSBA Publication~~	~~Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017~~
~~National Federation of StateHighSchool Association~~	~~Emergency Action Planning Guide for After-School Practices and Events~~
~~U.S. DOE Office for Civil Rights Publication~~	~~Withdrawal of Dear Colleague Letter on Transgender Students, Dear Colleague Letter, February 22, 2017~~
U.S. DOE Office for Civil Rights Publication	Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague Letter, April 20, 2010

	(https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20100420.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	California Interscholastic Federation
Website	Centers for Disease Control and Prevention, Concussion Resources
Website	National Federation of State High School Associations
Website	National Operating Committee on Standards for Athletic Equipment
Website	U.S. Anti-Doping Agency
Website	U.S. Department of Education, Office for Civil Rights
Website	Anyone Can Save A Life (https://www.anyonecansavealife.org/implementation-and-training/emergency-action-plans)
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0500	Accountability
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1230	School-Connected Organizations
1230	School-Connected Organizations
1260	Educational Foundation
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1321	Solicitation Of Funds From And By Students

1321	Solicitation Of Funds From And By Students
1325	Advertising And Promotion
1330.1	Joint Use Agreements
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3452	Student Activity Funds
3513.4	Drug And Alcohol Free Schools
3514	Environmental Safety
3514	Environmental Safety
3515.2	Disruptions
3515.2	Disruptions
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3541.1	Transportation For School-Related Trips
3541.1-E(1)	Transportation For School-Related Trips
3541.1-E(2)	Transportation For School-Related Trips
3580	District Records
3580	District Records
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4218	Dismissal/Suspension/Disciplinary Action

4218	Dismissal/Suspension/Disciplinary Action
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
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5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
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5131.4	Student Disturbances
5131.4	Student Disturbances
5131.61	Drug Testing

5131.63	Steroids
5131.63	Steroids
5137	Positive School Climate
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5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
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5141.3	Health Examinations
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5141.4	Child Abuse Prevention And Reporting
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5145.3	Nondiscrimination/Harassment

5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
6142.7	Physical Education And Activity
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6173.1	Education For Foster Youth
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6173.2	Education Of Children Of Military Families
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7110	Facilities Master Plan

Regulation 6159.4: Behavioral Interventions For Special Education Students

Status: ADOPTED

Original Adopted Date: 10/01/1996 **| Last Revised Date:** ~~12~~06/01/~~2013~~2025 **| Last Reviewed Date:** ~~12~~06/01/~~2013~~2025

CSBA NOTE: Pursuant to Education Code 56520, ~~as amended by AB 86 (Ch. 48, Statutes of 2013),~~ for students with disabilities who are exhibiting serious behavioral challenges, timely assessments and positive interventions and supports should be developed and implemented in accordance with the federal Individuals with Disabilities Education Act (IDEA) and its implementing regulations (20 USC 1400-1482; 34 CFR 300.1-300.818).

The following optional administrative regulation is based on guidance from the Office of Special Education Programs (OSEP) of the U.S. Department of Education.

Generally, any student identified as a student with a disability pursuant to the Individuals with Disabilities Education Act, 20 USC 1400-1482, is subject to the same disciplinary measures applicable to all students for violations of the code of conduct, except when the student's behavior is determined to be a manifestation of ~~his/her~~the student's disability.

~~CSBA NOTE: In efforts to ensure consistency with federal law, Education Code 56523, as amended by AB 86 (Ch. 48, Statutes of 2013), in effect, has repealed 5 CCR 3001 and deleted the requirement for a "behavioral intervention plan" (BIP) when a student with a disability exhibits a "serious behavioral problem" that significantly interferes with the implementation of the goals and objectives of his/her individualized education program. Instead, pursuant to Education Code 56521.2, as added by AB 86, a district is required to address any student behavior that impedes the student's own learning or the learning of other students.~~

However, when the behavior of a student with a disability impedes ~~his/her~~the student's learning or the learning of others, the student's individualized education program (IEP) team shall consider the use of positive behavioral interventions and supports and other strategies consistent with 20 USC 1414(d) to address the student's behavior. (Education Code 56521.2; 34 CFR 300.324)

If, pursuant to a manifestation determination conducted as specified in 34 CFR 300.530, the student's behavior is determined to be a manifestation of ~~his/her~~the student's disability, the IEP team shall conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a BIP is already in place for the student, the IEP team shall review and modify the BIP to address the student's behavior. (Education Code 56520; 34 CFR 300.324, 300.530)

In addition, when the disciplinary removal of a student with a disability will result in a change in the student's placement as specified in 34 CFR 300.530, the student shall receive an FBA and behavioral intervention services and modifications designed to address the student's behavior so that it does not recur. (34 CFR 300.530)

Functional Behavioral Assessment

CSBA NOTE: According to OSEP, because a functional behavioral assessment (FBA) is normally conducted to determine whether a student is, or continues to be, a student with a disability and/or the nature and the extent of special education and related services needed by that student, it is an evaluation for the purposes of the IDEA. Thus, an FBA is subject to requirements such as prior notice and parental consent and the sharing of the result of the assessment with the student's parents/guardians. For the required contents and format of the notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

Any FBA to be conducted for a student with a disability shall focus on identifying the function or purpose of the student's behavior.

