

**OAK PARK UNIFIED SCHOOL DISTRICT  
5801 CONIFER STREET  
OAK PARK, CALIFORNIA 91377  
(818) 735-3206**

**NOTICE OF SPECIAL BOARD MEETING - AGENDA #948**

Written notice is hereby given in accordance with Education Code Section 54957 that a Special Meeting of the Board of Education of Oak Park Unified School District will be held:

DATE: Wednesday, August 30, 2017  
TIME: 5:30 p.m. Open Session  
PLACE: **Oak Park Unified School District – Conference Room**  
5801 Conifer Street, Oak Park, CA 91377

Call to Order \_\_\_\_\_

Roll Call

Adoption of Agenda

Public Comments – Speakers on Agenda and Non-Agenda Items

**OPEN SESSION**

**A. BUSINESS SESSION  
ACTION**

**1. HUMAN RESOURCES**

- a. [Approve Consultant Agreement for District Supervisor of Attendance](#)  
*Board approval required for Contract of Services*

**2. BOARD POLICIES**

- a. [Approve Amendment to Board Policy and Administrative Regulation BP 1312.3 Uniform Complaint Procedure – First Reading](#)  
*Board Policy and regulation updated to reflect NEW LAW (AB 2306, 2016) which authorizes the use of uniform complaint procedures for complaints alleging noncompliance with requirements related to course credit transfer and exemption from local graduation requirements for former juvenile court school students. Regulation also references NEW LAW (SB 1375, 2016) which requires districts, on or before July 1, 2017, to post information relating to Title IX, including specified information about complaint procedures, on their web sites.*
- b. [Approve Amendment to Board Policy and Administrative Regulation 4112.61/4212.61/4312.61 Employment References – First Reading](#)  
*Board Policy deleted and key concepts incorporated into regulation. Regulation also updated to more directly reflect state law regarding the authority of employers to communicate certain information about current or former employees to prospective employers.*

**c. Approve Amendment to Board Policy BP 4312.1 Contracts – First Reading**

*Board Policy updated to reflect NEW LAW (SB 1436, 2016) which requires the board, prior to taking final action on the salary or benefits of employees whose position within the district is established through an employment contract, to orally report a summary of the recommended action during open session of a board meeting. Updated policy also clarifies the limited circumstances under which salary and benefits may be discussed in closed session and the prohibition against discussing salary or other compensation during a special meeting of the board.*

**d. Approve Amendment to Board Policy and Administrative Regulation BP 6164.6 Identification and Education Under Section 504 – Second Reading**

*Board Policy updated to add requirement to address the needs of students with disabilities in the district's local control and accountability plan. Regulation updated to reflect NEW FEDERAL REGULATIONS (81 Fed. Reg. 53203) which primarily revise definitions used in the Americans with Disabilities Act.*

**e. Approve Amendment to Board Policy and Administrative Regulation BP 1340 Access to District Records – First Reading**

*Board Policy updated to reflect NEW COURT DECISION (City of San Jose v. Superior Court) which held that using a personal account or device to send or receive communications regarding public business does not categorically exclude those records from disclosure in response to a request under the California Public Records Act and that public agencies are obliged to disclose applicable records that they can locate with reasonable effort. Regulation updated to reflect NEW LAW (AB 2843, 2016) which prohibits disclosure of employees' personal cell phone numbers and birth dates, and NEW LAW (AB 2853, 2016) which authorizes the district, in response to a public records request, to post public records on its web site and refer the requesting member of the public to the location of the records on the web site. Regulation also revised to clarify access to documents containing names, salaries, and pension benefits of district employees and to records pertaining to claims and litigation against the district.*

**f. Approve Amendment to Board Policy and Administrative Regulation BP 3260 Fees and Charges – First Reading**

*Board Policy reorganized and updated to reflect a California Department of Education (CDE) management advisory regarding the prohibition against requiring parent/guardian volunteer hours or payment as a condition of the student's enrollment or participation in educational activities. Regulation updated to reflect NEW LAW (AB 2615, 2016) which permits districts to charge a fee for participation in After School Education and Safety (ASES) programs, 21st Century Community Learning Center (21st CCLC) programs, and 21st Century High School After School Safety and Enrichment for Teens (ASSETs) program, as long as the fee is waived or reduced for low-income families and, effective July 1, 2017, the fee is not charged for a homeless or foster youth. Regulation also clarifies the permissibility of charging a fee for in-state field trips in accordance with CDE's interpretation of law, provided that no student is prevented from participating based on a lack of funds.*

**g. Approve Amendment to Board Policy Regulation BP 7214 General Obligation Bonds – First Reading**

*Policy updated to reflect NEW LAW (SB 1029, 2016) which requires the board to adopt a debt management policy prior to issuing any debt, including a general obligation bond, and to certify to the California Debt and Investment Advisory Commission that any proposed*

- issuance of debt is consistent with the district's policy. Policy also reflects NEW LAW (AB 2116, 2016) which requires the board to obtain reasonable and informed projections of assessed valuations that take into consideration projections of assessed property valuations made by the county assessor, and NEW LAW (AB 2738, 2016) which prohibits districts from withdrawing proceeds from bond sales at any time for the purpose of making investments outside the county treasury. Policy also adds caution that some uses of bond proceeds that are specified in the Education Code for bond elections with a 66.67 percent threshold may be inconsistent with the California Constitution and encourages consultation with legal counsel.
- h. [Approve Amendment to Board Policy BP 6111 School Calendar – First Reading](#)  
Board Policy updated to clarify that a district must offer a minimum of 175 instructional days per school year until it meets or exceeds its funding target under the local control funding formula, at which time the minimum required number of instructional days is 180. Policy also adds reference to the requirement for a minimum of 163 instructional days per year for multitrack year-round schools.
  - i. [Approve Amendment to Board Policy and Administrative Regulation BP 6142.2 World/Foreign Language Instruction – First Reading](#)  
Board Policy updated and regulation added to reflect NEW LAW (Proposition 58, 2016) which authorizes the establishment of dual-language immersion programs that provide integrated language learning and academic instruction for English learners and native speakers of English. Policy also reflects NEW LAW (AB 2290, 2016) which requires the SBE to consider revisions to the state content standards for world languages by March 31, 2019. Regulation reflects provisions of Proposition 58 which (1) delete the requirement that a parent/guardian request a waiver of structured English immersion instruction so that an English learner may participate in a dual-language immersion program, (2) require dual-language immersion programs in grades K-3 to meet class size requirements, and (3) require a parental notice with information on the district's dual-language and other language acquisition programs.
  - j. [Approve Amendment to Board Policy BP 6142.93 Science Instruction – First Reading](#)  
Board Policy updated to reflect the NEW CURRICULUM FRAMEWORK for science instruction adopted by the State Board of Education in November 2016 and the Next Generation Science Standards. Policy also adds new material related to the required course of study, science courses required for high school graduation, staff development, program evaluation, and safety in science laboratories.
  - k. [Approve Amendment to Board Policy BP 6144 Controversial Issues – First Reading](#)  
Board Policy updated to provide that parents/guardians may be given an opportunity to opt out of instruction on controversial issues only when required by law, not at the discretion of a teacher or administrator. Policy also clarifies the district's right to limit teacher expressions of personal opinion when teachers are in the classroom and therefore acting on behalf of the district.
  - l. [Approve Amendment to Board Policy BP 6145 Extracurricular and Cocurricular Activities – First Reading](#)  
Board Policy updated to reflect law which provides that a homeless student must be immediately deemed to meet all residency requirements for participation in extracurricular activities. Legal cites added for the prohibition against student fees and the requirement to annually review the policy.

**m. Approve Amendment to Board Policy BP 6161.1 Selection and Evaluation of Instructional Materials – First Reading**

*Board Policy updated to delete material defining the "sufficiency" of instructional materials as meaning that students enrolled in the same course have identical materials from the same adoption cycle, and to delete optional material reflecting the authorization to purchase the newest adopted materials for schools in deciles 1-3 of the Academic Performance Index, as those laws have repealed on their own terms. Updated policy also reflects the requirement to address the sufficiency of instructional materials in the district's LCAP and reflects NEW LAW (AB 575, 2016) which provides that the State Board of Education may adopt instructional materials for grades K-8 at least once, but not more than twice, every eight years.*

**n. Approve Amendment to Board Policy BP 0000 Vision – First Reading**

*Board Policy updated to address data sources for vision setting, set expectations that the district's vision will drive all board decisions and district operations, and align the process of reviewing the district's vision with the process for reviewing and updating the local control and accountability plan (LCAP). Regulation deleted and key concepts incorporated into the BP.*

**o. Approve Amendment to Board Policy BP 0100 Philosophy – First Reading**

*Board Policy updated to strongly encourage boards to engage in thoughtful discussions and develop their own statements of district philosophy. Sample statements expanded to add items related to nondiscrimination, the influence of teachers and educational support staff on student achievement, the importance of professional development for staff and the board, the board's responsibility to engage in advocacy, and the link between financial stability and attainment of district goals.*

**p. Approve Amendment to Board Policy Regulation BP 2140 Evaluation of the Superintendent – First Reading**

*Board Policy updated to provide that the responsibility for determining the criteria, schedule, method(s), and instrument(s) for superintendent evaluation rests with the board, although input may be sought from the superintendent. Updated policy clarifies that, although the evaluation may be discussed in closed session, the law does not permit discussion or action on any proposed change in compensation during closed session, with limited exceptions. Policy also reflects court decision holding that personal performance goals are not subject to disclosure to the public unless they are specifically stated in the employment contract.*

**q. Approve Amendment to Board Bylaw BB 9121 Board President – First Reading**

*Board Bylaw updated to reorganize and revise the duties of the board president for consistency with information provided in CSBA's Board President's Workshop, and to add an optional component on providing training for the president to enhance his/her leadership skills.*

**r. Approve Amendment to Board Bylaw BB 9220 Governing Board Elections – First Reading**

*Board Bylaw updated to reflect NEW LAW (SB 415, 2015) which, effective January 1, 2018, requires a district to move the date of its board election to be concurrent with a statewide election whenever holding an election on a nonconcurrent date has resulted in a significant decrease in voter turnout, as defined. Bylaw encourages districts to review recent voter turnout and, if necessary, adopt a plan before the January 1, 2018 deadline in order to delay consolidation until November 8, 2022. Bylaw also reflects NEW LAWS which require public hearings before and after drawing maps of proposed trustee areas (AB 350, 2016), authorize*

*districts to permit board candidates to submit candidate statements for electronic distribution (AB 2010, 2016), allow districts to establish a dedicated fund to make public funds available to persons seeking elective office under specified conditions (SB 1107, 2016), and require prospective plaintiffs who allege that the election method violates the California Voting Rights Act to notify the district before filing a complaint (AB 350, 2016).*

**s. Approve Amendment to Board Bylaw BB 9230 Orientation – First Reading**

*Board Bylaw updated to delete section on "Board Candidate Orientation" and move that material to BB 9220 - Governing Board Elections. Bylaw also clarifies that an orientation meeting must be conducted in open session if a majority of the members of the board will be discussing district business, provides examples of topics and materials to be addressed in the orientation, and provides information about CSBA trainings for new and first-term board members.*

**t. Approve Amendment to Board Bylaw BB 9400 Board Self-Evaluation – First Reading**

*Bylaw updated for consistency with CSBA's online board self-evaluation tool and facilitator services. Bylaw also links board self-evaluation to the identification of strategies for strengthening board performance, including board trainings.*

Date: August 28, 2017

Anthony W. Knight, Ed.D.  
Superintendent and Secretary to the Board of Education

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.1.a. APPROVE CONSULTANT AGREEMENT FOR DISTRICT SUPERVISOR OF ATTENDANCE**

ACTION

**ISSUE:** Shall the Board approve a consultant agreement for district Supervisor of Attendance, a position required by Education Code (EC) Section 48240, to promote a culture of attendance and establish a system to accurately track pupil attendance?

**BACKGROUND:** At its meeting on August 15, 2017, the Board authorized the Administration to establish a position of district Supervisor of Attendance, to be performed by an independent consultant for the 2017-18 school year. At this evening's meeting the Administration is recommending the Board's approval of the accompanying consultant agreement with Russell and Associates, in the not-to-exceed amount of \$10,000, to serve as district Supervisor of Attendance for the 2017-18 school year. It is recommended that this agreement be funded from General Fund 2017-18 one-time discretionary funding.

**ALTERNATIVES:**

1. Approve the consultant agreement with Russell and Associates, in the not-to-exceed amount of \$10,000, to serve as district Supervisor of Attendance for the 2017-18 school year, to be funded from General Fund 2017-18 one-time discretionary funding.
2. Do not approve the consultant agreement for district Supervisor of Attendance.

**RECOMMENDATION:** Alternative No. 1

Prepared by: Leslie Heilbron, Ed.D., Assistant Superintendent, Human Resources  
Martin Klauss, Assistant Superintendent, Business and Administrative Services

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

**OAK PARK UNIFIED SCHOOL DISTRICT  
AGREEMENT FOR INDEPENDENT CONTRACTOR/CONSULTING SERVICES**

**CONSULTANT AGREEMENT FOR DISTRICT SUPERVISOR OF ATTENDANCE**

**THIS AGREEMENT**, made this 17th day of August, 2017, between Oak Park Unified School District, hereinafter referred to as "**District**" and Russell and Associates, hereinafter referred to as "**Contractor**".

The District desires to engage the Contractor to render certain technical and/or specialized services and Contractor or Contractor's staff is specifically qualified to perform said services, the parties do therefore agree as follows:

1. **Scope of Services.** The Contractor shall perform all the necessary services provided under this contract in connection with and respecting District and shall do, perform, and carry out, in a satisfactory and proper manner, as determined by the District, **the following** (If additional space is required, attach additional pages as Exhibits.)

Pursuant to Education Code (EC) 48240, and as prescribed by the Oak Park Unified School District Board of Education, hereinafter referred to as "**Board**", the Contractor shall serve as the District's supervisor of attendance to include, among other duties that may be required, those specific duties related to compulsory full-time education, truancy, work permits, compulsory continuation education, and opportunity schools, classes, and programs now required of the attendance supervisors by EC 48240, 48450 and 48640. It is the intent of the Board that in performing these duties, the Contractor, in the capacity as supervisor of attendance, shall promote a culture of attendance and establish a system to accurately track pupil attendance.

