



**CARMEL UNIFIED SCHOOL DISTRICT**

**Board Policy Committee Meeting**

August 29, 2018

09:00 AM – 10:00 AM

District Office

**\*\*LARGE CONFERENCE ROOM\*\***

4380 Carmel Valley Road, Carmel, CA 93923

**PLEASE NOTE:** The Committees are convened to review and discuss proposed policy language and no action will be taken. Designated times for the agenda are estimates and the committee reserves the right to change the order of items being discussed.

In compliance with the Americans with Disabilities Act those requiring special assistance to access the Committee/Board meeting room, to access written documents being discussed at the Committee/Board meeting, or to otherwise participate at Committee/Board meetings, please contact the Superintendent's Office at 831-624-1546 Ext. 2021. Notification at least 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Committee/Board meeting and to provide any required accommodations, auxiliary aids, or services.

**I. OPENING BUSINESS**

- I.a. Call Public Session to Order
- I.b. Adopt Agenda
- I.c. Pledge of Allegiance

**II. OPEN FORUM**

Members of the public may address the committee on items relevant to the subject matter jurisdiction of the committee and any item on the agenda.

**III. DISCUSSION/INFORMATION ITEMS**

**III.a. Review of Board Policies**

- BP 0415 Equity
- BP 1020 Youth Services
- BP 1400 Relations between Other Governmental Agencies and the Schools
- BP 2210 Administrative Discretion Regarding Board Policy
- BP 3312.2 Educational Travel Program Contracts
- BP 3320 Claims and Actions Against the District
- BP 3515.21 Unmanned Aircraft Systems (Drones)
- BP 4140/4240/4340 Bargaining Units
- BP 5111 Admission
- BP 5112.5 Open/Closed Campus

*Agenda Continued on the next page*

**CARMEL UNIFIED SCHOOL DISTRICT**  
**Board Policy Committee Meeting Continued**

August 29, 2018

09:00 AM – 10:00 AM

District Office

**\*\*LARGE CONFERENCE ROOM\*\***

4380 Carmel Valley Road, Carmel, CA 93923

BP 6174 Education for English Learners

BB 9270 Conflict of Interest

BB 9310 Board Policies

\*\* Associated Administrative Regulations (ARs) + Exhibits (Es) may be discussed  
dependent on Board Policy changes

**IV. ADJOURNMENT**

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board believes that the diversity that exists among the district's community of students, staff, parents/guardians, and community members is integral to the district's vision, mission, and goals. Addressing the needs of the most marginalized learners requires recognition of the inherent value of diversity and acknowledgement that educational excellence requires a commitment to equity in the opportunities provided to students and the resulting outcomes.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

In order to eradicate institutional bias of any kind, including implicit or unintentional biases and prejudices that affect student achievement, and to eliminate disparities in educational outcomes for students from historically underserved and underrepresented populations, the district will work to proactively identify class and cultural biases as well as practices, policies, and institutional barriers that negatively influence student learning, perpetuate achievement gaps, and impede equal access to opportunities for all students.

The Board will work to make decisions with a deliberate awareness of impediments to learning faced by students of color and/or diverse cultural, linguistic, or socio-economic backgrounds. To ensure that equity is the intentional result of district decisions, the Board may consider whether its decisions address the needs of students from racial, ethnic, and indigent communities and remedy the inequities that such communities experienced in the context of a history of exclusion, discrimination, and segregation. Board decisions shall not rely on biased or stereotypical assumptions about any particular group of students.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

(cf. 6175 - Migrant Education Program)

(cf. 9000 - Role of the Board)

(cf. 9310 - Board Policies)

The Board and the Superintendent or designee shall develop and implement policies and strategies to promote equity in district programs and activities, through measures such as the following:

1. Routinely assessing student needs based on data disaggregated by race, ethnicity, and socio-economic and cultural backgrounds in order to enable equity-focused policy, planning, and resource development decisions

(cf. 0400 - Comprehensive Plans)

**Philosophy, Goals, Objectives and Comprehensive Plans (continued)**

(cf. 0460 - Local Control and Accountability Plan)

(cf. 6162.5 - Student Assessment)

2. Analyzing expenditures and allocating financial and human resources in a manner that provides all students with equitable access to district programs, support services, and opportunities for success and promotes equity and inclusion in the district. Such resources include access to high-quality administrators, teachers, and other school personnel; funding; technology, equipment, textbooks, and other instructional materials; facilities; and community resources or partnerships.

(cf. 0440 - District Technology Plan)

(cf. 3100 - Budget)

(cf. 4113 - Assignment)

(cf. 7110 - Facilities Master Plan)

3. Enabling and encouraging students to enroll in, participate in, and complete curricular and extracurricular courses, advanced college preparation programs, and other student activities

(cf. 6141.4 - International Baccalaureate Program)

(cf. 6141.5 - Advanced Placement)

(cf. 6143 - Courses of Study)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6152.1 - Placement in Mathematics Courses)

4. Building a positive school climate that promotes student engagement, safety, and academic and other supports for students

(cf. 5137 - Positive School Climate)

5. Adopting curriculum and instructional materials that accurately reflect the diversity among student groups

(cf. 6141 - Curriculum Development and Evaluation)

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

6. Providing and/or collaborating with local agencies and community groups to ensure the availability of necessary support services for students in need

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

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6179 - Supplemental Instruction)

7. Promoting the employment and retention of a diverse staff that reflects the student

**Philosophy, Goals, Objectives and Comprehensive Plans (continued)**

demographics of the community

8. Providing district staff with ongoing, researched-based, professional learning and professional development on culturally responsive instructional practices

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

9. Conducting program evaluations that focus on equity and address the academic outcomes and performance of all students on all indicators

(cf. 0500 - Accountability)

The Board will monitor the intent and impact of district policies and decisions in order to safeguard against disproportionate or unintentional impact on access to district programs and achievement goals for specific student populations in need of services.

Legal Reference:

EDUCATION CODE

200-262.4 Educational equity

52077 Local control and accountability plan

60040 Selection of instructional materials

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

**Philosophy, Goals, Objectives and Comprehensive Plans (continued)**

12101-12213 Americans with Disabilities Act  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.101-35.190 Americans with Disabilities Act  
36.303 Auxiliary aids and services  
CODE OF FEDERAL REGULATIONS, TITLE 34  
100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI  
104.1-104.39 Section 504 of the Rehabilitation Act of 1973  
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX

Management Resources:

CSBA PUBLICATIONS

Meeting California's Challenge: Access, Opportunity, and Achievement: Key Ingredients for Student Success, 2017

The School Board Role in Creating the Conditions for Student Achievement, 2017

African-American Students in Focus: Closing Opportunity and Achievement Gaps for African-American Students, 2016

African-American Students in Focus: Demographics and Achievement of California's African-American Students, 2016

Latino Students in California's K-12 Public Schools, 2016

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

Climate for Achievement Governance Brief Series, 2015

Math Misplacement, 2015

CENTER FOR URBAN EDUCATION PUBLICATIONS

Protocol for Assessing Equity-Mindedness in State Policy, 2017

WEB SITES

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

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

Center for Urban Education: <http://cue.usc.edu>

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

# ~~Carmel USD~~

## ~~Board Policy~~

### ~~Youth Services~~

~~BP 1020-~~

### ~~Community Relations~~

~~The Board of Education desires to help all district students achieve to their highest potential regardless of their social, health, or economic circumstances and recognizes that schools alone cannot meet all the complex needs of children. The district may provide support services for children and families to the extent possible and may work with other local governments, businesses, foundations, and community-based organizations, as appropriate, to improve the health, safety, and well-being of the community's youth.~~