Before any FBA is conducted, the Superintendent ~~of~~or designee shall notify the student's parent/guardian in accordance with Education Code 56321 and obtain the parent/guardian's consent. (Education Code 56321; 34 CFR 300.324)

If the parent/guardian disagrees with the result of an FBA, ~~he/she~~the parent/guardian has the right to obtain an independent educational evaluation at district expense, subject to the conditions specified in 34 CFR 300.502.

Behavioral Intervention Plan and Services

~~CSBA NOTE: Pursuant to Education Code 56520, as amended by AB 86 (Ch. 48, Statutes of 2013), behavioral interventions, supports, and other strategies may be used only in a manner that conforms to the following paragraph.~~

When any behavioral intervention, support, or other strategy is to be used by the district, the Superintendent or designee shall consider the student's physical freedom and social interaction, administer the intervention, support, or other strategy in a manner that respects the student's dignity and personal privacy, and ensure the student's right to be placed in the least restrictive educational environment. (Education Code 56520)

CSBA NOTE: Pursuant to Education Code 56520, ~~as amended by AB 86 (Ch. 48, Statutes of 2013), BIPs~~behavioral intervention plans (BIP) for students in residential care ~~must~~are required to be developed and used in the manner specified below.

When a student for whom a BIP is to be developed is also the responsibility of another agency for residential care or related services, the Superintendent or designee shall cooperate with the other agency to ensure that the BIP, to the extent possible, is developed and implemented in a consistent manner. (Education Code 56520)

CSBA NOTE: 5 CCR 3051.23~~, as added by Register 2014, No. 19,~~ specifies the qualifications of individuals who may provide behavioral intervention services. Education Code 56525 also authorizes anyone recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst to provide such services.

Behavior assessments and behavioral intervention services shall be provided only by individuals who possess the qualifications specified in Education Code 56525 or 5 CCR 3051.23.

Emergency Interventions

Emergency interventions may be used only to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student or others and that cannot be

immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for a systematic BIP that is designed to change, replace, modify, or eliminate a targeted behavior. (Education Code 56521.1)

No emergency intervention shall be used for longer than is necessary to contain the behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (Education Code 56521.1)

CSBA NOTE: Education Code 56521.1~~, as added by AB 86 (Ch. 48, Statutes of 2013),~~ prohibits the use of the methods specified in the following paragraph even for emergency interventions. For more information on prohibited interventions, see ~~section below titled~~ "Prohibited Interventions~~."~~" below.

Emergency interventions shall not involve the use of force exceeding what is reasonable and necessary under the circumstances. In addition, use of locked seclusion, prone restraint, or a device, material, or objects that simultaneously immobilize all hands and feet shall not be allowed except as allowed authorized by law. (Education Code 56521.1)

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include all of the following information: (Education Code 56521.1)

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic BIP
6. Details of any injuries sustained by the student or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a BIP, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for an FBA, and determine the necessity for an interim BIP. The IEP team shall document the reasons for not conducting the FBA and/or not developing the interim BIP.

(Education Code 56521.1)

If the behavior emergency report is for a student who has a BIP, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (Education Code 56521.1)

CSBA NOTE: Pursuant to Education Code ~~56521.2, as added by AB 86 (Ch. 48, Statutes~~49006, districts are required to collect data and report to the California Department of ~~2013),~~ ~~a~~ Education (CDE) annually regarding the use of seclusion and behavioral restraints for district students, as specified below. CDE is ~~prohibited~~required to post the data from ~~authorizing, ordering, consenting to, or paying for the following or other similar interventions.~~ the report on its website within three months after the report is due to CDE.