2. **Time of Performance.** The term of this Agreement is for the period August 17, 2017 through June 30, 2018, and shall be undertaken and completed in such sequence as to assure their full completion in accordance with the purposes of this Agreement.
3. **Payment. UPON PROPER INVOICING,** District agrees to pay the Contractor at the rate of \$ 50.00 per hour, for actual services rendered, in an amount not to exceed the total amount of \$ 10,000.00 without specific authorization of the Board; payable within 20 days of approval by the Program Manager designated below as District's contact. Said payment(s) to be made **as follows**:

The contractor shall submit monthly invoices for actual services rendered to the Program Manager on the last day of each calendar month during the term of this contract; payable within 20 days of approval by the Program Manager designated below.

4. **Expenses. (Program manager initial the applicable option.)**

  X   A. The contractor will not be reimbursed for travel or other expenses.

       B. In addition to the specified compensation, travel and/or expenses will be reimbursed as follows:

**Travel:** Mileage at the rate of \$        per mile up to the total of \$                     .

Actual airfare (original receipts are required - canceled checks are not accepted as a receipt)  
       trips, up to a total maximum of \$                     .

**Other:** List authorized expenses, limits and maximum amounts. (original receipts are required - canceled checks are not accepted as a receipt)

5. **Termination.** This agreement may be terminated or amended in writing at any time by mutual consent of the parties hereto; or, **upon 15 days advance notice** by either party. In the event of cancellation prior to completion

of the specified services, all finished or unfinished documents, data, studies, and reports prepared by the Contractor under this agreement shall, at the option of the District, become District's property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such items. If the contracted service is contingent on number of registrations, no payment shall be provided if the stated activity is cancelled within seven (7) calendar days of the scheduled date.

Notwithstanding the above, the Contractor shall not be relieved of liability to the District for damages sustained by the District by virtue of any breach of the contract by the Contractor, and the District may withhold any payments to the Contractor for the purpose of setoff until such time as the exact amount of damages due the District from the Contractor is determined.

6. **Independent Contractor.** It is expressly understood and agreed that the Contractor, while engaged in carrying out and complying with any of the terms and conditions of this contract, is an independent contractor and is not an officer, agent or employee of District. Contractor further understands and agrees that he or she is an independent contractor and that the filing and acceptance of this declaration creates a rebuttable presumption of his or her status as an independent contractor and that, as such, Contractor or Contractor's employees are not entitled to coverage under the California Workers' Compensation Insurance laws, Unemployment Insurance or any other benefit normally conveyed to District's employees. Contractor will be responsible for payment of all Contractor's employees' wages, payroll taxes, employee benefits and any amounts due for federal and state income taxes and Social Security taxes since these taxes will not be withheld from payments under this agreement.

**Both Contractor and the District's Manager shall initial the attached "IRS 20 Factor Checklist"** indicating they have reviewed the "checklist" and, by signing this contract, certify that the duties, terms and conditions of this Agreement meet the definition of an independent contractor per IRS guidelines.

7. **Subcontracting.** None of the services covered by this contract shall be subcontracted without the prior written consent of the District. The Contractor shall be as fully responsible to the District for the acts and omissions of his subcontractors, and of persons either directly or indirectly employed by him/her, as if the acts and omissions were performed by him/her directly.
8. **Insurance.** (If the contractor is a public school agency within Ventura County, participating in the VCSSFA liability program this insurance section does not apply.) **If requested,** Contractor shall, at Contractor's sole cost and expense, provide for and maintain in force and effect, from the commencement of services until expiration of this Agreement, a policy or policies of insurance covering Contractor's services. All insurance shall be with an insurance company with a rating of A or better, as rated by the current edition of Best's Key Rating Guide, published by A.M. Best Company, Oldwick, New Jersey 08858 and authorized to conduct business in the State of California.

Required insurance coverage shall include: Comprehensive general liability and property damage insurance and comprehensive automobile liability insurance covering activities and operations of the Contractor. Such liability insurance shall provide a minimum coverage of \$1,000,000.

**If requested,** Contractor shall furnish to District, prior to commencement of services under this Agreement, Certificates of Insurance as evidence of the coverage and limits stated above. Certificates of Insurance shall:

- A. Name the District as additional insured.
- B. Provide a minimum of 30 days advance written notice of cancellation or material changes.
- C. State that coverage afforded the District, as additional insured shall apply as primary and not excess to any insurance issued the District.



9. **Copyright.** Contractor hereby agrees that District shall be the sole owner of the copyright for any publications, writings, materials or product developed by or as a result of this Agreement. Contractor shall maintain the confidentiality of any such materials produced.
10. **Arbitration.** Any dispute arising out of the performance of this Agreement shall be resolved by binding arbitration in accordance with rules and procedures of the American Arbitration Association.
11. **Obey All Laws.** Contractor hereby agrees he/she will obey all local, state and federal laws in the performance of this contract, including prohibitions against discrimination.
12. **Indemnification.** Contractor shall indemnify and hold harmless the District, its' officers, agents and employees from every claim or demand made, and every liability, loss, damages, or expense of any nature whatsoever, which may be incurred as a result of Contractor's performance under this agreement, except for liability resulting from the sole negligence or willful misconduct of the District, its officers, employees, or agents who are directly employed by the District, and except for liability resulting from the active negligence of the District.

**IN WITNESS WHEREOF**, the District and Contractor have executed this agreement as of the date first written above.

**OAK PARK UNIFIED SCHOOL DISTRICT**

**CONTRACTOR**

Requested by: Dr. Leslie Heilbron, Program Manager

Signature: Sharon Russell, Principal

August 30, 2017

Date

Date

\$10,000.00

Maximum Contract and Expense Amount

Contractor's Mailing Address

General Fund: 2017-18 One-Time Discretionary  
Funding

Charge to Account

City, State, Zip Code

Approved by: Martin Klauss, Authorized Representative

Telephone/Fax Number

Asst. Supt., Business and Administrative Services  
Title

E-Mail Address

August 31, 2017

Date

Tax I.D.# - (W-9 form must be on file)

**Review and initial "checklist" on page 4 of 4.**

### IRS 20 FACTOR CHECKLIST

Below are the 20 factors used by the IRS to determine whether the control over a worker is sufficient to constitute an employer-employee relationship. If the relationship is an Independent Contractor, you should only be concerned with the results of the work, not the way in which it is performed. Though these rules are intended only as a guide (the IRS says the importance of each factor depends on the individual circumstances) they should be helpful in determining whether enough control is exercised to show an employer-employee relationship.

If you answer "YES" to all of the first four questions, you're probably dealing with an independent contractor; "YES" to any of questions 5 through 20 means your worker is probably an employee.

1. Profit or loss. Can the worker make a profit or suffer a loss as a result of the work aside from the money earned from the project? (This should involve real economic risk - not just the risk of not getting paid.)
2. Investment. Does the worker have an investment in the equipment and facilities used to do the work? (The greater the investment, the more likely independent contractor status.)
3. Works for more than one firm. Does the person work for more than one company at a time? (This tends to indicate independent contractor status, but employees can also work for more than one business.)
4. Services offered to the general public. Does the worker offer services to the general public?
5. Instructions. Do you have the right to give the worker instructions about when, where, and how to work? (This shows control over the worker.)
6. Training. Do you train the worker to do the job in a particular way? (Independent contractors are already trained.)
7. Integration. Are the worker's services so important to your business that they have become a necessary part of the business? (This may show that the worker is subject to your control.)
8. Services rendered personally. Must the worker provide the services personally, as opposed to delegating tasks to someone else? (This indicates that you are interested in the methods employed, and not just the results.)
9. Hiring assistants. Do you hire, supervise, and pay the worker's assistants? (Independent contractors hire and pay their own staffs.)
10. Continuing relationship. Is there an ongoing relationship between the worker and yourself? (A relationship can be considered ongoing if services are performed frequently, but irregularly.)
11. Work hours. Do you set the worker's hours? (Independent contractors are masters of their own time.)
12. Full-time work. Must the worker spend all of his or her time on your job? (Independent contractors choose when and where they will work.)
13. Work done on premises. Must the individual work on your premises, or do you control the route or location where the work must be performed? (Answering no doesn't by itself mean independent contractor status.)
14. Sequence. Do you have the right to determine the order in which services are performed? (This shows control over the worker.)
15. Reports. Must the worker give you reports accounting for his or her actions? (This may tend to show lack of independence.)
16. Pay schedules. Do you pay the worker by the hour, week, or month? (Independent contractors are generally paid by the job or on commission, although by industry practice, some are paid by the hour.)
17. Expenses. Do you pay the worker's business or travel costs? (This tends to show control.)
18. Tools and materials. Do you provide the worker with equipment, tools or materials? (Independent contractors generally supply the materials for the job and use their own tools and equipment.)
19. Right to fire. Can you fire the worker? (An independent contractor can't be fired without subjecting you to the risk of a breach of contract lawsuit, so long as the results meet specifications.)
20. Worker's right to quit. Can the worker quit at any time, without incurring liability? (An independent contractor has a legal obligation to complete the contract.)

By affixing my initials below, I certify I have reviewed the above "checklist."

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Program Manager

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Contractor

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.a. APPROVE AMENDMENT TO BOARD POLICY AND  
ADMINISTRATIVE REGULATION 1312.3 – UNIFORM COMPLAINT  
PROCEDURES – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy and Administrative Regulation 1312.3 – Uniform Complaint Procedures?

**BACKGROUND:** Board Policy and regulation updated to reflect NEW LAW (AB 2306, 2016) which authorizes the use of uniform complaint procedures for complaints alleging noncompliance with requirements related to course credit transfer and exemption from local graduation requirements for former juvenile court school students. Regulation also references NEW LAW (SB 1375, 2016) which requires districts, on or before July 1, 2017, to post information relating to Title IX, including specified information about complaint procedures, on their web sites. Board Policy 1312.3 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 1312.3 – Uniform Complaint Procedures
2. Do not amend Board Policy 1312.3 – Uniform Complaint Procedures
3. Adopt a modified version of the amendment to Board Policy 1312.3 – Uniform Complaint Procedures

**RECOMMENDATION:** Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

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VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep.	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT

## BOARD POLICY

*Series 1000*

*Community Relations*

*BP 1312.3(a)*

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### Uniform Complaint Procedures

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

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, after school education and safety programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, consolidated categorical aid programs, and any other district-implemented program which is listed in Education Code 64000(a). (5 CCR 4610)

*(cf. 3553 – Free and Reduced Price Meals)*  
*(cf. 3555 – Nutrition Program Compliance)*  
*(cf. 5141.4 – Child Abuse Prevention and Reporting)*  
*(cf. 5148 – Child Care and Development)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6159 – Individualized Education Program)*  
*(cf. 6171 – Title I Programs)*  
*(cf. 6174 – Education for English ~~Language~~ Learners)*  
*(cf. 6175 – Migrant Education Program)*  
*(cf. 6178 – Career Technical Education)*  
*(cf. 6178.1 – Work-Based Learning)*  
*(cf. 6178.2 – Regional Occupational Center/Program)*  
*(cf. 6200 – Adult Education)*

2. Any complaint alleging the occurrence of unlawful discrimination, (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

*(cf. 0410 – Nondiscrimination in District Programs and Activities)*

# OAK PARK UNIFIED SCHOOL DISTRICT

## BOARD POLICY

*Series 1000*

*Community Relations*

*BP 1312.3(b)*

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*(cf. 5145.3 – Nondiscrimination/Harassment)*  
*(cf. 5145.7 – Sexual Harassment)*

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

*(cf. 5146 – Married/Pregnant/Parenting Students)*

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

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

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

*(cf. 0460 – Local Control and Accountability Plan)*

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

*(cf. 6173.1 - Education for Foster Youth)*

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

*(cf. 6173 - Education for Homeless Children)*

8. Any complaint, by or on behalf of a former juvenile court school student who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in the juvenile court school or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

*(cf. 6173.3 - Education for Juvenile Court School Students)*

98. Any complaint alleging district noncompliance with the requirements of Education Code

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51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

*(cf. 6152 - Class Assignment)*

**109.** Any complaint alleging district noncompliance with the physical education instructional minutes<sup>2</sup> requirement for students in elementary school (Education Code 51210, 51223)

*(cf. 6142.7 - Physical Education and Activity)*

**1140.** Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

**1244.** Any other complaint as specified in a district policy

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

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

*(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)*

*(cf. 5125 – Student Records)*

*(cf. 9011 – Disclosure of Confidential/Privileged Information)*

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

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

*(cf. 4131– Staff Development)*

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*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

*(cf. 3580 – District Records)*

## Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

*(cf. 1312.4 – Williams Uniform Complaint Procedures)*

Legal Reference:

*EDUCATION CODE*

*200-262.4 Prohibition of discrimination*

*222 Reasonable accommodations; lactating students*

*8200-8498 Child care and development programs*

*8500-8538 Adult basic education*

*18100-18203 School libraries*

*32289 School safety plan, uniform complaint procedures*

*35186 Williams uniform complaint procedures*

*48853-48853.5 Foster youth*

*48985 Notices in language other than English*

*49010-49013 Student fees*

*49060-49079 Student records*

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49069.5 Rights of parents  
49490-49590 Child nutrition programs  
51210 Courses of study grades 1-6  
51223 Physical education, elementary schools  
51225.1-51225.2 Foster youth, ~~and~~ homeless children, *and former juvenile court school students*; course credits; graduation requirements  
51228.1-51228.3 Course periods without educational content  
52060-52077 Local control and accountability plan, especially:  
52075 Complaint for lack of compliance with local control and accountability plan requirements  
52160-52178 Bilingual education programs  
52300-52490 ~~9-6~~ Career technical education  
52500-52616.24 Adult schools  
~~52800-52870 School-based program coordination~~  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process  
GOVERNMENT CODE  
11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act  
PENAL CODE  
422.55 Hate crime; definition  
422.6 Interference with constitutional right or privilege  
*CODE OF REGULATIONS, TITLE 2*  
*11023 Harassment and discrimination prevention and correction*  
*CODE OF REGULATIONS, TITLE 5*  
3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs  
UNITED STATES CODE, TITLE 20  
1221 Application of laws  
1232g Family Educational Rights and Privacy Act  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6577 Title ~~I~~ *+* basic programs  
6801-~~7014~~~~6871~~ Title III; language instruction for limited English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs  
12101-12213 Title II equal opportunity for individuals with disabilities  
UNITED STATES CODE, TITLE 29  
794 Section 504 of Rehabilitation Act of 1973  
UNITED STATES CODE, TITLE 42  
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
6101-6107 Age Discrimination Act of 1975  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.107 Nondiscrimination on basis of disability; complaints  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy Act  
100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504