- ~~(cf. 0450—Comprehensive Safety Plan)~~
- ~~(cf. 5030—Student Wellness)~~
- ~~(cf. 5131.6—Alcohol and Other Drugs)~~
- ~~(cf. 5136—Gangs)~~
- ~~(cf. 5141.32—Health Screening for School Entry)~~
- ~~(cf. 5141.4—Child Abuse Prevention and Reporting)~~
- ~~(cf. 5141.52—Suicide Prevention)~~
- ~~(cf. 5141.6—School Health Services)~~
- ~~(cf. 5146—Married/Pregnant/Parenting Students)~~
- ~~(cf. 5148—Child Care and Development)~~
- ~~(cf. 5148.2—Before/After School Programs)~~
- ~~(cf. 5148.3—Preschool/Early Childhood Education)~~
- ~~(cf. 6164.2—Guidance/Counseling Services)~~
- ~~(cf. 6173—Education for Homeless Children)~~
- ~~(cf. 6173.1—Education for Foster Youth)~~

~~The Board may initiate or participate in collaborative relationships with city and county elected officials to design and coordinate multi-agency programs that respond to the needs of children and families and provide more efficient use of district and community resources. The Board may establish or participate in formal structures for governance teams to regularly meet and discuss issues of mutual concern.~~

- ~~(cf. 0200—Goals for the School District)~~
- ~~(cf. 9140—Board Representatives)~~

~~The Superintendent and appropriate staff may cooperate with public and private entities in the planning and implementation of joint projects or activities within the community.~~

- ~~(cf. 1400—Relations Between Other Governmental Agencies and the Schools)~~
- ~~(cf. 1700—Relations Between Private Industry and the Schools)~~

~~In order to identify priorities for youth services, the Board may encourage a periodic assessment of children's needs within the community, which may include, but not be limited to, needs based on poverty, child abuse and neglect, poor physical or mental health, homelessness, placement in foster care, lack of access to child care, substance abuse, or violence. The needs assessment also may examine the extent to which those needs are being met through existing services in the district and in the community, the costs of providing those services, and any gaps, delay, or duplication of services.~~

~~The Board may approve the services to be offered by the district, the resources that will be allocated to support collaboration, any use of school facilities for services, and any development or joint use of facilities with other jurisdictions.~~

~~(cf. 1330—Use of School Facilities)~~

~~(cf. 3100—Budget)~~

~~All agreements with other agencies to coordinate services or share resources will be in writing. The Board may establish joint powers agreements or memorandums of understanding, when feasible, to formalize the responsibilities and liabilities of all parties in a collaborative activity.~~

~~The Superintendent or designee may work with interagency partners to explore funding opportunities available through each agency, state and national grant programs, and/or private foundations for youth service coordination and delivery.~~

~~In order to facilitate service delivery or determination of eligibility for services, the district may share information with other appropriate agencies with parent/guardian consent and in accordance with laws pertaining to confidentiality and privacy.~~

~~(cf. 3553—Free and Reduced Price Meals)~~

~~(cf. 5125—Student Records)~~

~~The Board may receive regular reports of progress toward the identified goals of the collaborative effort. The reports may include, but not be limited to, feedback from staff and families regarding service delivery, numbers of children and families served, specific indicators of conditions of children, and indicators of system efficiency and cost effectiveness.~~

~~(cf. 0500—Accountability)~~

~~The Board may communicate with the community about the district's collaborative efforts and the conditions of children within the schools. The Board may advocate for local, state, and national policies, programs, and initiatives designed to improve the conditions of children and youth.~~

~~(cf. 1100—Communication with the Public)~~

~~(cf. 1160—Political Processes)~~

~~(cf. 9000—Role of the Board)~~



Legal Reference:

~~EDUCATION CODE~~

~~8800-8807—Healthy Start support services for children~~

~~49073—Privacy of student records~~

~~49075 Parent/guardian permission for release of student records~~

~~49557.2—Sharing of information for MediCal eligibility~~

~~HEALTH AND SAFETY CODE~~

~~120440—Immunization records; release to local health departments~~

~~130100-130155—Early childhood development; First 5 Commission~~

~~WELFARE AND INSTITUTIONS CODE~~

~~5850-5883—Mental Health Services Act~~

~~18961.5—Computerized database; families at risk for child abuse; sharing of information~~

~~18980-18983.8—Child Abuse Prevention Coordinating Council~~

~~18986-18986.30—Interagency Children's Services Act~~

~~18986.40-18986.46—Multidisciplinary services teams~~

~~18986.50-18986.53—Integrated day care program~~

~~18987.6-18987.62—Family-based services~~

Management Resources:

~~CSBA PUBLICATIONS~~

~~Foster Youth: Supports for Success, Governance Brief, May 2016~~

~~Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010~~

~~Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009~~

~~CHILDREN NOW PUBLICATIONS~~

~~California Report Card: The State of the State's Children~~

~~CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS~~

~~Healthy Children, Healthy Communities: An Action Guide for California Communities, 2006~~

~~Stretching Community Dollars: Cities, Counties and School Districts Building for the Future, 2006~~

~~WEB SITES~~

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

~~California Department of Education, Learning Support: <http://www.cde.ca.gov/ls>~~

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

~~California Department of Social Services: <http://www.dss.cahwnet.gov>~~

~~California State Association of Counties: <http://www.csac.counties.org>~~

~~Children Now: <http://www.childrennow.org>~~

~~Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>~~

~~First 5 California: <http://www.cefe.ca.gov>~~

~~League of California Cities: <http://www.cacities.org>~~

~~Youth Law Center: <http://www.ylc.org>~~

~~Policy CARMEL UNIFIED SCHOOL DISTRICT  
adopted: March 21, 2018 Carmel, California~~

**Community Relations**

The Governing Board of Education recognizes believes that agencies at all levels of district efforts to provide a high-quality education for students in the community can be enhanced by collaboration with other government share its concern and responsibility and public agencies that are responsible for the health, safety, and welfare well-being of children and youth. -The Board and Superintendent or designee district shall initiate and maintain good working relationships with representatives of these local agencies in order to help district schools to maximize student and students make use of the resources which governmental agencies can provide family access to support services that will help students achieve to their highest potential.

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. ~~1020 - Youth Services~~)
- (cf. 1330 - Use of School Facilities)
- (cf. ~~3515.2 - Disruptions~~)
- (cf. ~~3515.3 - District Police/Security Department~~)
- (cf. ~~3515.5 - Sex Offender Notification~~)
- (cf. ~~3516 - Emergencies and Disaster Preparedness Plan~~)
- (cf. 5030 - Student Wellness)
- (cf. ~~5131.7 - Weapons~~ 6 - Alcohol and ~~Dangerous Instruments~~ Other Drugs)
- (cf. ~~5141.22 - Infectious Diseases~~ 32 - Health Screening for School Entry)
- (cf. 5141.4 - Child Abuse Prevention and Reporting)
- (cf. 5141.52 - Suicide Prevention)
- (cf. ~~5145.11 - Questioning and Apprehension by Law Enforcement~~)
- (cf. ~~5145.12 - Search and Seizure~~ 5141.6 - School Health Services)
- (cf. 5146 - Married/Pregnant/Parenting Students)
- (cf. 5148 - Child Care and Development)
- (cf. 5148.2 - Before/After School Programs)
- (cf. 5148.3 - Preschool/Early Childhood Education)
- (cf. 6164.2 - Guidance/Counseling Services)
- (cf. 6173 - Education for Homeless Children)
- (cf. 6173.1 - Education for Foster Youth)
- (cf. ~~7131 Relations with Local Agencies~~)

The Board shall initiate or participate in collaborative relationships with city and county elected officials to design and coordinate multi-agency programs that respond to the needs of children and families and provide more efficient use of district and community resources. To further such collaborations, the Board may establish or participate in formal structures for governance teams to regularly meet and discuss issues of mutual concern.

The district may enter into agreements with other agencies which involve the exchange of funds or reciprocal services. Such agreements shall be approved by the Board and executed in writing.