The Superintendent or designee shall annually collect data on the number of times that seclusion, mechanical restraint, and physical restraint were used on students and the number of students subjected to such techniques. The data shall be disaggregated by race/ethnicity and gender, and reported for students with a Section 504 plan, students with an IEP, and all other students. This report shall be posted on the district's website and submitted to the California Department of Education no later than three months after the end of each school year and shall be available as a public record pursuant to Government Code 7920.000-7930.215. (Education Code 49006)

Prohibited Interventions

CSBA NOTE: Pursuant to Education Code 56521.2, a district is prohibited from authorizing, ordering, consenting to, or paying for the following or other similar interventions. Education Code 56521.2, as amended by SB 483 (Ch. 857, Statutes of 2024), prohibits the use of prone restraint and prone containment.

The district prohibits the use of corporal punishment as defined in Education Code 49001 as an intervention. In addition, the district prohibits all of the following: (Education Code 56521.2)

1. Any intervention designed or likely to cause physical pain, including, but not limited to, electric shock

2. Any intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances near the student's face

3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities

4. Any intervention that is designed to subject, used to subject, or likely to subject the student to verbal abuse, ridicule, or humiliation or that can be expected to cause excessive emotional trauma

5. Any restrictive intervention that uses a device, material, or objects which simultaneously immobilize all hands and feet, including the procedure known as prone containment~~, except~~

~~that prone containment or similar techniques may be used by trained staff as a limited emergency intervention~~

6. Prone restraint

~~6.~~ 7. Locked seclusion, unless in a facility otherwise licensed or permitted by state law to use a locked room

~~7.~~ 8. Any intervention that precludes adequate supervision of the student

~~8.~~ 9. Any intervention that deprives the student of one or more of ~~his/her~~the student's senses

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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	**Description**
5 CCR 3065	Staff qualifications - related services
Ed. Code 49001	Prohibition of corporal punishment
Ed. Code 49006	Reporting of seclusion and restraint
Ed. Code 56321	Notice of parental rights; consent of parents
Ed. Code 56500-56508	Procedural safeguards, including due process rights
Ed. Code 56521.2	Prohibited interventions
Ed. Code 56520-56524	Behavioral interventions
Government Code 7920.000-7930.215	California public records act

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1412	State eligibility
20 USC 1415	Procedural safeguards
34 CFR 300.1-300.818	Assistance to states for the education of students with disabilities

Management Resources	**Description**
Federal Register	Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

Website	CSBA District and County Office of Education Legal Services
Website	Behavior Analyst Certification Board
Website	U.S. Department of Education, Office of Special Education Programs

Cross References

Code	Description
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
5131	Conduct
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5144	Discipline
5144	Discipline
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6120	Response To Instruction And Intervention
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth

Bylaw 9011: Disclosure Of Confidential/Privileged Information

Status: ADOPTED

Original Adopted Date: 03/01/1988 **| Last Revised Date:** ~~11~~06/01/~~2002~~2025 **| Last Reviewed Date:** ~~11~~06/01/~~2002~~2025

CSBA NOTE: This Bylaw addresses the disclosure of confidential information by a Governing Board member. See Board Policy 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information for disclosure of confidential information by an employee.

The Governing Board recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. ~~Confidential/privileged information shall be released only to the extent authorized by law.~~

~~**Disclosure of Closed Session Information**~~

CSBA NOTE: ~~As added by AB 1945 (Ch. 1119, Statutes of 2002),~~ Government Code 54963 specifies that a person may not disclose confidential information acquired during ~~his/her~~the person's presence in a closed session. In addition, the California Attorney General has opined in 80 Ops.Cal.Atty.Gen. 231 (1997) that ~~a~~an individual Board member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed. Therefore, it is recommended that the Board consult ~~with its~~CSBA's District and County Office of Education Legal Services or district legal counsel before disclosing any confidential ~~or privileged~~ information ~~discussed in~~acquired during a closed session. For more information regarding the reporting of information discussed in closed session, see BB 9321.1 - Closed Session Actions and Reports.

A Board member shall not disclose confidential information ~~acquired during a closed session~~ to ~~a~~any person ~~not entitled to receive such information, unless a majority of the Board has~~, except as authorized ~~its disclosure. (Government Code 54963)~~ by law, this Bylaw or other Board bylaws or policies, or the Board.

CSBA NOTE: Pursuant to Government Code 54963, a Board member may not disclose confidential information that has been acquired by being present in a closed session unless the Board authorizes disclosure of that confidential information. Given that Board members often receive confidential information in anticipation of a closed session or as a follow-up to a closed session, the following definition of "confidential information" extends this prohibition accordingly.