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*CODE OF FEDERAL REGULATIONS, TITLE 34*

*106.8 Designation of responsible employee for Title IX*

*106.9 Notification of nondiscrimination on basis of sex*

*110.25 Notification of nondiscrimination on the basis of age*

*Management Resources:*

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

*Dear Colleague Letter: Title IX Coordinators, April 2015*

*Questions and Answers on Title IX and Sexual Violence, April 2014*

*Dear Colleague Letter: Bullying of Students with Disabilities, August 2013*

*Dear Colleague Letter: Sexual Violence, April 2011*

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001*

*U.S. DEPARTMENT OF JUSTICE PUBLICATIONS*

*Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002*

*WEB SITES*

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

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

*Family Policy Compliance Office: <http://familypolicy.ed.gov>*

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

*<http://www.ed.gov/ocr>*

*U.S. Department of Justice: <http://www.justice.gov>*

**Adopted 2-16-93**

**Amended 11-8-95, 1-28-95, 9-17-02, 6-17-03, 2-15-05, 5-16-06, 9-18-12, 2-17-15, 9-15-15, 5-17-16, 02-21-2017, [8-30-17](#)**

# OAK PARK UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION

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## Uniform Complaint Procedures

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

*(cf. 1312.1 – Complaints Concerning District Employees)*

*(cf. 1312.2 – Complaints Concerning Instructional Materials)*

*(cf. 1312.4 – Williams Uniform Complaint Procedures)*

*(cf. 4030 - Nondiscrimination in Employment)*

## Compliance Officers

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

Assistant Superintendent, Human Resources  
Oak Park Unified School District  
5801 E. Conifer Street  
Oak Park, CA 91377  
[818-735-3200](tel:818-735-3200)

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

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

The Superintendent or designee shall ensure that employees assigned to investigate and resolve

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

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

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

### Notifications

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

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

*(cf. 0420 – School Plans/Site Councils)*  
*(cf. 0460 – Local Control and Accountability Plan)*  
*(cf. 1220 – Citizen Advisory Committees)*  
*(cf. 3260 – Fees and Charges)*  
*(cf. 4112.9/4212.9/4312.9 – Employee Notifications)*  
*(cf. 5145.6 – Parental Notifications)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6173.3 - Education for Juvenile Court School Students)*

The annual notification, ~~and~~ complete contact information of the compliance officer, ~~and~~

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information related to Title IX as required pursuant to Education Code 221.61 shall ~~may~~ be posted on the district web site and, ~~if available,~~ may be provided through district-supported social media, if available.

*(cf. 1113 – District and School Web Sites)*

*(cf. 1114 – District-Sponsored Social Media)*

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained

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knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

- d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.
- e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation ~~confirms~~ reveals that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

- f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
- g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
- i. A foster youth, ~~or~~ homeless student, ~~or former juvenile court school student~~ who transfers into a district high school or between district high schools as applicable shall be notified of the district's responsibility to:

(1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a

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nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

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

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

- j. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision. In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.
- k. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- l. Copies of the district's ~~UCP~~~~PC~~ are available free of charge.

### District Responsibilities

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

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

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

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

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integrity of the process. (5 CCR 4630, 4964)

### Filing of Complaints

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

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

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no-later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of

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the information provided and the seriousness of the allegation.

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

### Mediation

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

Before initiating the mediation of a complaint alleging retaliation, or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information.

The compliance officer shall also notify all parties of the right to end the informal process at any time.

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

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

### Investigation of Complaint

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information



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

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

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

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

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

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

### Report of Findings

Unless extended by written agreement with the complainant, the compliance officer shall

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

### Final Written Decision

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

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

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

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

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

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

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

- a. How the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The relationship between the alleged victim(s) and offender(s)
  - d. The number of persons engaged in the conduct and at whom the conduct was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint **and** including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

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

- a. The corrective actions imposed on the respondent
  - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to the CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

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

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

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)

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

### Corrective Actions

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

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

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

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

## **OAK PARK UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION**

*Series 1000*

*Community Relations*

*AR 1312.3(m)*

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1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

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

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

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

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

### Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

## **OAK PARK UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION**

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When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

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

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

Adopted: 2-16-93

Amended: 9-17-02, 1-06, 3-12, 10-14, 9-15-15, 5-17-16, 02-21-17, [8-30-17](#)

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.b APPROVE AMENDMENT TO BOARD POLICY AND  
ADMINISTRATIVE REGULATION 4112.61/4212.61/4312.61  
EMPLOYMENT REFERENCES – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 4112.61/4212.61/4312.61 Employment References?

**BACKGROUND:** Board Policy deleted and key concepts incorporated into regulation. Regulation also updated to more directly reflect state law regarding the authority of employers to communicate certain information about current or former employees to prospective employers. Board Policy 4112.61/4212.61/4312.61 Employment References is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 4112.61/4212.61/4312.61 Employment References.
2. Do not amend Board Policy 4112.61/4212.61/4312.61 Employment References.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# **OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY**

*Series 4000*

*Personnel*

*BP 4112.61 4212.61, 4312.61*

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## Employment References

~~The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the district for current or former employees must be approved by the Superintendent or designee.~~

~~At his/her discretion, the Superintendent or designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful and complete account of the employee's job performance and qualifications.~~

~~(cf. 4112.6/4212.6/4312.6—Personnel Files)~~

~~(cf. 4117.5/4217.5/4317.5—Termination Agreements)~~

~~Legal Reference:~~

~~LABOR CODE~~

~~1050-1054 Reemployment privileges~~

~~CIVIL CODE~~

~~47 Privileged communication~~

~~CODE OF CIVIL PROCEDURE~~

~~527.3 Labor disputes~~

~~CODE OF REGULATIONS, TITLE 5~~

~~80332 Professional candor and honesty in letters or memoranda of employment recommendation~~

~~COURT DECISIONS~~

~~Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal.4th 1066~~

~~Adopted: 9-17-02~~

~~Amended: 3-16-04~~



# OAK PARK UNIFIED SCHOOL DISTRICT

## ADMINISTRATIVE REGULATION

Series 4000

Personnel

AR 4112.61, 4212.61, 4312.61(a)

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### Employment References

The Superintendent or designee may communicate information about the job performance or qualifications of a current or former district employee when such information is based upon credible evidence and is given to a prospective employer without malice and at the prospective employer's request. (Civil Code 47)

Any reference, letter of recommendation, or information provided about the reasons for separation issued on behalf of the district shall provide the dates of employment and the candidate's qualifications.

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*(cf. 4117.5/4217.5/4317.5 - Termination Agreements)*

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (5 CCR 80332)

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts as a condition of another employee's resigning or withdrawing action against the district. (5 CCR 80332)

### Legal Reference:

*LABOR CODE*

*1050-1054 Reemployment privileges*

*CIVIL CODE*

*47 Privileged communication*

*CODE OF CIVIL PROCEDURE*

*527.3 Labor disputes*

*CODE OF REGULATIONS, TITLE 5*

*80332 Professional candor and honesty in letters or memoranda of employment recommendation*

### *COURT DECISIONS*

*Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066*

Adopted: 9-17-02

Amended: 8-30-17

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.c. APPROVE AMENDMENT TO BOARD POLICY 4312.1 –  
CONTRACTS - First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 4312.1 – Contracts?

**BACKGROUND:** Board Policy 4312.1 is being updated to reflect NEW LAW (SB 1436, 2016) which requires the board, prior to taking final action on the salary or benefits of employees whose position within the district is established through an employment contract, to orally report a summary of the recommended action during open session of a board meeting. Updated policy also clarifies the limited circumstances under which salary and benefits may be discussed in closed session and the prohibition against discussing salary or other compensation during a special meeting of the board. Board Policy 4313.2 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 4312.1 – Contracts.
2. Do not amend Board Policy 4312.1 – Contracts.
3. Adopt a modified version of the amendment to 4312.1 – Contracts.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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## Contracts

The Governing Board recognizes the importance of **employing** qualified and competent individuals to **manage**~~lead~~ district programs and to assist the Superintendent in coordinating efforts to achieve district goals and objectives. To that end, the Board may fill certificated administrative and supervisory **positions** and classified senior management **positions** on a contract basis.

*(cf. 0000 – Vision)*

*(cf. 2121 – Superintendent’s Contract)*

*(cf. 4111/4211/4311 – Recruitment and Selection)*

*(cf. 4300 – Administrative and Supervisory Personnel)*

*(cf. 4313.2 - Demotion/Reassignment)*

*(cf. 4314 - Transfers)*

The Board may offer a continuing contract of up to four years to any deputy, associate, or assistant superintendent; any~~d~~ certificated employee holding a position requiring a supervision or administration credential; or any senior manager of the classified services. (Education Code 35031, 44929.20)

Prior to entering into any such contract, the Board and Superintendent shall consider the financial impact of the contract on the district. The proposed contract shall also be reviewed by legal counsel to ensure that all legally required provisions are included in the contract and to address any potentially~~y~~ adverse obligations ~~for~~~~to~~ the district.

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

The Board ~~may~~~~shall~~ deliberate in the closed session of a regular meeting about the terms of an employment contract for a deputy, associate, or assistant superintendent; other certificated employee holding a position requiring a supervision or administration credential; or a senior manager of the classified service. **Discussions regarding salary, salary schedule, or other compensation may occur in the closed session of a regular meeting only between the Board and its designated representative(s), as permitted under Government Code 54957.6 (the "labor exception") for the purpose of reviewing the Board's position and/or instructing the designated representative(s) prior to or during bona fide negotiations with the employee. Such deliberations shall not be held during a special meeting. (Government Code 54956, 54957, 54957.6)**

*(cf. 9320 - Meetings and Notices)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

The Board shall take final action on an employment contract during an open session of a

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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Personnel

BP 4312.1(b)

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regularly scheduled Board meeting, and that action shall be reflected in the Board's minutes. At that meeting, prior to taking action, the Board shall orally report a summary of the recommendation for the final action on salary or compensation in the form of fringe benefits. (Government Code 3511.1, 53262, 54953)

Copies of any contract and other public records created or received in the process of developing the recommendation related to the salary, benefits, and other compensation shall be available to the public upon request. (Government Code 53262, 54953)

*(cf. 1340 - Access to District Records)*

*(cf. 9322 - Agenda/Meeting Materials)*

~~(Government Code 54957)~~

~~*(cf. 9320 - Meetings and Notices)*~~

~~*(cf. 9321 - Closed Session Purposes and Agendas)*~~

~~*(cf. 9321.1 - Closed Session Actions and Reports)*~~

~~Any such employment contract shall be ratified by the Board during an open session of a regularly scheduled Board meeting and reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)~~

~~*(cf. 1340 - Access to District Records)*~~

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

~~*(cf. 9324 - Minutes and Recordings)*~~

## Extension of Contract/~~and~~ Reemployment

A contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the employee's performance. No employment contract shall include a provision for automatic renewal of the contract.

*(cf. 4315 - Evaluation/Supervision)*

During the term of the contract and with the consent of the employee involved, the Board may reelect or reemploy the employee starting on the next succeeding first day of July and based on terms and conditions mutually agreed upon by the Board and the employee. (Education Code 35031)

If the Board decides not to reelect or reemploy a deputy, associate, or assistant superintendent, or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 45 calendar days prior to the expiration of the term of the contract. (Education Code 35031)

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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Personnel

BP 4312.1(c)

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*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

## Termination of Contract

~~Every employee contract shall include a provision specifying the legal maximum cash settlement that the employee may receive in the event that the Board finds it necessary to terminate the contract prior to its expiration date. (Government Code 53260)~~

The Board may terminate an employment contract prior to its expiration date in accordance with the conditions and process specified in the contract.

Every employment contract shall include a provision specifying the legal maximum cash settlement that the employee may receive in the event that the contract is terminated prior to its expiration date. (Government Code 3511.2, 53260)

*(cf. 4117.5/4217.5/4317.5 - Termination Agreements)*

In addition, all employment~~tee~~ contracts shall include a provision that, if the employee is convicted of a crime involving an abuse of his/her office or position, he/she shall fully reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination and for any funds expended by the district in his/her criminal legal defense. (Government Code 5324~~3~~<sup>2</sup>-53243.4, 53260)

### Legal Reference:

#### *EDUCATION CODE*

*35030 Title of deputy, associate or assistant superintendent for certain positions*

*35031 Term of employment*

*44842 Automatic declining of employment*

*44843 Notice of employment (to county superintendent)*

*44929.20 Continuing contract*

*44951 Continuation in position unless notified*

#### *GOVERNMENT CODE*

*3511~~0~~.1-3511.~~0~~2 Local agency executives*

~~*53243-53243.4 Abuse of office*~~

*53260-53264 Employment contracts*

*54953 Oral summary of recommended salary and benefits of district executive*

*54954 Time and place of regular meetings*

*54956 Brown Act – Open meeting laws; special meetings*

*54957 Closed session, personnel matters*

#### *ATTORNEY GENERAL OPINIONS*

*57 Ops.Cal.Atty.Gen. 209 (1974)*

### Management Resources:

~~*CSBA PUBLICATIONS*~~

# **OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY**

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*BP 4312.1(d)*

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~~Maximizing School Board Governance: The Board's Relationship to District Staff, 2007~~

*ATTORNEY GENERAL PUBLICATIONS*

*The Brown Act: Open Meetings for Local Legislative Bodies, 2003*

*WEB SITES*

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

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

*California Office of the Attorney General: <http://oag.ca.gov>*

Adopted: 9-17-02

Amended: 4-20-04, 9-18-12, [8-30-17](#)

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.d APPROVE AMENDMENT OF BOARD POLICY AND  
ADMINISTRATIVE REGULATION 6164.6 – IDENTIFICATION AND  
EDUCATION UNDER SECTION 504 - Second Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 6164.6 – Identification and Education Under Section 504?

**BACKGROUND:** Board Policy 6164.6 is being updated to Policy updated to add requirement to address the needs of students with disabilities in the district's local control and accountability plan. Regulation updated to reflect NEW FEDERAL REGULATIONS (81 Fed. Reg. 53203) which primarily revise definitions used in the Americans with Disabilities Act. Board Policy 6164.6 is being submitted with recommended language from CSBA.