Elections/Voter Registration

**Community Relations** (continued)

~~If a city or county elections official specifically requests the use of a school building as a polling place, the Board shall allow its use for such purpose. The Board may authorize the use of school buildings as polling places on any election day, and may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote tabulating devices. If school will be in session, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as polling places. (Elections Code 12283)~~

(cf. ~~6111~~ 0200 - Goals for the School Calendar District)

~~When a school is used as a polling place, the (cf. Superintendent or designee shall provide the elections official a site with an adequate amount of space that will allow the precinct board to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and shall make a telephone line for Internet access available for use by local elections officials if so requested. He/she shall make a reasonable effort to ensure that the site is accessible to disabled persons. (Elections Code 12283)~~

9140 - Board Representatives)

The Superintendent and appropriate staff shall cooperate with government and public agencies in the planning and implementation of joint projects or activities within the community. The Superintendent or designee may designate a coordinator to ensure effective implementation of the district's responsibilities in any such collaborative project.

In order to identify priorities for services, the Board may encourage a periodic assessment of children's needs within the community, which may include, but not be limited to, needs based on poverty, child abuse and neglect, poor physical or mental health, substance abuse, violence, homelessness, placement in foster care, or lack of access to child care. The needs assessment may also examine the extent to which those needs are being met through existing services in the district and in the community, the costs of providing those services, and any gaps, delay, or duplication of services.

The Board shall approve the services to be offered by the district, the resources that will be allocated to support collaboration, any use of school facilities for services, and any development or joint use of facilities with other jurisdictions. All agreements with other agencies to coordinate services or share resources shall be in writing. The Board may establish joint powers agreements or memorandums of understanding, when feasible, to formalize the responsibilities and liabilities of all parties in a collaborative activity.

(cf. 1330 - Use of School Facilities)

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

(cf. 1330.1 - Joint Use Agreements)

(cf. 3100 - Budget)

**Community Relations** (continued)

The Superintendent or designee ~~may~~ shall designate a contact person at work with interagency partners to explore funding opportunities available through each high school for the Secretary of State ~~to contact in~~ agency, state and national grant programs, and/or private foundations for youth service coordination and delivery.

~~In order to facilitate the distribution of voter registration forms to eligible students. The Superintendent or designee~~ service delivery or determination of eligibility for services, the district may share information with other appropriate agencies as long as the parent/guardian consents and the information is shared in accordance with laws pertaining to confidentiality and privacy.

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5125 - Student Records)

The Board shall receive regular reports of progress toward the identified goals of the collaborative effort. The reports may include, but not be limited to, feedback from staff and families regarding service delivery, numbers of children and families served, specific indicators of conditions of children, and indicators of system efficiency and cost effectiveness.

(cf. 0500 - Accountability)

~~The Board may~~ shall provide the address, phone number, and email address of each contact person to the Secretary of State. (Elections Code 2148) communicate with the community about the district's collaborative efforts and the conditions of children within the schools. The Board may advocate for local, state, and national policies, programs, and initiatives designed to improve the conditions of children and youth.

~~To encourage students to participate in the elections process when they are eligible, the Superintendent or designee shall determine the most effective means of distributing the voter registration forms provided by the Secretary of State including, but not limited to, distributing the forms at the start of the school year, with orientation materials, at central locations, and/or with graduation materials.~~

(cf. 1100 - Communication with the Public)

(cf. 1160 - Political Processes)

(cf. 9000 - Role of the Board)

(cf. 9322 - Agenda/Meeting Materials)

~~(cf. 6142.3 - Civic Education)~~

(Legal reference continued on the next page)

## Community Relations (continued)

### Legal Reference:

#### EDUCATION CODE

8800-8807 Healthy Start support services for children

~~10900-10914.5 –Cooperative community recreation programs~~

~~12400 –Authority to receive and expend federal funds~~

~~12405 –Authority to participate in federal programs~~

~~17050 –Joint use~~49073 Privacy of library facilities

~~17051 –Joint use of park and recreational facilities~~

~~32001 –Fire alarms and drills~~

~~32288 –Notice of safety plan~~

~~35160 –Authority of Board of Educations~~

~~35160.1 –Broad authority of school districts~~

~~48902 –Notification of law enforcement agencies~~

~~48909 –District attorney may give notice student drug use, sale or possession~~records

~~49305 –Cooperation of police and California Highway Patrol~~

~~49402 –Contracts with city, county or~~49075 Parent/guardian permission for release of student records

49557.2 Sharing of information for MediCal eligibility

#### HEALTH AND SAFETY CODE

120440 Immunization records; release to local health departments

~~49403 –Cooperation in control of communicable disease and immunization~~

~~51202 –Instruction in personal and public health and safety~~

#### ~~ELECTIONS CODE~~

~~2145-2148 –Distribution of voter registration forms~~

~~12283 –Polling places: schools~~

130100-130155 Early childhood development; First 5 Commission

#### WELFARE AND INSTITUTIONS CODE

~~828 –Disclosure~~5850-5883 Mental Health Services Act

18961.5 Computerized database; families at risk for child abuse; sharing of information-  
~~minors by law enforcement agency~~

~~828.1 –School district police department; disclosure of juvenile criminal records~~

18980-18983.8 Child Abuse Prevention Coordinating Council

18986-18986.30 Interagency Children's Services Act

18986.40-18986.46 Multidisciplinary services teams

18986.50-18986.53 Integrated day care program

18987.6-18987.62 Family-based services

### Management Resources:

#### CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

Healthy Children, Healthy Communities: An Action Guide for California Communities, 2006

Stretching Community Dollars: Cities, Counties and School Districts Building for the Future, 2006

#### YOUTH LAW CENTER PUBLICATIONS

Model Form for Consent to Exchange Confidential Information among the Members of an

**Community Relations** (continued)

Interagency Collaborative, 1995

WEB SITES

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

California Secretary ~~Department~~ of State ~~Education, Learning Support~~:

<http://www.sscede.ca.gov/ls>

California ~~Voter Foundation~~ ~~Department of Public Health~~: <http://www.ealvoter.cdph.ca.gov>

California Department of Social Services: <http://www.dss.cahwnet.gov>

California State Association of Counties: <http://www.csac.counties.org>

Children Now: <http://www.childrennow.org>

Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

First 5 California: <http://www.cfcf.ca.gov>

League of California Cities: <http://www.cacities.org>

Youth Law Center: <http://www.ylc.org>

**Administration**

The Governing Board of Education desires to be proactive in communicating its philosophy, priorities, and expectations for the district; clarifying the roles and responsibilities of the Board, Superintendent, and other senior administrators; and setting direction for the district through written policies. However, the Board recognizes that, in the course of operating district schools or implementing district programs, situations may arise which may not be addressed in written policies. In such situations, or when immediate action is necessary to avoid any risk to the safety or security of students, staff, or district property or to prevent disruption of school operations, the Superintendent or designee shall have the authority to act on behalf of the district in a manner that is consistent with law and Board policies.

- (cf. 0000 - Vision)
- (cf. 0100 - Philosophy)
- (cf. 0200 - Goals for the School District)
- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 0460 - Local Control and Accountability Plan)
- (cf. 2110 - Superintendent Responsibilities and Duties)
- (cf. 2121 - Superintendent's Contract)
- (cf. 3516.5 - Emergency Schedules)
- (cf. 9000 - Role of the Board)
- (cf. 9310 - Board Policies)

~~In any situation in which immediate action is needed to avoid any risk to the safety or security of district students, staff, or property or disruption to student learning, the Superintendent or designee shall have the authority to act on behalf of the district.~~

~~The Superintendent or designee may suspend all or part of any policy, bylaw, or administrative regulation when it conflicts with state or federal law or regulations. The Superintendent shall report the suspension to the Board. Suspensions shall be valid until the bylaw or administrative regulation is rescinded, amended, or reaffirmed.~~

As necessary, the Superintendent or designee may~~shall~~ consult with other district staff, including ~~the~~ legal counsel and/or the chief business official, regarding the exercise of this authority.