Confidential information means ~~a communication made~~any information that is prohibited from disclosure by law, this Bylaw or other Board bylaws or policies, or by the Board at the time disclosed and is not a public record subject to disclosure under the California Public Records Act (CPRA). Confidential information includes, but is not limited to, any of the following:

1. Information acquired by being present in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

2. Information acquired in anticipation of a closed session, or as follow-up to a closed session, that is specifically related to the basis for the Board to meet lawfully in closed session

3. Information contained in communications provided to Board members from the district's attorney

4. Information deemed confidential by the Board

Confidential information does not include information that is already publicly disclosed, provided that the initial disclosure did not violate law, this Bylaw, or other Board bylaws or policies.

CSBA NOTE: Government Code 54963, as added by AB 1945 (Ch. 1119, Statutes of 2002), lists remedies that may be pursued for a violation of confidentiality of closed session information including injunctive relief in a court of law (e.g., injunction or restraining order), referral of a Board member to the grand jury, or disciplinary action against an employee. In addition, the Board may not take action against a person for releasing the information if the disclosure was part of an investigation by a grand jury or the district attorney's office, part of a whistleblower action, or merely an opinion as to the legality of an action by the Board, as specified below.CSBA NOTE: Pursuant to Government Code 1098, it is a misdemeanor for any Board member to willfully and knowingly use or disclose for pecuniary gain, such as for monetary or financial gain, any confidential information acquired in the course of the Board member's official duties.

It is a misdemeanor for any Board member to willfully and knowingly use or disclose for pecuniary gain any information acquired in the course of the Board member's official duties where all of the following conditions are met: (Government Code 1098)

1. The information is not a public record subject to disclosure under the CPRA

2. The information is prohibited from disclosure by law, this Bylaw, or other Board bylaws or policies

3. The information will have, or could reasonably be expected to have, a material financial effect on the Board member if used or disclosed

CSBA NOTE: Government Code 54963 provides examples of remedies that may be pursued for improperly disclosing information acquired during closed session and prohibits the Board from taking any such adverse action against a Board member for disclosing such information in certain circumstances. Given that this Bylaw defines confidential information more broadly than just information obtained in closed session, the following paragraphs apply to the broader definition of confidential information as defined above and should be modified to reflect district practice.

If a Board member threatens to disclose or does disclose confidential information, the Board may pursue or enact one or more of the following actions as it deems appropriate: (Government Code 54963)

1. Injunctive relief to prevent disclosure

2. Referral to the grand jury

3. Censure or other disciplinary action, provided the Board member has received training or been informed of the requirements of this Bylaw

~~The~~ However, the Board shall not take any action against ~~any person~~a Board member for disclosing confidential information, nor shall the disclosure be considered a violation of ~~the law or Board policy~~this Bylaw, when the ~~person is:~~ Board member does any of the following: (Government Code 1098, 54963)

1. ~~Making~~ Makes a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session

2. ~~Expressing~~ Expresses an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action

3. ~~Disclosing~~ Discloses information ~~that is not confidential~~

~~**Other Disclosures**~~

~~CSBA NOTE: Pursuant to Government Code 1098, it is a misdemeanor for any public officer or employee to willfully and knowingly use or disclose for pecuniary (e.g., monetary or financial) gain any confidential information acquired in the course of his/her official duties.~~

~~A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the Board member. (Government Code 1098)~~

~~Disclosures excepted from this prohibition are those made~~ to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities~~.~~ ~~(Government Code 1098)~~ in accordance with law

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State	Description
Ed. Code 35010	Control of district; prescription and enforcement of rules

Ed. Code 35146	Closed sessions regarding suspensions
Evid. Code 1040	Privilege for official information
Gov. Code 1098	Disclosure of confidential information
Gov. Code 3549.1	Meeting and negotiating in public educational employment
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54956.8	Open meeting laws
Gov. Code 54956.9	Closed meeting for pending litigation
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54957.1	Subsequent public report and rollcall vote; employee matters in closed session
Gov. Code 54957.5	Public records
Gov. Code 54957.6	Closed session; representatives with employee organization
Gov. Code 54957.7	Reasons for closed session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 7920.000-7930.170	California Public Records Act

Management Resources	**Description**
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 231 (1997)
CSBA Publication	Professional Governance Standards
Website	CSBA District and County Office of Education Legal Services
Website	CSBA

Cross References

Code	**Description**
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1100	Communication With The Public
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records

2120	Superintendent Recruitment And Selection
2121	Superintendent's Contract
3580	District Records
3580	District Records
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4143	Negotiations/Consultation
4143.1	Public Notice - Personnel Negotiations
4143.1	Public Notice - Personnel Negotiations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4243	Negotiations/Consultation
4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens

5125	Student Records
5125	Student Records
9000	Role Of The Board
9005	Governance Standards
9010	Public Statements
9200	Limits Of Board Member Authority
9230	Orientation
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session