**ALTERNATIVES:**

1. Approve the amendment of Board Policy 6164.6 – Identification and Education Under Section 504.
2. Do not approve the amendment Board Policy 6164.6 – Identification and Education Under Section 504.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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## Identification and Education Under Section 504

The Governing Board believes that all children, including children with disabilities, should have ~~an~~ the opportunity to learn in a safe and nurturing environment. The ~~district~~ Superintendent or designee shall ~~will~~ work to identify children with disabilities who reside within ~~its~~ the jurisdiction of the district in order to ensure that they receive educational and related services required by law.

The ~~district~~ Superintendent or designee shall provide ~~identified~~ qualified students with disabilities with a free, appropriate public education (FAPE) as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of ~~non-disabled~~ students without disabilities are met. (34 CFR 104.33)

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

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

*(cf. 5141.2~~4~~1 – Administering Medication and Monitoring Health Conditions)*

*(cf. 5141.22 – Infectious Diseases)*

*(cf. 5141.23 – Asthma Management)*

*(cf. 5141.2~~3~~4 – Specialized Health Care Services)*

*(cf. 5141.27 – Food Allergies/Special Dietary Needs)*

*(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))*

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

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

*(cf. 6145 – Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 – Athletic Competition)*

*(cf. 6145.5 – Student Organizations and Equal Access)*

The district's local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the Superintendent or designee shall assess the district's progress in attaining the goals established for students with disabilities and shall report these results to the Board. (Education Code 52052, 52060)

*(cf. 0460 - Local Control and Accountability Plan)*

In providing services to students with disabilities under Section 504, the Superintendent or



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## BOARD POLICY

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designee shall ensure district compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the “Procedural Safeguards” section of the accompanying administrative regulation.

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

### Legal Reference:

#### EDUCATION CODE

49423.5 Specialized physical health care services

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

56043 Special education, timelines

56321 Assessment; development of IEP; parental notifications, consent

#### CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400 -14827 Individuals with Disabilities Education Act

#### UNITED STATES CODE, TITLE 29

705 Definitions; Vocational Rehabilitation Act

794 Rehabilitation Act of 1973, Section 504

#### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

#### CODE OF REGULATIONS, TITLE 28

35.101-35.190 Nondiscrimination on the basis of disability in state and local government services

#### CODE OF FEDERAL REGULATIONS, TITLE 34

104.1 - 104.61 Nondiscrimination on the basis of handicap, especially:

104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973

104.3 Definitions

104.32 Location and notification

104.33 Free appropriate public education

104.34 Educational setting

104.35 Evaluation and placement

104.36 Procedural safeguards

104.37 Nonacademic services

104.7 Responsible employee; grievance procedures

#### COURT DECISIONS

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

### Management Resources:

#### CSBA PUBLICATIONS

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Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, ~~November~~ December 2007  
*CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES*

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

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

[Dear Colleague Letter and Resource Guide on Students with ADHD, July 2016](#)

[Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, October 2015](#)

Dear Colleague Letter, January 2013

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, January 2012

Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007

## *WEB SITES*

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html?src=mr>

Adopted: 9-17-02

Amended: 5-20-08, 11-19-13, [8-30-2017](#)

# OAK PARK UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION

Series 6000

Instruction

AR 6164.6(a)

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## Identification and Education Under Section 504

The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)

Director, Pupil Services  
5801 E. Conifer Street  
Oak Park, CA 91377  
818-735-3208

## Definitions

For the purpose of implementing Section 504, ~~of the Rehabilitation Act of 1973~~, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of ~~either~~ regular or special education and related aids and services, designed to meet the ~~student's~~ individual educational needs ~~of a student with disabilities~~ as adequately as the needs of ~~nondisabled~~ students ~~without disabilities~~ are met, ~~without at no~~ cost to the student or his/her parent/guardian, except when a fee is ~~specifically authorized by law for all imposed on nondisabled~~ students. (34 CFR 104.33)

(cf. 3260 – Fees and Charges)

Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (34 28 CFR 104.33 35.108)

~~Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. (34 CFR 104.3)~~

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the ~~following~~ body systems, ~~such as~~ neurological, musculoskeletal, special sense organs, respiratory, (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, immune, hemic, ~~and~~ lymphatic, skin, and endocrine. (34 28 CFR 34.108 104.3)

~~Mental impairment means any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (34 CFR 104.3)~~

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Substantially limits major life activities means limiting a person's ability to perform functions, **as compared to most people in the general population**, such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, **writing**, communicating, and working. Major life activities also includes major bodily functions such as functions of the immune system, **special sense organs and skin**, normal cell growth, ~~and~~ digestive, bowel, bladder, neurological, brain, respiratory, circulatory, **cardiovascular**, endocrine, **hemic**, **lymphatic**, **musculoskeletal**, and reproductive functions, ~~Substantially~~ as well as the operation of an individual organ within a body system. The determination of whether an impairment **substantially** limits a student's major life activities shall be **made determined** without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures ~~include~~ are measures that an individual may use to eliminate or reduce the effects of an impairment, including, but ~~are~~ not limited to, medications, **medical supplies or equipment**, prosthetic devices, assistive devices, **reasonable modifications or auxiliary aids or services**, learned behavioral, or adaptive neurological modifications, **psychotherapy, behavioral therapy, or physical therapy**. ~~which an individual may use to eliminate or reduce the effects of an impairment.~~ (42 USC 12102; ~~34~~ 28 CFR ~~104.3~~ 35.108)

## Referral, Identification, and Evaluation

Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.

(cf. 6164.5 – Student Success Teams)

2. Upon receipt of **any such** referral, ~~of eligibility~~, the principal, 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including **those in** academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.

# OAK PARK UNIFIED SCHOOL DISTRICT

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3. If ~~it is determined that a~~ **the** student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to **his/her** initial placement. (34 CFR 104.35)

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

The district's evaluation procedures shall ensure that the tests and other evaluation materials: (34 CFR 104.35)

- a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
- b. Are tailored to assess specific areas of educational need and are not ~~based solely merely on a~~ **designed to provide a** single general intelligence quotient.
- c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure

### Section 504 Services Plan and Placement

**Services and placement decisions for students with disabilities shall be determined as follows:**

1. A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation ~~data~~ **ea**, and the placement options. (34 CFR 104.35)

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to

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ensure that the student receives FAPE.

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

*(cf. 5141.21 – Administering Medication and Monitoring Health Conditions)*

*(cf. 5141.22 – Infectious Diseases)*

*(cf. 5141.23 – Asthma Management)*

*(cf. 5141.24 – Specialized Health Care Services)*

*(cf. 5141.26 – Tuberculosis Testing)*

*(cf. 5141.27 – Food Allergies/Special Dietary Needs)*

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a ~~disabled~~ person **with a disability** under Section 504 and shall state the basis for the ~~decision-determination~~ that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.

4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)

5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame. **The district shall adhere to this time frame regardless of any extended school breaks or times that school is otherwise not in session.**

6. A copy of the student's **Section** 504 services plan shall be kept in his/her student record. The student's teacher(s), and any other staff who provide services to the student, shall be informed of the plan's requirements.

If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5125 – Student Records)*

## Review and Reevaluation

The 504 team shall monitor the progress of the student and, at least annually, shall review the

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effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of ~~non-disabled~~ students **without disabilities are met**. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

A reevaluation of the student's needs ~~will~~ **shall** be conducted before any subsequent significant change in placement. (34 CFR 104.35)

*(cf. 5144.1 – Suspension and Expulsion/Due Process)*

*(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))*

### Procedural Safeguards

The Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she ~~shall~~ **shall** notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR 104.36)

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or education placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, **or if the parent/guardian did not request an administrative review**, he/she may request a Section 504 due process hearing.

**A** Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request **to** the Coordinator within 30 days of receiving the district's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:

- a. The specific nature of the decision with which he/she disagrees

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- b. The specific relief he/she seeks
  - c. Any other information ~~the~~ he/she believes ~~is~~ pertinent ~~to resolving~~ to resolving the disagreement
2. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.
3. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.
4. The parties to the hearing shall be afforded the right to:
- a. Be accompanied and advised by **legal** counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504
  - b. Present written and oral evidence
  - c. Question and cross-examine witnesses
  - d. Receive written findings by the hearing officer **stating the decision and explaining the reasons for the decision**

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notifications

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

*(cf. 5145.6 - Parental Notifications)*

Adopted: 9-17-02

Amended: 11-07, 3-09, 4-13, **8-30-17**



**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.e. APPROVE AMENDMENT TO BOARD POLICY AND  
ADMINISTRATIVE REGULATION 1340 – ACCESS TO DISTRICT  
RECORDS – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy and Administrative Regulation 1340 – Access to District Records?

**BACKGROUND:** Board Policy updated to reflect NEW COURT DECISION (City of San Jose v. Superior Court) which held that using a personal account or device to send or receive communications regarding public business does not categorically exclude those records from disclosure in response to a request under the California Public Records Act and that public agencies are obliged to disclose applicable records that they can locate with reasonable effort. Regulation updated to reflect NEW LAW (AB 2843, 2016) which prohibits disclosure of employees' personal cell phone numbers and birth dates, and NEW LAW (AB 2853, 2016) which authorizes the district, in response to a public records request, to post public records on its web site and refer the requesting member of the public to the location of the records on the web site. Regulation also revised to clarify access to documents containing names, salaries, and pension benefits of district employees and to records pertaining to claims and litigation against the district. Board Policy 1340 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 1340 – Access to District Records
2. Do not amend Board Policy 1340 – Access to District Records
3. Adopt a modified version of the amendment to Board Policy 1340 – Access to District Records

**RECOMMENDATION:** Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

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VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep.	_____	_____	_____	_____

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## Access to District Records

The Governing Board recognizes the right of citizens to have access to public records of the district. The Board intends the district to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of ~~state and federal~~ law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law. ~~Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.~~

*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 3580 - District Records)*  
*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*  
*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*  
*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.1 - Release of Directory Information)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*  
*(cf. 9321 - Closed Session Purposes and Agendas)*

In response to a public records request, the Superintendent or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through a district-provided device or account or through an employee's or Board member's personal device or account.

*(cf. 4040 - Employee Use of Technology)*  
*(cf. 9012 - Board Member Electronic Communications)*

The district may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

In order to help maintain the security of district records, members of the public granted access shall examine records in the presence of a district staff member.

~~Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act or other statutes.~~

~~*(cf. 3553 - Free and Reduced Price Meals)*~~  
~~*(cf. 3580 - District Records)*~~

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~~(cf. 4112.6/4212.6/4312.6 – Personnel Files)~~  
~~(cf. 4112.62/4212.62/4312.62 – Maintenance of Criminal Offender Records)~~  
~~(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)~~  
~~(cf. 5020 – Parent Rights and Responsibilities)~~  
~~(cf. 5125 – Student Records)~~  
~~(cf. 5125.1 – Release of Directory Information)~~  
~~(cf. 6162.5 – Student Assessment)~~  
~~(cf. 9011 – Disclosure of Confidential/Privileged Information)~~  
~~(cf. 9321 – Closed Session Purposes and Agendas)~~

## Legal Reference:

### EDUCATION CODE

35145 Public meetings  
35170 Authority to secure copyrights  
35250 Duty to keep certain records and reports  
41020 Requirement for annual audit  
42103 Publication of proposed budget; hearing  
44031 Personnel file contents and inspections  
44839 Medical certificates; periodic medical examination ~~(re access to medical certificate in personnel file)~~  
49060-49079 ~~Student~~~~Pupil~~ records  
49091.10 Parental review of curriculum and instruction  
~~52850 – Applicability of article (School-based Program Coordination Plan availability)~~

### GOVERNMENT CODE

3547 Proposals relating to representation  
6250-6270 California Public Records Act  
6275-6276.48 Other exemptions from disclosure  
53262 Employment contracts  
54957.2 Minute book record of closed sessions  
54957.5 Agendas and other writings distributed for discussion or consideration  
81008 ~~Political Reform Act~~, public records; inspection and reproduction

### CALIFORNIA CONSTITUTION

Article 1, Section 3 Right of access to governmental information

### CODE OF REGULATIONS, TITLE 5

430-438 Individual ~~student~~~~pupil~~ records

### CALIFORNIA CONSTITUTION

Article 1, Section 3 Right of access to governmental information

### COURT DECISIONS

*City of San Jose v. Superior Court* (2017) 2 Cal.5th 608

*Los Angeles County Board of Supervisors v. Superior Court* (2016) 2 Cal.5th 282

*International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County*, (2007) 42 Cal.4<sup>th</sup> 319

*Los Angeles Times v. Alameda Corridor Transportation Authority*, (2001) 88 Cal.App.4<sup>th</sup> 1381

*Kleitman v. Superior Court*, (1999) 74 Cal.app.4<sup>th</sup> 324

*Fairley v. Superior Court*, (1998) 66 Cal.App. 4th 1414

*North County Parents Organization for Children with Special Needs v. Department of Education*, (1994) 23 Cal.App. 4th 144

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## *ATTORNEY GENERAL OPINIONS*

*71 Ops.Cal.Atty.Gen. 235 (1988)*

*64 Ops.Cal.Atty.Gen. 186 (1981)*

## *Management Resources:*

### *CSBA PUBLICATIONS*

*Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017*

### *ATTORNEY GENERAL PUBLICATIONS*

*Summary of the California Public Records Act, 2004*

### *LEAGUE OF CALIFORNIA CITIES PUBLICATIONS*

*The People's Business: A Guide to the California Public Records Act, 2008*

### *WEB SITES*

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

*California Attorney General's Office: <http://oag.ca.gov>~~[www.caag.state.ca.us](http://www.caag.state.ca.us)~~*

*Institute for Local Government: <http://www.cacities.org>~~[index.jsp?zone=ilsg](http://www.cacities.org/index.jsp?zone=ilsg)~~*

*State Bar of California: <http://www.calbar.ca.gov>*

Adopted: 2-22-78

Amended: 5-28-80, 10-4-83, 4-2-91, 9-17-02, 11-18-03, 11-08, [8-30-17](#)

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## Access to District Records

### Definitions

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. (Government Code 6252)