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3516.5 - Emergency Schedules)

Any exercise of administrative authority shall be nondiscriminatory and demonstrate the district's commitment to equity in district programs and activities.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 0415 - Equity)

The Superintendent shall be accountable to the Board for all areas of operation under his/her authority. As appropriate, the Superintendent or designee shall notify the Board as soon as



**Administration** (continued)

practicable after he/she exercises ~~this~~<sup>the</sup> authority— granted under this policy. The Board president and the Superintendent shall schedule a review of the action at the next regular Board meeting. If the action indicates the need for additions or revisions to Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Legal Reference:

EDUCATION CODE

35010 Control of district, prescription and enforcement of rules

35035 Powers and duties of superintendent

35160 Authority of ~~Board of Education~~<sup>governing boards</sup>

35161 Powers and duties; authority to delegate

35163 Official actions, minutes and journal

Management Resources:

~~CSBA PUBLICATIONS~~

~~Impact of Local Control Funding Formula on Board Policies, Policy Brief, November 2013~~

WEB SITES

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

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

Policy

adopted: March 21, 2018

revised: September 26, 2018

CARMEL UNIFIED SCHOOL DISTRICT

Carmel, California

**Business and Noninstructional Operations**

The Governing Board of Education believes that field trips and other travel opportunities for students are a valuable tool in supporting classroom instruction and promoting enrich students' awareness of learning about places, cultures, and events. ~~In contracting~~ The district may contract with organizations to provide a qualified person, partnership, corporation, or other entity for educational travel services. Any such contract shall be submitted to the Board desires to ensure a quality educational experience for approval and the health, safety and welfare of each student traveler. /or ratification

The Superintendent or designee shall ~~contract only with educational travel organizations which adhere to state law and exhibit safe and reputable business practices.~~

- (cf. 3312 - Contracts)
- (cf. 3541.1 - Transportation for School-Related Trips)
- (cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall establish procedures for selecting the highest quality vendor, taking into account safeguards for student safety, quality of the educational program, and fiscal integrity.

The Superintendent or designee shall ensure that each contract is in writing and includes all of the following: (Business and Professions Code 17554)

1. The travel organization's name, trade or business name, business address, business telephone number, and a 24-hour emergency contact telephone number, pager, voice mail, or other method of 24-hour communication
2. A detailed description of:
  - a. Services to be provided as part of the program
  - b. Agreed cost for the services
  - c. Whether or not the educational travel organization maintains insurance that supplies coverage in the event of injury to any student traveler, including the type and amount of coverage, the policy number and issuer, and the name, address, and telephone number of the person or organization able to verify coverage
  - d. Any additional costs to students
  - e. Any experience and/or training requirements to be met by the educational travel organization's staff who will accompany students on the educational travel program
3. The educational program being contracted for, including a copy of all materials to be provided to students

**Business and Noninstructional Operations**

4. The number of times the educational travel program or a substantially similar educational travel program has been conducted by the organization and the number of students who completed the program

5. The length of time the organization has either been arranging or conducting educational travel programs, and, at the option of the organization, other travel services with substantially similar components

6. The name of each owner, officer, general partner, or sole proprietor of the organization

7. Whether any owner or principal of the organization has had any judgment entered against him/her, made a plea of nolo contendere, or been convicted of any criminal violation in connection with the sale of any travel services for a period of 10 years predating the contract

Legal Reference:

EDUCATION CODE

35160 Authority of boards

35160.1 Broad authority of school districts

BUSINESS AND PROFESSIONS CODE

17540 Travel promoters

~~17550-17550.9~~ Sellers Definition of travel services

17552-17556.5 Educational travel organizations

Policy

adopted: March 21, 2018

review: September 26, 2018

CARMEL UNIFIED SCHOOL DISTRICT

Carmel, California

## Claims And Actions Against The District

BP 3320 (a)

### Business and Noninstructional Operations

The Governing Board of Education desires to ensure that the district's conduct district operations are conducted in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public. –Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with ~~law, Board policy, and administrative regulation~~ the Government Claims Act or other applicable state or district procedures, as well as the district's ~~Joint Powers Authority~~ joint powers authority (JPA) agreement or other insurance coverage.

(cf. 3530 - Risk Management/Insurance)

(cf. 5143 - Insurance)

Any claim for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or specifically excepted by Government Code 905 shall be presented and acted upon in accordance with district-established procedures consistent with the manner and time limitations specified in the ~~Government Claims Act~~ accompanying administrative regulation, unless a procedure for processing such claims is otherwise provided by state or federal law: or regulation. (Government Code 935)

Upon notice to the district of a claim, the Superintendent or designee shall take all necessary steps to protect the district's rights under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

In accordance with Government Code 935.4, the Board delegates to the Superintendent the authority to allow, compromise, or settle claims of \$50,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance coverage.

~~This policy applies retroactively to any existing causes of action and/or claims for money and/or damages.~~

#### Roster of Public Agencies

~~The Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. This information shall include~~ Within 10 days of any change in the name of the school district, the mailing address of the Board, and or the names and addresses of the Board ~~presiding officer~~ president, the Board clerk or secretary, and or other Board members of the Board. (Government Code 53051)

~~Any changes to such~~ Superintendent or designee shall file the updated information shall be ~~filed within 10 days after the change has occurred.~~ with the Secretary of State and the County Clerk. (Government Code 53051)

**Business and Noninstructional Operations** (continued)

Legal Reference:

EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

CODE OF CIVIL PROCEDURE

340.1 Damages suffered as result of childhood sexual abuse

GOVERNMENT CODE

800 Cost in civil actions

810-996.6 Claims and actions against public entities

6500-6536 Joint exercise of powers

53051 Information filed with secretary of state and county clerk

PENAL CODE

72 Fraudulent claims

COURT DECISIONS

[Big Oak Flat-Groveland Unified School District v. Superior Court of Tuolumne County, \(2018\) 21 Cal.App.5th 403](#)

City of Stockton v. Superior Court, (2007) 42 Cal. 4th 730

Connelly v. County of Fresno, (2006) 146 Cal.App.4th 29

CSEA v. South Orange Community College District, (2004) 123 Cal.App.4th 574

CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580

Management Resources:

WEB SITES

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

Policy

adopted: March 21, 2018

revised: September 26, 2018

CARMEL UNIFIED SCHOOL DISTRICT

Carmel, California

Business and Noninstructional Operations

The Governing Board recognizes that unmanned aircraft or aerial systems (drones) may be a useful tool to enhance the instructional program and assist with district operations. In order to avoid disruption and maintain the safety, security, and privacy of students, staff, and visitors, any person or entity desiring to use a drone on or over district property shall submit a written request for permission to the Superintendent or designee.

(cf. 1330 - Use of School Facilities)

(cf. 1330.1 - Joint Use Agreements)

(cf. 5142 - Safety)

A small unmanned aircraft system or drone is an aircraft weighing less than 55 pounds that is operated remotely without the possibility of direct human intervention from within or on the aircraft and the associated elements, including communication links and controls, required for the pilot to operate the aircraft safely and efficiently. It does not include model aircraft or rockets such as those which are radio controlled and used only for hobby or recreational purposes. (49 USC 40101 Note; 14 CFR 107.3)

The Superintendent or designee may grant permission to district employees and students for the use of drones only if the planned activity supports instructional, co-curricular, extracurricular, athletic, or operational purposes. Such uses may include, but are not limited to, instruction in science, technology, engineering, and math (STEM), the arts, or other subjects; maintenance of grounds and facilities; and campus security. When used for instructional purposes, there shall be a clear and articulable connection between drone technology and the course curriculum. Students shall only operate a drone on or over district property under the supervision of a district employee as part of an authorized activity.

The Superintendent or designee may grant permission to other persons or entities under terms and conditions to be specified in a memorandum of understanding.

Any person or entity requesting to operate a drone on or over district property, including a district employee, shall provide a description of the type of operation requested, flight location, date and time of the planned flight, anticipated duration, and whether photos and/or video will be taken. As applicable, the applicant shall also present a copy of his/her Certificate of Waiver or Authorization or exemption issued by the Federal Aviation Administration.

Any person or entity, other than a district employee or student, who is requesting or operating a drone on or over district property shall agree to hold the district harmless from any claims of harm to individuals or property resulting from the operation of the drone and provide proof of adequate liability insurance covering such use.

(cf. 3530 - Risk Management/Insurance)

In determining whether to grant permission for the requested use of a drone, the Superintendent or designee shall consider the intended purpose of the activity and its potential

**Business and Noninstructional Operations (continued)**

impact on safety, security, and privacy. The decision of the Superintendent or designee shall be final.

Any person authorized to use a drone on district property shall sign an acknowledgment that he/she understands and will comply with the terms and conditions of the district's policy, federal law and regulations, state law, and any local ordinances related to the use of drones.

When any use of drones is authorized, the Superintendent or designee shall notify the drone operator of the following conditions:

1. The operator is responsible for complying with applicable federal, state, and/or local laws and regulations, including federal safety regulations pursuant to 14 CFR 107.15-107.51 which include, but are not limited to, requirements that the drone not be flown at night, above 400 feet in altitude, or over any people unless they are in a covered structure or stationary vehicle. The operator shall maintain the visual line of sight with the drone at all times.
2. The drone shall be kept away from any area reasonably considered private, including, but not limited to, restrooms, locker rooms, and individual homes.
3. The district reserves the right to rescind the authorization for use of drones at any time.

The Superintendent or designee may remove any person engaged in unauthorized drone use on district property and/or may confiscate the drone. He/she may also shut down the operation of any authorized drone use whenever the operator fails to comply with the terms of the authorization or the use interferes with district activity, creates electronic interference, or poses unacceptable risks to individuals or property.

(cf. 3515.2 - Disruptions)

Any student or staff member violating this policy shall be subject to disciplinary action in accordance with district policies and procedures.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

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

(legal reference next page)

**Business and Noninstructional Operations (continued)**

Legal Reference:

UNITED STATES CODE, TITLE 49

40101 Note Unmanned aircraft systems

CODE OF FEDERAL REGULATIONS, TITLE 14

107.1-107.205 Small unmanned aircraft systems, especially:

107.12 Requirement for a remote pilot certificate with a small UAS rating

107.15-107.51 Operating rules; safety

107.53-107.79 Remote pilot certification

Management Resources:

FEDERAL AVIATION ADMINISTRATION PUBLICATIONS

Educational Use of Unmanned Aircraft Systems (UAS), Memorandum, May 4, 2016

WEB SITES

Federal Aviation Administration: <http://www.faa.gov/uas>



## Bargaining Units

BP 4140 4240,4340 (a)

### Personnel

The Governing Board of Education recognizes the right of district employees to form a bargaining unit, select an employee organization as their exclusive representative, and be represented by that organization in their employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

(cf. 4141/4241 - Collective Bargaining Agreement)  
(cf. 4143/4243 - Negotiations/Consultation)  
(cf. 9000 - Role of the Board)

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

~~The district shall not deter or discourage employees from becoming or remaining members of an employee organization,~~ impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

### Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

The district may recognize a bargaining unit of supervisory employees if: (Government Code 3545)

1. The bargaining unit includes all supervisory employees.
2. The supervisors are not represented by the same organization that represents employees whom the supervisory employees supervise.

(cf. 4300 - Administrative and Supervisory Personnel)  
(cf. 4301 - Administrative Staff Organization)  
(cf. 4312.1 - Contracts)

For this purpose, supervisory employee means any employee, regardless of job description, having the authority, in the interest of the district, to hire, transfer, suspend, ~~lay off~~ lay off, recall, promote, discharge, assign, reward, discipline, assign work, direct, adjust grievance of other employees, or effectively recommend that action. The exercise of this authority shall not be merely routine or clerical in nature, but shall require the use of independent judgment.

**Personnel** (continued)

(Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. Such employees may represent themselves individually or may be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. When represented by an employee organization, that organization shall not meet and negotiate with the district. For this purpose: (Government Code 3540.1, 3543.4)

1. Management employee means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board.
2. Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' right to join or support an employee organization or to refrain from joining or supporting an employee organization, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication provided that, at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

**Personnel** (continued)

Access to Employee Orientations and Contact Information

The district shall permit employee organizations access to new employee orientations where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation. However, in any specific instance where an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice, a shorter notice may be provided. (Government Code 3555.5, 3556)

The structure, time, and manner of the access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative, following a request to negotiate by either party. If the district and exclusive representative fail to reach an agreement, matters related to the access to new employee orientation shall be subject to compulsory interest arbitration. -The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. -In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of the orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire. In addition, the Superintendent or designee shall provide the same information on in regard to all employees in the bargaining unit to an exclusive representative at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

However, the Superintendent or designee shall not disclose the home address and any phone numbers on file for employees performing law enforcement-related functions, nor shall he/she disclose the home address, home or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 or any employee who provides written request that the information not be disclosed for this purpose. Following receipt of a written request, the district shall remove the employee's home address, home and personal cell phone numbers, and personal email address from any mailing list maintained by the district unless

**Personnel** (continued)

the list is only used by the district to contact the employee. (Government Code 3558, 6207, 6254.3)

(cf. 1340 - Access to District Records)

Payment of Membership Dues or ~~Service Fee~~ Other Payments to an Employee Organization

~~Upon~~ When drawing an order for the ~~written request~~ salary or wage payment of a recognized bargaining unit employee of an employee organization, the Superintendent or ~~designee~~ district shall deduct ~~the any~~ amount of organization which has been requested by the employee in a revocable written authorization for the purpose of paying dues or ~~the fair share~~ other payments for any service fee, determined in accordance with Government Code 3546, from the wages and salary of each employee represented by that employee organization and shall pay that amount to the program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168; ~~Government Code 3546~~)

~~Any employee who is a member of a religious body whose traditional tenets or teachings include objections to joining or financially supporting employee organizations shall not be required to join, maintain membership in, or financially support any employee organization as a condition of employment. However, such an employee may be required to pay an amount equal to the service fee to a designated charitable fund. (Government Code 3546.3)~~

~~Each employee organization shall, within 60 days after the end of its fiscal year, provide the Board and the employees who are members of the organization with a detailed financial report consisting of a balance sheet and an operating statement. If the employee organization fails to provide the financial report, the Board may issue an order compelling the organization to provide the financial report or any employee within the organization may petition the Board for such an order. (Government Code 3546.5)~~

~~(cf. 3460 – Financial Reports and Accountability)~~

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions.

**Personnel** (continued)

(Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

Legal Reference:

EDUCATION CODE

45060-45061.5 Deduction of fees from salary or wage payment, certificated employees

45100.5 Senior management positions

45104.5 Abolishment of senior classified management positions

45108.5 Definition of senior classified management employees

45108.7 Waiver of provisions of 45108.5

45168 Deduction of fees from salary or wage payment, classified employees

45220-45320 Merit system, classified employees

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act, especially:

3540.1 Definitions

3543.4 Management position; representation

3545 Appropriateness of unit; basis

3550-3552 Prohibition on public employers deterring or discouraging union membership

3555-3559 Public employee communication, information and orientation

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

6254.3 Disclosure of employee contact information to employee organization

6503.5 Joint powers agencies

53260-53264 Employment contracts

CODE OF REGULATIONS, TITLE 8

33015-33490 Recognition of exclusive representative; proceedings

33700-33710 Severance of established unit

34020 Petition to rescind organizational security arrangement

34055 Reinstatement of organizational security arrangement

COURT DECISIONS

Janus v. American Federation of State, County and Municipal Employees, Council 31, (~~7th~~ Cir. 2017) 851 F.3d 746, cert granted Sept. 28, 2017, No. 16-1466 (2018) 138 S.Ct. 2448

Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083

**Personnel** (continued)

County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905

~~Aboud v. Detroit Board of Education, (1977) 431 U.S. 209~~

Management Resources:

WEB SITES

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

Association of California School Administrators: -<http://www.acsa.org>

California Federation of Teachers: -<http://www.cft.org>

California School Employees Association: -<http://www.csea.com>

California Teachers Association: -<http://www.cta.org>

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

**Students**

The Board of Education encourages the enrollment and appropriate placement of all school-aged children in school.