*(cf. 3580 – District Records)*

*(cf. 9012 – Board Member Electronic Communications)*

Writing means any handwriting, typewriting, printing, photostating, photographing, **photocopying**, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

Member of the public means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of his/her membership, agency, office, or employment. (**Government Code 6252**)

### Public Records

Public records to which **members of** the public shall have access include, but are not limited to:

1. Proposed and approved **district** budgets and annual audits ~~of the district~~ (Education Code 41020, 42103)

*(cf. 3100 - Budget)*

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

2. Statistical compilations

3. Reports and memoranda

4. Notices and bulletins

5. Minutes of public meetings (Education Code 35145)

*(cf. 9324 - Minutes and Recordings)*

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6. Meeting agendas (Government Code 54957.5)

*(cf. 9322 - Agenda/Meeting Materials)*

7. Official communications between the district and other government agencies

8. School-based program plans (Education Code 52850)

*(cf. 0420 – School Plans/Site Councils)*

*(cf. 0420.1 - School-Based Program Coordination)*

9. Information and data relevant to the evaluation and modification of district plans

*(cf. 0440 – District Technology Plan)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 0520.2 – Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)

*(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)*

11. ~~Claims filed against the district and records pertaining to pending litigation (Government Code 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))~~ Records pertaining to claims and litigation against the district which have been adjudicated or settled (Government Code 6254, 6254.25)

*(cf. 3320 - Claims and Actions Against the District)*

12. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

*(cf. 9270 - Conflict of Interest)*

13. Documents containing names, salaries, and pension benefits of district employees

143. Employment contracts and settlement agreements (Government Code 53262)

*(cf. 2121 – Superintendent's Contract)*

*(cf. 4117.5/4217.5/4317.5 - Termination Agreements)*

*(cf. 4141/4241 - Collective Bargaining Agreement)*

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145. Instructional material including, but not limited to, textbooks (~~64 Ops. Cal. Atty. Gen 186~~  
(1981 Education Code 49091.10))

(cf. 5020 – Parent Rights and Responsibilities)

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

~~Governing Board members shall have the ability to access public records permitted by law in the administration of their duties or open to inspection by members of the public. (Government Code 6252.5)~~

~~The Superintendent or designee shall ensure that any record containing personal information is redacted to ensure that such information, including, but not limited to, an employee's home address or social security number, is not disclosed to the public.~~

Access to public records of the district shall be granted to Governing Board members on the same basis as any other member of the public. When Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate among any of the Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 6252.5, 6252.7)

When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee's home address, home telephone number, social security number, personal cell phone number, or birth date, the Superintendent or designee shall ensure that such personal information is redacted from that record. (Government Code 6254.29, 6254.3)

## Confidential Public Records

Records to which the members of ~~general~~ public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, interagency or interdistrict or intradistrict memoranda ~~which that~~ are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or

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beyond, if the records are protected by some other provision of law (Government Code 6254; 6254.25; ~~Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988)~~)

3. Personnel records, medical records, ~~student records~~, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

*(cf. 4112.5/4212.5/4312.5) - Criminal Record Check)*

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

~~*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*~~

~~*(cf. 5125 - Student Records)*~~

~~*(cf. 5125.1 - Release of Directory Information)*~~

The home addresses and home telephone numbers, **personal cell numbers, or birth date** of employees may be disclosed only as follows: (Government Code 6254.3)

- a. To an agent or a family member of the employee
- b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties
- c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, ~~unless except that~~ the **home address and any telephone number for an employee who** performs law enforcement-related functions or **the birth date of any employee, shall** ~~requests in writing that the information~~ not be disclosed

**Upon written request of any employee, the district shall not disclose the employee's home address, home telephone number, personal cell phone number, or birth date, and the district shall remove this information from any mailing list of the district except a list used exclusively to contact the employee.**

*(cf. 4140/4240/4340 - Bargaining Units)*

- d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*

4. **Student records, except directory information and other records to the extent permitted under**



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the law, when disclosure is authorized by law

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.3 - Challenging Student Records)

45. Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254)

(cf. 6162.51 - ~~Standardized Testing and Reporting Program~~ State Academic Achievement Tests)

(cf. 6162.52 - High School Exit Examination)

- 5.6. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)

67. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)

78. Library circulation and patron use records of a borrower or patron including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to a person acting within the scope of his/her duties in the administration of the library, to a person authorized in writing by the individual to whom the records pertain, or by court order (Government Code 6254, 6267)

(cf. 6163.1 - Library Media Centers)

89. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)

(cf. 9124 - Attorney)

910. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that ~~is~~ are for distribution or consideration in closed session (Government Code 6254)

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*(cf. 0450 – Comprehensive Safety Plan)*

101. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of ~~the~~ school districts (Government Code 6253.5)

*(cf. 9223 – Filling Vacancies)*

112. Minutes of Board meetings held in closed session (Government Code 54957.2)

*(cf. 9321 - Closed Session Purposes and Agendas)*

123. Computer software developed by the district (Government Code 6254.9)

134. Information security records, the disclosure of which would reveal vulnerabilities to, or ~~otherwise~~ increase potential for an attack on, the district's ~~information~~ technology system (Government Code 6254.19)

145. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

*(cf. 5141.6 - School Health Services)*

156. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

167. ~~Any other R~~records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not ~~disclosing~~ ~~making~~ the record ~~public~~ clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

## Inspection of Records and Requests for Copies

Any person may request a copy or inspection of any district record ~~that is~~ open to the public and not exempt from disclosure. (Government Code 6253)

Within ten (10) days of receiving any request to inspect or copy ~~of a district records~~, the Superintendent or designee shall determine whether the request seeks ~~copies~~ ~~release~~ of a disclosable public records in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

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In unusual circumstances, the Superintendent or designee may extend the ~~ten (10)~~-day limit for up to ~~fourteen (14)~~ days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) ~~with having~~ substantial ~~subject matter~~ interest ~~in the request~~
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Public records ~~are~~ ~~shall be~~ open to inspection at all times during district office hours. Any reasonably ~~segregable~~ portion of a record shall be made available for inspection by ~~every~~ ~~any~~ person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. ~~The amount charged will be ten cents (\$.10) per page.~~ Written requests to waive the fee shall be submitted to the Superintendent or designee.

In addition to maintaining public records for public inspection during district office hours, the district may comply with public records requests by posting any public record on the district's web site and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is

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unable to access or reproduce the record from the web site, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 6253)

If any person requests **that** a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals.
2. The request would require data compilation, extraction, or programming to produce the record.

### Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement ~~will~~ **shall** be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

# **OAK PARK UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION**

*Series 1000*

*Community Relations*

*AR 1340(i)*

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Provisions of the Public Records Act shall not be construed so as to delay ~~access for purposes of inspecting records open to the public~~ or obstruct the inspection or copying of public records.

Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

Adopted: 4-2-91

Amended: 3-05, 11-08, 11-11, 8-30-17

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.f APPROVE AMENDMENT TO BOARD POLICY AND  
ADMINISTRATIVE REGULATION 3260 – FEES AND CHARGES  
–First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 3260 – Fees and Charges?

**BACKGROUND:** Board Policy 3260 reorganized and updated to reflect a California Department of Education (CDE) management advisory regarding the prohibition against requiring parent/guardian volunteer hours or payment as a condition of the student's enrollment or participation in educational activities. Regulation updated to reflect NEW LAW (AB 2615, 2016) which permits districts to charge a fee for participation in After School Education and Safety (ASES) programs, 21st Century Community Learning Center (21st CCLC) programs, and 21st Century High School After School Safety and Enrichment for Teens (ASSETs) program, as long as the fee is waived or reduced for low-income families and, effective July 1, 2017, the fee is not charged for a homeless or foster youth. Regulation also clarifies the permissibility of charging a fee for in-state field trips in accordance with CDE's interpretation of law, provided that no student is prevented from participating based on a lack of funds. Board Policy 3260 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 3260 – Fees and Charges.
2. Do not amend Board Policy 3260 – Fees and Charges.
3. Adopt a modified version of the amendment to Board Policy 3260 – Fees and Charges.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

**APPROVE AMENDMENT TO BOARD POLICY 3260 – FEES AND CHARGES – First Reading**

**AUGUST 30, 2017**

**Page 2**

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 3000

Business and Non-instructional Operations

BP 3260(a)

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## Fees and Charges

The Governing Board recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the district's educational program are made available to them at no cost.

No student shall be required to pay ~~any fees~~, deposits, or other charges for his/her participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. (Education Code 49010, 49011; 5 CCR 3560)

*(cf. 3100 – Budget)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

~~*(cf. 3290 – Gifts, Grants and Bequests)*~~

As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. When approving such fees, deposits, or charges, establishing fee schedules, or determining whether waivers or exceptions should be granted, the Board shall consider relevant data, including the socio-economic conditions of district students' families and their ability to pay.

*(cf. 3250 - Transportation Fees)*

*(cf. 3515.4 - Recovery for Property Loss or Damage)*

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 5143 - Insurance)*

*(cf. 9323.2 - Actions by the Board)*

The prohibition against student fees shall not restrict the district from soliciting for ~~voluntary~~ donations, participating in fundraising activities, ~~and~~ providing prizes or other recognition for participants in such activities and events. ~~However, The Superintendent or designee shall emphasize that participation of students, parents/guardians, district employees, volunteers, or educational or civic organizations in such activities and events is voluntary.~~ The district shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student. ~~It and also~~ shall not remove, or threaten to remove, from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

*(cf. 1321 – Solicitation of Funds from and by Students)*

*(cf. 3290 – Gifts, Grants and Bequests)*

~~Whenever district employees, volunteers, students, parents/guardians, or educational or civic organizations participate in such events or activities, the Superintendent or designee shall emphasize that participation in the event or activity is voluntary.~~



# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 3000

Business and Non-instructional Operations

BP 3260(b)

~~A complaint alleging district noncompliance with the prohibition against requiring student fees, depositions, or other charges shall be filed in accordance with the district's procedures in BP/AR 1312.3~~  
The Superintendent or designee may provide information or professional development opportunities to administrators, teachers, and other personnel regarding permissible fees.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

## Complaints

A complaint alleging district noncompliance with the prohibition against requiring student fees, deposits, or other charges shall be filed in accordance with the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

*(cf. 1312.3 – Uniform Complaint Procedures)*

If, upon investigation, the district finds merit in the complaint, the Superintendent or designee shall recommend and the Board shall adopt an appropriate remedy to be provided to all affected students and parents/guardians in accordance with 5 CCR 4600.

Information related to the prohibition against requiring students to pay fees for participation in an educational activity shall be included in the district's annual notification of uniform complaint procedures ~~required~~ to be provided to all ~~district~~ students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 49013)

*(cf. 4112.9/4212.9/4312.9 – Employee Notifications)*

*(cf. 5145.6 – Parental Notifications)*

Legal Reference:

EDUCATION CODE

~~8239~~-Preschool and wraparound child care services

8250 Child care and development services for children with disabilities

8263 Child care eligibility

8422 21<sup>st</sup> Century High School After School Safety and Enrichment for Teens programs

8482.6 After School Education and Safety programs

8760-8774 Outdoor science and conservation programs

17453.1 District sale or lease of Internet appliances or personal computers to students or parents

17551 Property fabricated by students

19910-19911 Offenses against libraries

32033 Eye protective devices

32221 Insurance for athletic team member

32390 Fingerprinting program

35330-35332 Excursions and field trips

35335 School camp programs

38080-38086.15 Cafeteria establishment and use

38120 Use of school band equipment on excursions to foreign countries

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 3000

Business and Non-instructional Operations

BP 3260(c)

*39801.5 Transportation for adults*

*39807.5 Payment of transportation costs*

*39837 Transportation of students to places of summer employment*

*48050 Residents of adjoining states*

*48052 Tuition for foreign residents*

*48904 Liability of parent or guardian*

*49010-49013 Student fees*

*49065 Charge for copies*

*49066 Grades, effect of physical education class apparel*

*49091.14 Prospectus of school curriculum*

*51810-51815 Community service classes*

*52612 Tuition for adult classes*

*52613 Nonimmigrant ~~foreign nationals~~ ~~aliens~~*

*56504 School records; students with disabilities*

*60410 Students in classes for adults*

*GOVERNMENT CODE*

*6253 Request for copy; fee*

*CALIFORNIA CONSTITUTION*

*Article 9, Section 5 Common school system*

*CODE OF REGULATIONS, TITLE 5*

*350 Fees not permitted*

*4600-4687 Uniform complaint procedures*

*UNITED STATES CODE, TITLE 8*

*1184 Foreign ~~s~~Students*

*COURT DECISIONS*

*Driving School Assn of CA v. San Mateo Union HSD (1993) 11 Cal. App. 4th 1513*

*Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251*

*Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739*

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

*CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738*

Management Resources:

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Pupil Fees: Damage to School Property, Fiscal Management Advisory 16-01, September 16, 2016*

*Pupil Fees: Parent Service Hours, Fiscal Management Advisory 15-01, January 20, 2015*

*Pupil Fees, Deposits, and Other Charges: Cap and Gown for High School Graduation Ceremony, Addendum to Fiscal Management Advisory 12-02, October 4, 2013*

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

*WEB SITES*

*~~CDE:~~ <http://www.cde.ca.gov>*

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

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

Adopted: 1-11-78

Amended: 7-23-80, 6-23-82, 5-2-89, 9-17-02, 12-16-03, 2-19-13, 6-17-14, [8-30-17](#)

# OAK PARK UNIFIED SCHOOL DISTRICT

## ADMINISTRATIVE REGULATION

Series 3000

Business and Non-instructional Operations

AR 3260(a)

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### Fees and Charges

When approved by the Governing Board, the Superintendent or designee may impose a fee for the following: (5 CCR 350)

1. Insurance for athletic team members, with an exemption providing for the district to pay the cost of the insurance for any team member who is financially unable to pay (Education Code 32221)

(cf. 5143 - Insurance)

2. Insurance for medical or hospital service for students participating in field trips and excursions (Education Code 35331)

3. Expenses of students' participation in a field trip or excursion within the state or to another state, the District of Columbia, or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds (Education Code 35330)

(cf. 6153 - School-Sponsored Trips)

4. Student fingerprinting program, as long as the fee does not exceed the actual costs associated with the program (Education Code 32390)

(cf. 5142.1 - Identification and Reporting of Missing Children)