The Superintendent or designee shall inform parents/guardians of students entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall verify the student's age, residency, and any other admission criteria specified in law and in Board policies and administrative regulations.

The office of the ~~Chief Student Services Officer~~ Chief Technology Officer is authorized to investigate any cases where there is reason to believe that false information has been provided to the district with respect to residency or where there is reason to believe that the information provided is no longer current. The ~~Chief Student Services Officer~~ Chief Technology Officer or designee may initiate such an investigation when he or she is able to identify specific, articulable facts supporting the belief that the student's parent or legal guardian has provided the district with false or unreliable evidence of residency, or supporting the belief that the information provided is no longer current. (Education Code section 48204.2.)

The investigation methods that the district may use to conduct the investigation into the residency of the student, at the discretion of the ~~Chief Student Services Officer~~ Chief Technology Officer or designee, may include but are not limited to: telephone calls to home, unannounced home visitations, review of social media, verification of employment, search and review of public records, searches of LexisNexis and other electronic databases, and the use of licensed private investigators. Before hiring a private investigator, the district will first make reasonable efforts to determine whether the student resides in the district.

The following requirements apply to a district investigation into the residency of a student:

1. The private investigator or district employee may not surreptitiously photograph or video-record students who are being investigated. "Surreptitious photographing or video-recording" means the covert collection of photographic or videographic images of persons or places subject to an investigation. The collection of images is not covert if the technology is used in open and public view.
2. Employees or contractors of the district engaged in student residency investigations (including private investigators) must identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation.

**Revocation of Enrollment and Appeal Process**

If the ~~Chief Student Services Officer~~ Chief Technology Officer or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, he/she shall deny or revoke the student's enrollment.

**Students (continued)**

Before any such denial or revocation is final, the parent/guardian shall be sent written notice of the facts leading to the decision and the basis for the ~~Chief Student Services Officer~~ Chief Technology Officer or designee's determination. This notice also shall inform the parent/guardian that he/she may provide new material evidence of residency, in writing, to the ~~Chief Student Services Officer~~ Chief Technology Officer or designee within 10 school days or may seek an appeal to the Superintendent within 10 school days as set forth below.

If the parent/legal guardian timely provides new material evidence of residency to the ~~Chief Student Services Officer~~ Chief Technology Officer or designee, the ~~Chief Student Services Officer~~ Chief Technology Officer or designee shall review the new evidence and make a decision within 10 school days upon receipt of the new evidence. The ~~Chief Student Services Officer~~ Chief Technology Officer or designee shall provide the parent/guardian with written notice of his or her decision and, if the ~~Chief Student Services Officer~~ Chief Technology Officer or designee determines that the student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, the ~~Chief Student Services Officer~~ Chief Technology Officer or designee shall provide the parent/guardian with notice of his or her right to appeal to the Superintendent within five days after receipt of the decision.

If the parent/guardian timely seeks an appeal to the Superintendent, the burden shall be on the parent/guardian to show why the ~~Chief Student Services Officer~~ Chief Technology Officer or designee's decision should be overruled. The Superintendent's decision regarding the appeal shall be provided in writing to the parent/guardian and shall specify the basis for his or her determination. The Superintendent's decision shall be final.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 5111.1 - District Residency)
- (cf. 5111.12 - Residency Based on Parent/Guardian Employment)
- (cf. 5119 - Students Expelled from Other Districts)
- (cf. 5125 - Student Records)
- (cf. 5141.3 - Health Examinations)
- (cf. 5141.31 - Immunizations)
- (cf. 5141.32 - Health Screening for School Entry)
- (cf. 6173 - Education for Homeless Children)
- (cf. 6173.1 - Education for Foster Youth)
- (cf. 6173.2 - Education of Children of Military Families)

All resident students who are enrolling either in the school in their attendance area or in another district school shall be subject to the timelines established by the Board in BP/AR 5116.1 - Intradistrict Open Enrollment. Nonresident students may apply for interdistrict attendance in accordance with the timelines specified in applicable Board policies and administrative regulations.

- (cf. 5116.1 - Intradistrict Open Enrollment)
- (cf. 5117 - Interdistrict Attendance)
- (cf. 5118 - Open Enrollment Act Transfers)



**Students (continued)**

The Superintendent or designee may admit to the ninth grade only those students who have graduated from eighth grade or who are recommended in writing by their eighth-grade principal as capable of profiting from high school instruction.

(cf. 5123 - Promotion/Acceleration/Retention)

Legal Reference:

EDUCATION CODE

46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten

46600 Agreements for admission of students desiring interdistrict attendance

48000 Minimum age of admission (kindergarten)

48002 Evidence of minimum age required to enter kindergarten or first grade

48010 Minimum age of admission (first grade)

48011 Admission from kindergarten or other school; minimum age

48050-48053 Nonresidents

48200 Children between ages of 6 and 18 years (compulsory full-time education)

48204.2 Student residency investigations

48350-48361 Open Enrollment Act

48850-48859 Educational placement of foster youth

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49700-49704 Education of children of military families

HEALTH AND SAFETY CODE

120325-120380 Education and child care facility immunization requirements

121475-121520 Tuberculosis tests for students

CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade

201 Admission to high school

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 42

11431-11435 McKinney Homeless Assistance Act

Management Resources:

CSBA PUBLICATIONS

Transitional Kindergarten, Issue Brief, July 2011

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

Dear Colleague Letter, May 6, 2011

WEB SITES

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

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

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

<http://www2.ed.gov/about/offices/list/ocr>

**Students (continued)**

Policy  
adopted: November 27, 2006  
revised: February 29, 2012  
revised: November 9, 2015  
revised: March 21, 2018  
revised: September 26, 2018

CARMEL UNIFIED SCHOOL DISTRICT  
Carmel, California

**Students**

~~The Board of Education establishes a closed campus at all district schools, however, juniors and seniors at Carmel High School who meet eligibility requirements and have parent permission may use passes to leave campus during the lunch period. The Board views this program as a way to improve and reward student academic achievement and attendance. Eligibility requirements are based upon academic performance, behavior, and attendance standards. The academic standards shall be consistent with those standards established for eligibility to represent Carmel High School in extracurricular and cocurricular activities (see BP 6145). The open campus privilege may be revoked for juniors and seniors who do not meet the eligibility standards.~~

In order to give students an opportunity to demonstrate responsibility, independent judgment, and positive citizenship, the Governing Board establishes an open campus at all district high schools in which students shall have the privilege of leaving campus during lunch.

The principal or designee shall ensure that students granted this privilege meet any eligibility requirements established by the district.

The district shall send written notification to parents/guardians about the open campus policy at the beginning of the school year along with the parental notification required by Education Code 48980. Such notification shall include the language prescribed by Education Code 44808.5.

(cf. 5145.6 - Parental Notifications)

~~Students shall not leave the school grounds at any other time during the school day without written~~ express permission of school authorities. Students who leave school without authorization shall be considered to have an unexcused absence and be subject to disciplinary action.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.11 - Attendance Supervision)

(cf. 5113.12 - District School Attendance Review Board)

The principal or designee may revoke the open campus privilege for individual students for disciplinary reasons.