5. School camp programs in outdoor science education, conservation education, or forestry operated pursuant to Education Code 8760-8774~~3~~, provided that the fee is not mandatory and no student is denied the opportunity to participate for nonpayment of the fee (Education Code 35335)

(cf. 6142.5 - Environmental Education)

6. Reimbursement for the direct cost of materials provided by the district to a student for the fabrication of nonperishable personal property the student will take home for his/her own possession and use, such as wood shop, art, or sewing projects kept by the student (Education Code 17551)

7. Home-to-school transportation and transportation between regular, full-time day schools and regional occupational centers, programs, or classes, as long as the fee does not exceed the statewide average non-subsidized cost per student and exemptions are made for indigent and disabled students (Education Code 39807.5)

# OAK PARK UNIFIED SCHOOL DISTRICT

## ADMINISTRATIVE REGULATION

Series 3000

Business and Non-instructional Operations

AR 3260(b)

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*(cf. 3250 – Transportation Fees)*

8. Transportation for students to and from their places of employment in connection with any summer employment program for youth (Education Code 39837)

9. Deposit for school band instruments, music, uniforms, and other regalia which school band members take on excursions to foreign countries (Education Code 38120)

10. Sale or lease of ~~Internet appliances or~~ personal computers or of Internet appliances that allow a person to connect to or access the ~~for the purpose of providing access to the~~ district's educational ~~computer~~ network, provided that the items are sold or leased to parents/guardians at no more than cost and ~~as long as~~ the district provides network access for families who cannot afford it (Education Code 17453.1)

*(cf. 04400 – District Technology Plan)*

*(cf. 6163.4 – Student Use of Technology)*

11. An adult education or secondary school ~~Fees for~~ community service class in civic, vocational, ~~ill~~iteracy, health, homemaking, and technical and general education, not to exceed the cost of maintaining the class (Education Code 51810-~~5~~51815)

*(cf. 6142.4 - Service Learning/Community Service Classes)*

12. Eye safety devices worn in courses or activities involving the use of hazardous substances likely to cause injury to the eyes, when being sold to students and/or teachers or instructors to keep and at a price not to exceed the district's actual costs (Education Code 32033)

*(cf. 3514.1 – Hazardous Substances)*

*(cf. 5142 - Safety)*

13. Actual cost of furnishing copies of any student's records, except that no charge shall be made for furnishing up to two transcripts or two verifications of a former student's records or for reproducing records of a student with a disability when the cost would effectively prevent the parent/guardian from exercising the right to receive the copies (Education Code 49065, 56504)

*(cf. 5125 – Student Records)*

14. Actual costs of duplication for reproduction of the prospectus of school curriculum or for copies of public records (Education Code 49091.14; Government Code 6253)

*(cf. 1340 - Access to District Records)*

*(cf. 50240 – Parents' Rights and Responsibilities)*

# OAK PARK UNIFIED SCHOOL DISTRICT

## ADMINISTRATIVE REGULATION

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15. Food sold at school, subject to free and reduced-price meal program eligibility and other restrictions specified in law (Education Code 38084)

*(cf. 3550 – Food Service/Child Nutrition Program)*  
*(cf. 3551 - Food Service Operations/Cafeteria Funds)*  
*(cf. 3552 - Summer Meal Program)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 3554 - Other Food Sales)*

16. As allowed in law, replacement cost or reimbursement for lost or **willfully** damaged district books, supplies, or property, or **for** district property loaned to a student that he/she fails to return (Education Code 19910-19911, 48904)

*(cf. 3515.4 - Recovery for Property Loss or Damage)*

17. Tuition for district school attendance by an out-of-state **or** ~~and~~ out-of-country resident (Education Code **48050**, 48052, 52613; 8 USC 1184)

*(cf. 5111.2 - Nonresident Foreign Students)*

18. Adult education books, materials, transportation, and classes, except that no fee may be charged for classes in elementary subjects, **classes** ~~or~~ for which high school credit is granted when taken by a person who does not hold a high school diploma, or, ~~effective July 1, 2015,~~ classes in English and citizenship (Education Code 39801.5, 52612, 60410)

*(cf. 6200 - Adult Education)*

19. Preschool and child care and development services, in accordance with the fee schedule established by the Superintendent of Public Instruction, unless the family qualifies for subsidized services or the program is for severely disabled children and the student is eligible to enroll in it (Education Code 8239, 8250, 8263)

*(cf. 5148 - Child Care and Development)*  
*(cf. 5148.3 – Preschool/Early Childhood Education)*

20. **Participation in a before-school or after-school program that is funded as an After School Education and Safety (ASES) pPrograms, 21st Century Community Learning Center (21st CCLC), or 21st Century High School After School Safety and Enrichment for Teens program, provided that fees are waived or reduced for families with students who are eligible for free or reduced-price meals and, in regard to ASES and 21st CCLC programs, fees are not charged if the district knows the student is a homeless or foster youth ~~as long as no eligible student is denied~~**

**OAK PARK UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

*Series 3000*

*Business and Non-instructional Operations*

*AR 3260(d)*

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~~the ability to participate because of inability to pay the fee~~ (Education Code [8422](#), 8482.6)

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

21. Advanced Placement and International Baccalaureate Diploma examinations for college credits, as long as the examination is not a course requirement and the results have no impact on student grades or credits in the course

*(cf. 6141.4 - International Baccalaureate Program)*

*(cf. 6141.5 – Advanced Placement)*

Adopted: 6-3-81

Amended: 4-14-82, 5-2-89, 9-17-02, 11-12, 4-14, [8-30-17](#)

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.g. APPROVE AMENDMENT TO BOARD POLICY 7214 – GENERAL OBLIGATION BONDS – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 7214 – General Obligation Bonds?

**BACKGROUND:** Board Policy 7214 is being updated to reflect NEW LAW (SB 1029, 2016) which requires the board to adopt a debt management policy prior to issuing any debt, including a general obligation bond, and to certify to the California Debt and Investment Advisory Commission that any proposed issuance of debt is consistent with the district's policy. Policy also reflects NEW LAW (AB 2116, 2016) which requires the board to obtain reasonable and informed projections of assessed valuations that take into consideration projections of assessed property valuations made by the county assessor, and NEW LAW (AB 2738, 2016) which prohibits districts from withdrawing proceeds from bond sales at any time for the purpose of making investments outside the county treasury. Policy also adds caution that some uses of bond proceeds that are specified in the Education Code for bond elections with a 66.67 percent threshold may be inconsistent with the California Constitution and encourages consultation with legal counsel. Board Policy 7214 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 7214 – General Obligation Bonds.
2. Do not amend Board Policy 7214 – General Obligation Bonds.
3. Adopt a modified version of the amendment to Board Policy 7214 – General Obligation Bonds.

**RECOMMENDATION:** Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

**APPROVE AMENDMENT TO BOARD POLICY 7214 – GENERAL OBLIGATION  
BONDS – First Reading**

**AUGUST 30, 2017**

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____



# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 7000

Facilities

BP 7214(a)

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## General Obligation Bonds

The Governing Board recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued to pay for school facilities.

*(cf. 1160 – Political Processes)*  
*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7210 - Facilities Financing)*

The Board's decision to order a bond election, as well as its determinations regarding the appropriate amount, timing, and structure of the bond issuance, shall be consistent with law and the district's debt management policy.

*(cf. 3470 - Debt Issuance and Management)*

Before ordering a bond election, the Board shall obtain reasonable and informed projections of assessed valuations that take into consideration projections of assessed property valuations made by the county assessor. (Education Code 15100) ~~shall determine the appropriate amount of the bond in accordance with law.~~

When any project to be funded by bonds will require state matching funds for any phase of the project, the ballot for the bond measure shall include a statement as specified in Education Code 15122.5, advising voters that, because the project is subject to approval of state matching funds, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

## Bonds Requiring 55 ~~Percent~~% Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 55 ~~percent~~% majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agrees to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 ~~percent~~% majority of the voters. (Education Code 15266)

*(cf. 9323.2 - Actions by the Board)*

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the ~~school~~ district

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 7000

Facilities

BP 7214(b)

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are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district shall be used only for the following purposes:  
(California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities
2. The acquisition or lease of real property for school facilities
3. The refunding of any outstanding debt issuance used for the purposes specified in items #1-2 above

The proposition approved by the voters shall include the following accountability requirements:  
(California Constitution Article 13A, Section 1(b)(3))

1. ~~Certification~~~~A requirement~~ that proceeds from the sale of the bonds ~~will~~ be used only for the purposes specified in items #1-2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses

2. A list of specific school facilities~~ies~~ projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list

*(cf. 0440 - District Technology Plan)*  
*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 6151 - Class Size)*

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed
4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects

If a district general obligation bond requiring a 55 ~~percent~~~~%~~ majority is approved by the voters, the Board shall appoint an independent citizens' ~~advisory~~-oversight committee to inform the public concerning the expenditure of bond revenues as specified in Education Code 15278 and the accompanying ~~administrative~~ regulation. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 7000

Facilities

BP 7214(c)

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(cf. 1220 – Citizen Advisory Committees)  
(cf. 9324 – Minutes and Recordings)

The Superintendent or designee shall ensure that the annual, independent performance and financial audits ~~required~~~~conducted~~ pursuant to items #3~~-and #4~~ above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards and submitted to the citizens' oversight committee at the same time they are submitted to him/her and no later than March 31 of each year. (Education Code 15286)

The Board shall provide the citizens' oversight committee with responses to all findings, recommendations, and concerns addressed in the performance and financial audits within three months of receiving the audits. (Education Code 15280)

The Board may disband the citizens' oversight committee when the committee has completed its review of the final performance and financial audits.

## Bonds Requiring 66.67 ~~Percent~~% Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 66.67 ~~percent~~% majority of the voters pursuant to Education Code 15100 and Article 13A, Section 1(b)(2) of the California Constitution. If a majority of the Board agrees to such an election, or upon a petition of the majority of the qualified electors residing in the district, the Board shall adopt a resolution ordering an election on the question of whether to incur bonded indebtedness if approved by a 66.67 ~~percent~~% majority of the voters. (Education Code 15100)

The bond election may be ordered to occur on any Tuesday, except a Tuesday that is a state holiday or the day before or after a state holiday, that is within 45 days before or after a statewide election unless conducted at the same time as the statewide election, or is an established election date pursuant to Elections Code 1000 or 1500. (Education Code 15101)

Subject to limits specified in Article 13A, Section 1 of the California Constitution, ~~b~~Bonds shall be sold ~~for the purpose to of~~ raising money for any of the following purposes: (Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making ~~of~~ alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 7000

Facilities

BP 7214(d)

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4. Repairing, restoring, or rebuilding ~~of~~ any school building damaged, injured, or destroyed by fire or other public calamity
  5. Supplying ~~of~~ school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
  6. Permanently improv~~ingement~~~~of~~ school grounds
  7. Refunding ~~of~~ any outstanding valid indebtedness of the district, evidenced by bonds or ~~of~~ state school building aid loans
  8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
  9. Purchasing school buses with a useful life of at least 20 years
  10. Demolish~~ing~~~~tion~~ or razing ~~of~~ any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by ~~an~~ order of the Board ~~and~~ entered into the minutes. (Education Code 15100)

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

## Certificate of Results

If the certificate of election results received by the Board shows ~~that~~ the appropriate majority of the voters ~~is~~~~are~~ in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the County Board of Supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

## Resolutions Regarding Sale of Bonds

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution directing the issuance and sale of bonds. In accordance with law, the resolution shall prescribe the total amount of ~~the~~ bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable. (Education Code 15140; Government Code

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 7000

Facilities

BP 7214(e)

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53508.6)

In passing the resolution, the Board shall consider each available funding instrument, including, but not limited to, the costs associated with each and their relative suitability for the project to be financed.

Prior to the sale of bonds, the Board shall ~~place~~~~disclose~~~~as~~ an agenda item at a public meeting and adopt as part of ~~either in~~ the bond issuance resolution, or ~~in a separate~~~~another~~ resolution, disclosures of the available funding instruments, the costs and sustainability of each, and all of the following ~~information~~~~items~~: (Education Code 15146; Government Code 53508.9)

1. Express approval of the method of sale (i.e., competitive, negotiated, or hybrid)
2. Statement of the reasons for the method of sale selected
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial advisor if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected
4. Estimates of the costs associated with the bond issuance, including, but not limited to, bond counsel and financial advisor fees, printing costs, rating agency fees, underwriting fees, and other miscellaneous costs and expenses of issuing the bonds

When the sale involves bonds that allow for the compounding of interest, such as a capital appreciation bond (CAB), ~~the resolution to be adopted by the Board shall include~~ items #1-4 above ~~as well as~~~~and~~ the financing term and time of maturity, repayment ratio, and the estimated change in the assessed value of taxable property within the district over the term of the bonds ~~shall be included in the resolution to be adopted by the Board~~. The resolution shall be publicly noticed on at least two consecutive meeting agendas, first as an information item and second as an action item. The agendas shall identify that bonds that allow for the compounding of interest are proposed. (Education Code 15146)

Prior to adopting a resolution for the sale of bonds that allow for the compounding of interest, the Board shall be presented with the following: (Education Code 15146)

1. An analysis containing the total overall cost of the bonds that allow for the compounding of interest
2. A comparison to the overall cost of current interest bonds

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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3. The reason bonds that allow for the compounding of interest are being recommended
4. A copy of the disclosure made by the underwriter in compliance with Rule G-17 adopted by the federal Municipal Securities Rulemaking Board

At least 30 days prior to the sale of any debt issue, the Superintendent or designee shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission (CDIAC). (Government Code 8855)

After the sale, the Board shall be presented with the actual **issuance** cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the ~~California Debt and Investment Advisory Commission~~. (Education Code 15146; Government Code 53509.5)

## Bond Anticipation Notes

Whenever the Board determines that it is in the best interest of the district, it may, by resolution, issue a bond anticipation note, on a negotiated or competitive-bid basis, to raise funds that shall be used only for a purpose authorized by a bond that has been approved by the voters of the district in accordance with law. (Education Code 15150)

Payment of principal and interest on any bond anticipation notes shall be made at note maturity, not to exceed five years, from the proceeds derived from the sale of the bond in anticipation of which that note was originally issued or from any other source **lawfully** available for that purpose, including state grants. Interest payments may also be made from such sources. However, interest payments may be made periodically and prior to note maturity from an increased property tax if the following conditions are met: (Education Code 15150)

1. A resolution of the Board authorizes ~~the~~ the property tax for that purpose.
2. The principal amount of the bond anticipation note does not exceed the remaining principal amount of the authorized but unissued bonds.

A bond anticipation note may be issued only if the tax rate levied to pay interest on the notes would not cause the district to exceed the tax rate limitations set forth in Education Code 15268 or 15270, as applicable.

## Deposit of Bond Proceeds

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With regard to general obligation bonds, the district shall invest new money bond proceeds in the county treasury pool as required by law. (Education Code 15146)

## Legal Reference:

### EDUCATION CODE

7054 Use of district property, campaign purposes

15100-15254 Bonds for school districts and community college districts

15264-15288 Strict Accountability in Local School Construction Bonds Act of 2000

17577 Sewers and drains

47614 Charter school facilities

### ELECTIONS CODE

324 General election

328 Local election

341 Primary election

348 Regular election

356 Special election

357 Statewide election

### Local election

~~1302 School district election~~

15372 Elections official certificate

### GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

8855 California Debt and Investment Advisory Commission

53506-53509.5 General obligation bonds

53580-53595.55 Bonds

54952 Definition of legislative body, Brown Act

### CALIFORNIA CONSTITUTION

Article 13A, Section 1 Tax limitation

Article 16, Section 18 Debt limit

### CODE OF FEDERAL REGULATIONS, TITLE 17

b-5 Prohibition against fraud or deceit

c2-12 Municipal securities disclosure

### COURT DECISIONS

San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District  
(2006) 139 Cal.App.4<sup>th</sup> 1356

### ATTORNEY GENERAL OPINIONS

Ops.Cal.Atty.Gen. 18 (2016)

88 Ops.Cal.Atty.Gen. 46 (2005)

87 Ops.Cal.Atty.Gen. 157 (2004)

## Management Resources:

### CSBA PUBLICATIONS

California's Challenge: Adequately Funding Education in the 21<sup>st</sup> Century, December 2015

Bond Sales – Questions and Considerations for Districts, Governance Brief, December 2012

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

### GOVERNMENT FINANCE OFFICERS ASSOCIATION PUBLICATIONS

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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*An Elected Official's Guide to Debt Issuance, 2nd Ed., 2016*

*Understanding Your Continuing Disclosure Responsibilities, Best Practice, September 2015*

*Investment of Bond Proceeds, Best Practice, September 2014*

*Selecting and Managing Municipal Advisors, Best Practice, February 2014*

*Debt Management Policy, Best Practice, October 2012*

*Analyzing and Issuing Refunding Bonds, Best Practice, February 2011*

## **WEB SITES**

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

California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>

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

California Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Government Finance Officers Association: <http://www.gfoa.org>

Municipal Security Rulemaking Board, Electronic Municipal Market Access (EMMA): <http://www.emma.mrsb.org>

Adopted: 9-17-02

Amended: 9-18-12, 3-12-13, 4-8-14, 8-30-17



**TO: MEMBERS, BOARD OF EDUCATION**  
**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**  
**DATE: AUGUST 30, 2017**  
**SUBJECT: A.2.h. APPROVE AMENDMENT TO BOARD POLICY 6111 – SCHOOL CALENDAR – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 6111 – School Calendar?

**BACKGROUND:** Board Policy 6111 updated to clarify that a district must offer a minimum of 175 instructional days per school year until it meets or exceeds its funding target under the local control funding formula, at which time the minimum required number of instructional days is 180. Policy also adds reference to the requirement for a minimum of 163 instructional days per year for multitrack year-round schools. Board Policy 6111 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 6111 – School Calendar.
2. Do not amend Board Policy 6111 – School Calendar.
3. Adopt a modified version of the amendment to Board Policy 6111 – School Calendar.

**RECOMMENDATION:** Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

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VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep.	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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BP 6111(a)

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## School Calendar

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

(cf. 0200 – Goals for the School District)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 6162.51 – State **Academic Achievement Tests**)~~Standardized Testing and Reporting Program)~~

(cf. 6162.52 – High School Exit Examination)

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

(cf. 6112 - School Day)

(cf. 6115 - Ceremonies and Observances)

(cf. 6117 - Year-Round Schedules)

(cf. 6177 - Summer **Learning Programs**~~School~~)

The district shall offer a minimum of 175 days of instruction per school year, until it equals or exceeds the local control funding formula target established for it pursuant to Education Code 42238.02, at which time it shall offer 180 days or more of instruction per school year. (Education Code 41420, 46208)~~180 days of instruction per year, except for any school year in which the district and employee organization(s) agree to have fewer days of instruction pursuant to the authorization in Education Code 46201.2. This does not preclude the district from lawfully, unilaterally implementing an instructional or work year, different than the number of instructional or work days offered the previous year.~~

(cf. 1431 – Waivers)

Staff development days shall not be counted as instructional days.

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

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Notification of the schedule of minimum days **and student-free staff development days** shall be sent to all parents/guardians at the beginning of the school year. If any minimum **days or student-free staff development** days are added to the schedule, the Superintendent or designee

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BP 6111(b)

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shall notify ~~the~~ parents/guardians of the affected students as soon as possible and at least one month before the scheduled minimum day. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

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

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

(cf. 5113 – Absences and Excuses)

## Legal Reference:

### EDUCATION CODE

37200-37202 School calendar

37220-37223~~4~~ Holidays

~~37252-37253 Summer school~~

~~37300-37303 Year Round School Demonstration Project~~

37600-37672 Continuous school programs: year-round schools, especially:

37618 School calendar

37700-3771~~207~~ Four-day week

41420 Apportionment withholding, schools not maintained for 175 days

41422 Schools not maintained for 175 days

42238.02 Local control funding formula

~~41530-41532 Professional Development Block Grant~~

46200-4620~~86~~ Incentives for longer instructional day and year

46300-Method of computing ADA

48980-Notice at beginning of term

~~REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS~~

~~44579-44579.6 Instructional Time and Staff Development Reform Program~~

### ELECTIONS CODE

12283 School closures, election days

### COURT DECISIONS

Butt v. State of California, (1992) 4 Cal 4<sup>th</sup> 668

### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

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

## Management Resources:

### WEB SITES

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

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

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

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

Adopted: 4-26-78

Amended: 4-18-79, 11-19-80, 9-17-02, 2-17-10, 3-20-12, 8-30-17

**TO: MEMBERS, BOARD OF EDUCATION**  
**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**  
**DATE: AUGUST 30, 2017**  
**SUBJECT: A.2.i. APPROVE AMENDMENT TO BOARD POLICY AND ADOPT  
ADMINISTRATIVE REGULATION 6142.2 – WORLD/FOREIGN  
LANGUAGE INSTRUCTION – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 6142.2 – World/Foreign Language Instruction?

**BACKGROUND:** Board Policy 6142.2 updated and regulation added to reflect NEW LAW (Proposition 58, 2016) which authorizes the establishment of dual-language immersion programs that provide integrated language learning and academic instruction for English learners and native speakers of English. Policy also reflects NEW LAW (AB 2290, 2016) which requires the SBE to consider revisions to the state content standards for world languages by March 31, 2019. Regulation reflects provisions of Proposition 58 which (1) delete the requirement that a parent/guardian request a waiver of structured English immersion instruction so that an English learner may participate in a dual-language immersion program, (2) require dual-language immersion programs in grades K-3 to meet class size requirements, and (3) require a parental notice with information on the district's dual-language and other language acquisition programs. Board Policy 6142.2 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 6142.2 – World/Foreign Language Instruction.
2. Do not amend Board Policy 6142.2 – World/Foreign Language Instruction.
3. Adopt a modified version of the amendment to Board Policy 6142.2 – World/Foreign Language Instruction.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

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VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep.	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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BP 6142.2(a)

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## World/Foreign Language Instruction

In order to prepare students for global citizenship and to broaden their intercultural understanding and career opportunities, the Governing Board shall provide students with opportunities to develop linguistic proficiency and cultural literacy in one or more world languages in addition to English.

~~(cf. 6141.6 – Multicultural Education)~~

The Superintendent or designee shall recommend world languages to be taught in the district's educational program based on student interest, community needs, and available resources. He/she shall also consider providing English learners the opportunity to study their heritage language, when such a course is available, in order to continue developing skills in that language. American Sign Language courses shall be open to all students regardless of hearing status.

(cf. 6174 - Education for English ~~Language~~-Learners)

The district shall offer a sequential curriculum aligned with the state content standards, state curriculum framework, and, as applicable, California university admission requirements for languages other than English.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

Instruction in world languages shall be offered to secondary school students beginning no later than grade 7 and shall be designed to develop students' skills in understanding, speaking, reading, and writing the language. (Education Code 51220)

(cf. 6143 - Courses of Study)

Students shall obtain credit toward high school graduation requirements for completion of a one-year course ~~during grades 9-12~~ in a world language or American Sign Language ~~during grades 9-12~~.

(cf. 5126 - Awards for Achievement)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

~~In order to encourage higher levels of language proficiency throughout a student's education, the district may offer age-appropriate language programs in elementary schools. Beginning in the~~

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BP 6142.2(b)

~~primary grades, the district may deliver language studies through a two-way immersion program in which instruction is delivered in both English and another language to both English-only students and English learners.~~

The Board shall ensure that students have access to high-quality instructional materials in world languages. In accordance with Board policy, teachers shall ~~also~~ be encouraged to identify and use supplemental resources, such as literature, technology, newspapers and other media, dictionaries, and volunteers from the community to enhance the world language instructional program.

(cf. 1240 - Volunteer Assistance)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 6161.11 - Supplementary Instructional Materials)  
(cf. 6163.1- Library Media Centers)

The Superintendent or designee shall provide professional development as necessary to ensure that teachers of world languages have the knowledge and skills they need to implement an effective instructional program that helps students attain academic standards.

(cf. 4131 - Staff Development)

The Superintendent or designee shall provide periodic reports to the Board regarding the effectiveness of the district's world language program which may include, but not be limited to, a description of the district's curriculum and the extent to which it is aligned with the state's content standards and curriculum framework, student achievement of district standards for world language instruction, and student participation rates in each language course. Program evaluation shall be used to identify needed improvements and may be considered in determining the world languages to be taught in the district.

(cf. 0500 - Accountability)  
(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

300-311-310 Education for English learners

42238.02 Local control funding formula; class size requirements

44253.1-44253.11 Qualifications of teachers of English learners

44256-44257 Credential requirements, including teachers of foreign language

48980 Parental notifications

51212 Legislative intent to encourage foreign language instruction in grades 1-6

51220 Courses of study, grades 7-12

51225.3 High school graduation requirements

51243-51245 Alternative credits toward graduation for foreign language instruction in private school

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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*60119 Public hearings, instructional materials*

~~60117 60119 Pupil Textbook and Instructional Materials Incentive Program Act~~

60605.3 Content standards for ~~world~~*foreign* language instruction

*60605.5 Revision of state standards for world language instruction*

CODE OF REGULATIONS, TITLE 5

1632 Alternative credits toward graduation for foreign language instruction in private school

~~11309 English immersion programs, parental exception waivers~~

## Management Resources:

*CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS*

*English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Two-Way Language Immersion Program FAQ*

*World Language Content Standards for California Public Schools, Kindergarten Through Grade Twelve, adopted January 7, 2009*

*Foreign Language Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003*

*CENTER FOR APPLIED LINGUISTICS PUBLICATIONS*

*Guiding Principles for Dual Language Education, Second Edition, 2007*

*COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS*

*CL-622 Serving English Learners*

*UNIVERSITY OF CALIFORNIA ~~COLLEGE BOARD~~ PUBLICATIONS*

*A-G Guide ~~Challenge to Change: The Language Learning Continuum, 1999~~*

## WEB SITES

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

American Council on the Teaching of Foreign Languages: <http://www.actfl.org>

California Association ~~fore~~f Bilingual Education: [http://www.gocabe\*\*bilingualeducation\*\*.org](http://www.gocabe<b>bilingualeducation</b>.org)

California Department of Education, Foreign Language: <http://www.cde.ca.gov/ci/fl>

California Foreign Language Project: <http://www.stanford.edu/group/CFLP>

California Language Teachers' Association: <http://www.clta.net>

Center for Applied Linguistics: <http://www.cal.org>

~~College Board: <http://www.collegeboard.co>~~

University of California, a-g Course Approval: <http://www.ucop.edu/a-ggGuide/ag>

Adopted: 6-9-09, 8-30-17

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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*Instruction*

*AR 6142.2(a)*

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## World/Foreign Language Instruction

### Content of Instruction

The district's instructional program for world languages shall be designed to help students gain knowledge about new language systems and use that knowledge to communicate. Students shall receive instruction which is aligned with state academic standards appropriate to their age and stage of linguistic and cultural proficiency in the following categories:

1. Content: Students shall be presented with a wide variety of content that is age and stage appropriate and increases in complexity.

*(cf. 6011 - Academic Standards)*

2. Communication: Students shall be taught to effectively convey and receive messages by engaging in or interpreting written, spoken, and/or signed languages.

3. Cultures: Students shall receive instruction that allows them to make connections and comparisons between language and culture.

*(cf. 6142.94 - History/Social Science Instruction)*

4. Structures: The curriculum shall address components of grammar, syntax, and language patterns appropriate to the language being taught.

5. Settings: To help students comprehend meaning and use language that is culturally appropriate, students shall develop knowledge of the context or setting in which language is used, such as common daily settings, interpersonal settings, and informal and formal settings.

Adopted 8-30-17



**TO: MEMBERS, BOARD OF EDUCATION**  
**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**  
**DATE: AUGUST 30, 2017**  
**SUBJECT: A.2.j. APPROVE AMENDMENT TO BOARD POLICY 6142.93 – SCIENCE INSTRUCTION – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 6142.93 – Science Instruction?