(cf. 5144 - Discipline)

**Students** (continued)

Students shall not leave school grounds at any time during the school day without express permission of ~~their parents/guardians and~~ school authorities. Students who leave school ~~or who fail to return following lunch~~ without authorization shall be ~~classified truant~~ and considered to have an unexcused absence and be subject to disciplinary action.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.11 - Attendance Supervision)

(cf. 5113.12 - District School Attendance Review Board)

Student handbooks shall fully explain all rules and disciplinary procedures involved in the maintenance of the closed campus ~~and the exception for juniors and seniors at Carmel High School.~~

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE

35160 Authority of the ~~Board~~board

35160.1 Broad authority of school district

44808.5 Permission for ~~pupils~~students to leave school grounds; notice

48980 Annual notification to parents/guardians

Policy

adopted: November 27, 2006

revised: March 21, 2018

revised: September 26, 2018

CARMEL UNIFIED SCHOOL DISTRICT  
Carmel, California

**Instruction**

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

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

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

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

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

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

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6171 - Title I Programs)

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

(cf. 4112.22 - Staff Teaching English Learners)

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

**Instruction** (continued)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

Identification and Assessment

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

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

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR ~~853.5 and 853.7~~854.1-854.3. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR ~~853.5, 853.7~~854.1-854.3)

(cf. ~~6152~~6162.51 - State Academic Achievement Tests)

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

(cf. 6162.5 - Student Assessment)

Language Acquisition Programs

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

~~Language acquisition programs are educational~~ programs that are designed to ensure English

**Instruction** (continued)

acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. ~~The language acquisition programs provided to students shall be informed by research and shall lead to grade-level proficiency and academic achievement in both English and another language. (Education Code 306~~ (Education Code 306; 5 CCR 11300)

~~The~~ At a minimum, the district shall offer ~~English learners~~ a structured English immersion program ~~to ensure that English learners have access to the core academic content standards, including the~~ which includes designated and integrated English language development standards, ~~and become proficient in English.~~ In the structured

English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. ~~(Education Code 305-306)~~ 5 CCR 11309)

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

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

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

(cf. 6142.2 - World/Foreign Language Instruction)

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

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

(cf. 6151 - Class Size)

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

**Instruction** (continued)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program—

(Education Code 310, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

(cf. 5145.6 - Parental Notifications)

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

**Reclassification**

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

**Program Evaluation**

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

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas

5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309

6. Progress toward any other goals for English learners identified in the district's LCAP



**Instruction** (continued)

67. A comparison of current data with data from at least the previous year in regard to items #1-6 above

8. A comparison of data between the different language acquisition programs offered by the district

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

## Legal Reference:

## EDUCATION CODE

300-340 English language education, especially:

305-310 Language acquisition programs

313-313.5 Assessment of English proficiency

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33050 State Board of Education waiver authority

42238.02-42238.03 Local control funding formula

44253.1-44253.11 Qualifications for teaching English learners

48980 Parental notifications

48985 Notices to parents in language other than English

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

~~52130-52135 Impacted Languages Act of 1984~~

52160-52178 Bilingual Bicultural Act

56305 CDE manual on English learners with disabilities

60603 Definition, recently arrived English learner

~~60605.87 Supplemental instructional materials, English language development~~

60640 California Assessment of Student Performance and Progress

60810-60812 Assessment of language development

~~62005~~ 62002.5 Continuation of advisory committee after program sunsets

## CODE OF REGULATIONS, TITLE 5

~~853.5-853.7 Test administration;~~ 854.1-854.3 CAASPP and universal tools, designated supports, and accommodations

854.9 CASSPP and unlisted resources for students with disabilities

11300-11316 English learner education

11510-11517.5 California English Language Development Test

11517.6-11519.5 English Language Proficiency Assessments for California

## UNITED STATES CODE, TITLE 20

1412 Individuals with Disabilities Education Act; state eligibility

1701-1705 Equal Educational Opportunities Act

6311 Title I state plan

6312 Title I local education agency plans

**Instruction** (continued)

6801-7014 Title III, language instruction for English learners and immigrant students

7801 Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Discrimination prohibited

200.16 Assessment of English learners

COURT DECISIONS

Valeria ~~GO~~ v. ~~Wilson~~ Davis, (2002) 307 F.3d 1036

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

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196

Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 40 (2000)

Management Resources:

CSBA PUBLICATIONS

English Learners in Focus: [The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018](#)

[English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017](#)

[English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016](#)

English Learners in Focus, Issue 3: [Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016](#)

English Learners in Focus, Issue 2: [The Promise of Two-Way Immersion Programs, Governance Brief, September 2014](#)

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

[California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018](#)

[Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017](#)

[Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017](#)

Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015

~~Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014~~

~~English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014~~

Common Core State Standards for Mathematics, rev. 2013

Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, ~~2013~~ [rev. March 2015](#)

[English Language Arts/English Language Development Standards Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014](#)

Common Core State Standards for Mathematics, rev. 2013

[English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012](#)

**Instruction** (continued)

~~Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments~~

THE EDUCATION TRUST- WEST PUBLICATIONS

Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018

Unlocking Learning: Science as a Lever for English Learner Equity, January 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017

Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017

English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016

English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015

~~Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007~~

WEB SITES

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

California Association for Bilingual Education: <http://www.gocabe.org>

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

National Clearinghouse for English Language Acquisition: <http://www.ncela.us>

The Education Trust-West: <http://west.edtrust.org>

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

Policy  
adopted: March 21, 2018  
revised: September 26, 2018

CARMEL UNIFIED SCHOOL DISTRICT  
Carmel, California

**Board Bylaws**

The ~~Governing Board of Education~~ Governing Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

(cf. 9005 - Governance Standards)

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time

**Board Bylaws (continued)**

between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

**Conflict of Interest under the Political Reform Act**

A Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Board member, designated employee, or other person in a designated position, his/her immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A Board member, designated employee, or other person in a designated position makes a governmental decision when he/she, acting within the authority of his/her office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

**Additional Requirements for Boards that Manage Public Investments**

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

———However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is

**Board Bylaws (continued)**

concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

**Conflict of Interest under Government Code 1090 - Financial Interest in a Contract**

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which he/she has only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which his/her interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of his/her official duties, in the employment of his/her spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

**Common Law Doctrine Against Conflict of Interest**

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

**Incompatible Offices and Activities**

Board members shall not engage in any employment or activity or hold any office which is

**Board Bylaws (continued)**

inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

**Gifts**

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1.——\_The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.

2.——\_The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

**Honoraria**

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or

**Board Bylaws (continued)**

profession is making speeches

2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

## Legal Reference:

## EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of ~~Board of Education~~ governing boards

41000-41003 Moneys received by school districts

41015 Investments

## FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

## GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition, designated employee

82028 Definition, gift

82030 Definition, income

82033 Definition, interest in real property

82034 Definition, investment

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

89506 Ethics; travel

91000-91014 Enforcement

## PENAL CODE

85-88 Bribes

## REVENUE AND TAXATION CODE

203 Taxable and exempt property - colleges

## CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18700-18707 General prohibitions

18722-18740 Disclosure of interests

18753-18756 Conflict of interest codes

## COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469



**Board Bylaws (continued)**

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

**ATTORNEY GENERAL OPINIONS**

92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)

89 Ops.Cal.Atty.Gen. 217 (2006)

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

63 Ops.Cal.Atty.Gen. 868 (1980)

**Management Resources:**

**CSBA PUBLICATIONS**

Conflict of Interest: Overview of Key Issues for Governing Board of Education Members, Fact Sheet, July 2010

**FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS**

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

**INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS**

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

**WEB SITES**

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

Bylaw

adopted: March 21, 2018

revised: September 26, 2018

CARMEL UNIFIED SCHOOL DISTRICT

Carmel, California

**Conflict Of Interest**

E 9270 (a)

**Board Bylaws**

RESOLUTION ADOPTING A  
CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Board of Education of the Carmel Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Carmel Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Carmel Unified School District Board of Education adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at a meeting, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary/President

**Board Bylaws (continued)**

Conflict of Interest Code of the  
Carmel Unified School District

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Board of Education members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The members of the Board of Education, and designated employees and the ~~Superintendent~~ shall file their Statements of Economic Interests with the Clerk of the Board's Office of the Monterey County Board of Supervisors electronically. ~~All other designated positions listed shall file their Statements of Economic Interests with the filing officer for Carmel Unified School District.~~ The district's filing officer shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

1. Category 1: A person designated Category 1 shall disclose:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
  - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.
2. Category 2: A person designated Category 2 shall disclose:
  - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
  - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

**Board Bylaws (continued)**

3. Full Disclosure: Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:

a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.

b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

**Designated Positions****Designated Position Disclosure Category**

Board of Education Members	1
Superintendent of Schools	1
<del>Assistant/Associate Superintendent</del>	<del>1</del>
Purchasing Agent	1
Directors	2
Principals	2
<u>Supervisors</u>	<u>2</u>
<u>Assistant Principals</u>	<u>2</u>
Chief Academic Officer	1
Chief Business Official	1
Chief Human Resources Officer	1
<del>Chief Student Services Officer</del>	<del>1</del>
Chief Technology Officer	1
<del>Food Services Supervisor</del>	<del>1</del>
<del>Director of Facilities and Transportation</del>	<del>1</del>
<del>Purchasing Agent</del>	<del>1</del>
<u>Legal Council</u>	<u>1</u>
<u>Assistant to the Superintendent</u>	<u>2</u>

**Disclosures for Consultants**

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18700.3)

**Board Bylaws** (continued)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, subsections (a) and (b), or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18700.3)

**Board Bylaws**

The Governing Board of Education shall adopt written policies to convey its expectations for actions that will be taken in the district, clarify roles and responsibilities of the Board and Superintendent, and communicate Board philosophy and positions to ~~the~~ students, staff, parents/guardians, and the community.

(cf. 9000 - Role of the Board)

The Board shall ensure that district policies align with the district's vision and goals, promote student learning and achievement, provide for consistent and fair treatment of students and staff, and proactively address equity and the provision of equal access to opportunities for all students.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0415 - Equity)

(cf. 0460 - Local Control and Accountability Plan)

The Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements.

No Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

(cf. 2210 - Administrative Discretion Regarding Board Policy)

~~(cf. 0000 - Vision)~~

(cf. 0100 - Philosophy)

(cf. 9000 - Role of the Board)

The Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law.—Policies shall be regularly reviewed at a time allocated for this purpose on the agenda of public Board meetings.

(cf. 9320 - Meetings and Notices)

(cf. ~~9322 - Agendas/Meeting Materials~~)9322 - Agenda/Meeting Materials)

The Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or district circumstances.

**Board Bylaws (continued)**

(cf. 5116.1 - Intradistrict Open Enrollment)  
(cf. 6145 - Extracurricular and Cocurricular Activities)

Policy Development and Adoption Process

The district's policy development process shall include the following basic steps:

1. The Board and/or Superintendent or designee shall identify the need for a new policy or revision of an existing policy. ~~The need may arise from a change in law, a new district vision or statement, new goals in the local control and accountability plan, educational research or trends, or a change in the superintendency or Board membership. The need may also occur as a result of an incident that has arisen in the district, or a recommendation or request from staff, a parent/guardian, or other interested persons~~ person.

2. As needed, the Superintendent or designee shall gather fiscal ~~and other~~ data, staff and public input, related district policies, sample policies from the California School Boards Association or other organizations or agencies, and other useful information and data to fully inform the Board about ~~the~~ a particular issue.

(cf. 1220 - Citizen Advisory Committees)

3. The Board may hold discussions during a public Board meeting and/or Board Policy Committee to gain an understanding of the issue and provide initial direction to the Superintendent or designee. The discussion may include, but not be limited to, ~~how the proposed policy may affect student learning, community expectations, staff recommendations, fiscal and the expected impact, as well as of the policy's impact~~ policy on student learning and well-being, equity, governance, and the district's fiscal resources and operational efficiency.

4. The Board or Superintendent may request that legal counsel review the draft policy as appropriate.

5. The Superintendent or designee shall develop and present a draft policy for a first reading at a public Board meeting. At its second reading, the Board may take action on the proposed policy. ~~The Board may waive the second reading or may require an additional reading if necessary.~~

(cf. 9323 - Meeting Conduct)

Only policies formally adopted by a majority vote of the Board shall constitute official Board policy.

(cf. 9322 - Agenda/Meeting Materials)  
(cf. 9323.2 - Actions by the Board)

**Board Bylaws (continued)**

The district's policy development process may be revised or expanded as needed based on the issue being considered, the need for more information, or the desire to provide greater opportunities for consultation and public input.

Policies shall become effective upon Board adoption or at a future date if so designated by the Board at the time of adoption.

**Board Bylaws**

The Board shall prescribe and enforce rules for its own ~~government~~ governance consistent with state law and regulations. (Education Code 35010)

Bylaws governing Board of Education operations may be developed, adopted, and amended following the same procedures as those used for the adoption or amendment of Board policy.

**Administrative Regulations**

The Superintendent or designee shall be responsible for developing and enforcing administrative regulations for the operation of the district. Administrative regulations shall be consistent with law and Board policy and shall be designed to promote the achievement of district goals and objectives. Administrative regulations may describe specific actions to be taken, roles and responsibilities of staff, timelines, and/or other ~~necessary~~ provisions. The Superintendent or designee may also ~~may~~ develop procedures manuals, handbooks, or other guides to carry out the intent of Board policy.

When Board policies are amended, the Superintendent or designee shall review corresponding administrative regulations to ensure that they conform to the intent of the revised policy. In case of conflict between administrative regulation and Board policy, policy shall prevail.

The Board may review ~~and/or approve~~ administrative regulations for the purpose of ensuring conformity with the intent of Board policy.

~~Regulations and procedures shall be maintained at appropriate school and/or district locations and may be placed in the district's policy manual.~~

**Monitoring and Evaluation**

At ~~the any~~ time a policy is adopted, the Board and Superintendent or designee ~~shall~~ may determine ~~whether an evaluation~~ that progress reports to the Board on the implementation and/or effectiveness of the policy should be scheduled ~~and, if~~ if so, shall the Board and Superintendent or designee shall agree upon a timeline and, as applicable, measures for evaluating the effectiveness of the policy in achieving its purpose.

(cf. 0500 - Accountability)



**Board Bylaws (continued)**

## Access to Policies

The Superintendent or designee shall ensure that all district employees and the public have access to an up-to-date district policy manual. ~~A public copy of the~~ **The** policy manual shall be maintained ~~at the district central office and at each school site. These copies shall be maintained either~~ electronically or by paper copy.

(cf. 1113 - District and School Web Sites)  
(cf. 1340 - Access to District Records)

As necessary, the Superintendent or designee ~~may shall~~ notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised. He/she may determine the appropriate ~~communications~~ **communication** strategy depending on the issue. Policies shall be posted on the district's web site when required by law.

(cf. 1112 - Media Relations)  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)  
(cf. 5145.6 - Parental Notifications)  
(cf. 6020 - Parent Involvement)

~~Suspension of Policies~~

No Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

(cf. 2210 - Administrative Discretion Regarding Board Policy)

## Legal Reference:

## EDUCATION CODE

35010 Control of district; prescription and enforcement of rules  
35160 Authority of ~~Board of Education~~ governing boards  
35160.5 Annual review of school district policies  
35163 Official actions, minutes and journal  
35164 Vote requirements

## Management Resources:

## WEB SITES

CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT ~~Online™~~ Online), Policy ~~Audit~~ Review Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance:   

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

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

**Board Bylaws (continued)**

Bylaw  
adopted: March 21, 2018  
revised: September 26, 2018

CARMEL UNIFIED SCHOOL DISTRICT  
Carmel, California