**BACKGROUND:** Board Policy 6142.93 updated reflect the NEW CURRICULUM FRAMEWORK for science instruction adopted by the State Board of Education in November 2016 and the Next Generation Science Standards. Policy also adds new material related to the required course of study, science courses required for high school graduation, staff development, program evaluation, and safety in science laboratories. Board Policy 6142.93 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 6142.93 – Science Instruction.
2. Do not amend Board Policy 6142.93 – Science Instruction.
3. Adopt a modified version of the amendment to Board Policy 6142.93 – Science Instruction.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

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VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep.	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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BP 6142.93(a)

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## Science Instruction

The Governing Board believes that science education should focus on giving students an understanding of the biological and physical aspects of science, key scientific concepts, and methods of scientific inquiry and investigation. Students should become familiar with the natural world and the interrelationship ~~key scientific concepts and a capacity for scientific ways of thinking. Students should become familiar with the natural world and the interrelation of~~ science, mathematics, ~~and~~ technology, and engineering. As part of ~~their~~ science instruction, students should learn how to apply scientific knowledge and ~~ways of thinking for individual and social purposes~~ reasoning.

(cf. 0440 – District Technology Plan)  
(cf. 5145.8 - Refusal to Harm or Destroy Animals)  
(cf. 6142.92 - Mathematics Instruction)  
(cf. 6143 - Courses of Study)  
(cf. 6146.1 - High School Graduation Requirements)

~~As a matter of principle, science teachers are professionally bound to limit their teaching to content that meets the criteria of scientific fact, hypothesis and theory as these terms are used in natural sciences. A scientific fact is an understanding based on confirmable observations and is subject to test and rejection. A scientific hypothesis is an attempt to frame a question as a testable proposition. A scientific theory organizes and explains a range of natural phenomena on the basis of facts and hypotheses. Scientific theories are constantly subject to testing, modification and refutation as new evidence and new ideas emerge.~~

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

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

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

(cf. 6011 - Academic Standards)  
(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

~~science classes, but may be addressed in the social science and language arts curricula.~~

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~~(cf. 6141.2 – Recognition of Religious Beliefs and Customs)~~  
~~(cf. 6142.91 – Reading/Language Arts Instruction)~~

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

*(cf. 0460 - Local Control and Accountability Plan)*

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

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

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

*(cf. 3514.1 - Hazardous Substances)*  
*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*  
*(cf. 4157/4257/4357- Employee Safety)*  
*(cf. 5142 - Safety)*

The Superintendent or designee shall regularly report to the Board regarding the implementation and effectiveness of the science curriculum at each grade level. At a minimum, each report shall address the extent to which the program is aligned with the CA-NGSS, any applicable student assessment results, and feedback from students, parents/guardians, and staff regarding the program.

*(cf. 0500 - Accountability)*  
*(cf. 6162.51 - State Academic Achievement Tests)*

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Legal Reference:

*EDUCATION CODE*

~~51210 Areas of study, grades 1 through 6~~

~~51220 Areas of study, grades 7 through 12~~

Management Resources:

~~CDE PUBLICATIONS~~

~~Science Framework for California Public Schools, 1990~~

~~SBE POLICIES~~

~~Policy Statement on the Teaching of Natural Sciences, January 13, 1989~~

*8774 Residential outdoor science program*

*32030-32034 Eye safety*

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

*33475-33475.5 Model curriculum on stem cell science*

*49340-49341 Hazardous substances education*

*51210 Areas of study, grades 1 through 6*

*51210.3 Elementary science coach*

*51220 Areas of study, grades 7 through 12*

*51225.3 High school graduation*

*52060-52077 Local control and accountability plan*

*60640-60649 California Assessment of Student Performance and Progress*

*CODE OF REGULATION, TITLE 5*

*14030 Science laboratories, design specifications*

*CODE OF REGULATIONS, TITLE 8*

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

Management Resources:

*CSBA PUBLICATIONS*

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

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Science Framework for California Public Schools: Kindergarten Through Grade Twelve, 2016*

*Next Generation Science Standards Systems Implementation Plan for California, 2014*

*California Next Generation Science Standards, 2013*

*Science Safety Handbook for California Public Schools, 2012*

*WEB SITES*

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

*California Alliance for Next Generation Science Standards: <http://cdefoundation.org/stem/ca4ngss>*

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

*California Science Teachers Association: <http://www.cascience.org>*

*U.S. Department of Education, STEM Education: <http://www.ed.gov/stem>*

Adopted: 9-17-02

Amended: 6-15-04, 8-30-17

**TO: MEMBERS, BOARD OF EDUCATION**  
**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.k APPROVE AMENDMENT TO BOARD POLICY 6144 –  
CONTROVERSIAL ISSUES - First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 6144 – Controversial Issues?

**BACKGROUND:** Board Policy 6144 is being updated to provide that parents/guardians may be given an opportunity to opt out of instruction on controversial issues only when required by law, not at the discretion of a teacher or administrator. Policy also clarifies the district's right to limit teacher expressions of personal opinion when teachers are in the classroom and therefore acting on behalf of the district. Board Policy 6144 is being submitted as with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 6144 – Controversial Issues.
2. Do not amend Board Policy 6144 – Controversial Issues.
3. Adopt a modified version of the amendment to Board Policy 6144 – Controversial Issues.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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BP 6144(a)

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## Controversial Issues

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

*(cf. 6141.2 - Recognition of Religious Beliefs and Customs)*  
*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*  
*(cf. 6142.3 - Civic Education)*  
*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6142.94 - History-Social Science Instruction)*  
*(cf. 6143 - Courses of Study)*

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

*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*

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

1. The topic shall be suitable to the age and maturity of the students.
2. Instruction, ~~including student participation,~~ shall be presented in a balanced manner, addressing all sides of the issue without bias or prejudice and without promoting any particular point of view.
3. ~~In the classroom, The teachers act on behalf of the district and are expected to follow the adopted curriculum. In leading or guiding class discussions about issues that may be controversial, a teacher may not advocate his/her personal opinion or viewpoint. When necessary, the Superintendent or designee may instruct teachers to refrain from sharing personal views in the classroom on controversial topics. may express a personal opinion provided he/she identifies it as a personal opinion and clarifies that he/she is not speaking on behalf of the school or district. The teacher shall not express an opinion for the purpose of persuading students to his/her point of view.~~
4. ~~No student's viewpoint shall be suppressed, provided such expression is not malicious or abusive toward others.~~ Students shall be assured of their rights to form and express, ~~or~~

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~~not express~~, an opinion without jeopardizing their grades or being subject to discrimination, retaliation, or discipline, provided the viewpoint does not constitute harassment, threats, intimidation, or bullying or is otherwise unlawful. ~~relationship with the teacher or school.~~

(cf. 5022 – Student and Family Privacy Rights)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5145.2 – Freedom of Speech/Expression)

(cf. 6145.5 – Student Organizations and Equal Access)

5. Students shall be informed of conduct expected during such instruction and the importance of being courteous and respectful of the opinions of others.

(cf. 5131 – Conduct)

(cf. 5131.2 – Bullying)

(cf. 5137 – Positive School Climate)

6. Adequate factual information shall be provided to help students objectively analyze and evaluate the issue and draw their own conclusions.
7. The instruction shall not reflect adversely upon persons because of their race, ethnicity, national origin, sex, sexual orientation, gender identity or expression, disability, religion, or any other ~~basis~~ prohibited by law.

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

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 5145.9 – Hate-Motivated Behavior)

8. The subject matter of the instruction shall not otherwise be prohibited by state or federal law.

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

(cf. 6145.8 – Assemblies and Special Events)

When required by law, such as in regards to comprehensive sexual health and HIV prevention education, ~~or otherwise deemed appropriate by the teacher or administrator,~~ parents/guardians shall be notified prior to instruction that they may request in writing that their child be excused from the instruction. Students whose ~~related to any controversial issue and~~ parents/guardians

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~~consent shall be obtained for student participation. Students whose parents/guardians decline such instruction may be offered an alternative activity of similar educational value.~~  
participate in an alternative activity of similar value.

A student or parent/guardian with concerns regarding instruction about controversial issues may ~~shall~~ communicate ~~be~~ directly ~~ed~~ with the teacher or principal and/or use ~~to~~ appropriate district complaint procedures.

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.2 - Complaints Concerning Instructional Materials)

## Legal Reference:

### EDUCATION CODE

220 Prohibition of discrimination

Freedom of speech

Excuse from health instruction due to religious beliefs

51550 Prohibited instruction or activity

51510 Prohibited study or supplemental materials

51511 Religious matters properly included in courses of study

Materials containing questions about beliefs or practices

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

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

~~51933 Sex education courses~~

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

60040 Portrayal of cultural and racial diversity

60044 Prohibited instructional materials

60045 Criteria for instructional materials

### COURT DECISIONS

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

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

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

Adopted: 4-26-78

Amended: 4-14-82, 6-19-84, 9-17-02, 1-21-14, 8-30-17



**TO: MEMBERS, BOARD OF EDUCATION**  
**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**  
**DATE: AUGUST 30, 2017**  
**SUBJECT: A.2.1 APPROVE AMENDMENT TO BOARD POLICY 6145 –  
EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES - First  
Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 6145 – Extracurricular and Co-Curricular Activities?

**BACKGROUND:** Board Policy 6145 updated to reflect law which provides that a homeless student must be immediately deemed to meet all residency requirements for participation in extracurricular activities. Legal cites added for the prohibition against student fees and the requirement to annually review the policy. Board Policy 6145 is being submitted as with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 6145 – Extracurricular and Co-Curricular Activities.
2. Do not amend Board Policy 6145 – Extracurricular and Co-Curricular Activities.
3. Adopt a modified version of the amendment to Board Policy 6145 – Extracurricular and Co-Curricular Activities.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

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BP 6145(a)

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## Extracurricular and Cocurricular Activities

The Governing Board recognizes that extracurricular and co-curricular activities enrich the educational and social development of students and enhance students' feelings of connectedness with the schools. The district shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

*(cf. 1330 – Use of School Facilities)*

*(cf. 5137 – Positive School Climate)*

*(cf. 6145.2 – Athletic Competition)*

*(cf. 5148.2 – Before/After School Programs)*

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

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 6145.5 – Student Organizations and Equal Access)*

Any complaint alleging unlawful discrimination in the district's extracurricular and co-curricular programs or activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

*(cf. 3260 - Fees and Charges)*

*(cf. 3452 – Student Activity Funds)*

## Eligibility Requirements

To be eligible to participate in extracurricular and co-curricular activities, students in grades 7--through 12 must demonstrate satisfactory educational progress in the previous grading period,

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BP 6145(b)

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including, but not limited to: (Education Code 35160.5)

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

*(cf. 5121 – Grades/Evaluation of Student Achievement)*

*(cf. 6146.1 - High School Graduation Requirements)*

~~*(cf. 6162.52 – High School Exit Examination)*~~

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

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

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 – Education for Foster Youth)*

*(cf. 6173.2 – Education of Children of Military Families)*

The Superintendent or designee may revoke a student's eligibility for participation in extracurricular and co-curricular activities when the student's poor citizenship is serious enough to warrant loss of this privilege.

## Student Conduct at Extracurricular/Cocurricular Events

When attending or participating in extracurricular and ~~or~~ co-curricular activities on or off campus, district students are subject to district policies and regulations relating to student conduct. Students who violate district policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or co-curricular activities in accordance with Board policy and administrative regulation. When appropriate, the Superintendent or designee shall notify local law enforcement ~~of any violation of this policy.~~

*(cf. 5131 – Conduct)*

*(cf. 5131.1 – Bus Conduct)*

*(cf. 5144 – Discipline)*

*(cf. 5144.1 – Suspension and Expulsion/Due Process)*

*(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))*

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BP 6145(c)

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## Annual Policy Review

The Board shall annually review this policy and implementing regulations. ([Education Code 35160.5](#))

### Legal Reference:

#### EDUCATION CODE

35145 Public meetings

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

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of [homeless students and](#) foster youth in extracurricular activities and interscholastic sports

48930-48938 Student organizations

[49010-49013 Student fees](#)

49024 Activity Supervisor Clearance Certificate

49700-49704 Education of children of military families

#### CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

#### CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

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

5531 Supervision of extracurricular activities of pupils

#### UNITED STATES CODE, TITLE 42

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

#### COURT DECISIONS

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

### Management Resources:

#### ~~CSBA PUBLICATIONS~~

~~Student Fees Litigation Update, ELA Advisory, May 20, 2011~~

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, ~~and~~ ~~Other Charges~~, Fiscal Management Advisory ~~1+2-02+~~, ~~April 24~~ ~~November 9, 2013+~~

#### CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

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

#### [COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS](#)

[Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance](#)

[Certificate \(ASCC\), Coded Correspondence 10-11, July 20, 2010](#)

#### WEB SITES

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

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

California Department of Education: <http://www.cde.ca.gov> ~~As/pf/ms~~

[California Interscholastic Federation: http://www.cifstate.org](#)

[Commission on Teacher Credentialing: http://www.ctc.ca.gov](#)

Adopted: 4-26-80

Amended: 9-3-85, 1-5-99, 9-17-02, 3-16-10, 8-21-12, [8-30-17](#)

# **OAK PARK UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION**

*Series 6000*

*Instruction*

*AR 6145(a)*

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## Extracurricular and Cocurricular Activities

### Definitions

For the purposes of applying eligibility criteria for student participation, extracurricular and cocurricular shall be defined as follows: (Education Code 35160.5)

1. Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit, do not take place during classroom time, and have all of the following characteristics:

- a. The program is supervised or financed by the school district.
- b. Students participating in the program represent the school district.
- c. Students exercise some degree of freedom in the selection, planning or control of the program.
- d. The program includes both preparation for performance and performance before an audience or spectators.

2. Co-curricular activities are programs that may be associated with the curriculum in a regular classroom.

An activity is not an extracurricular or co-curricular activity if either of the following conditions applies: (Education Code 35160.5)

1. It is a teacher-graded or required program or activity for a course which satisfies the entrance requirements for admission to the California State University or the University of California.
2. It is a program that has as its primary goal the improvement of academic or educational achievement of students.

### Eligibility Requirements

The grade point average used to determine eligibility for extracurricular or cocurricular activities shall be based on grades of the last previous grading period during which the student attended class at least a majority of the time. If a student was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work, the GPA used to determine eligibility shall be the grading

# **OAK PARK UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION**

*Series 6000*

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*AR 6145(b)*

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period immediately prior to the excluded grading period(s). (Education Code 35160.5)

*(cf. 5113 – Absences and Excuses)*

When a student becomes ineligible to participate in extracurricular or cocurricular activities in the upcoming grading period, or when he/she is subject to probation, the principal or designee shall provide written notice to the student and his/her parents/guardians.

## **Supervision**

All extracurricular activities conducted under the name or auspices of a district school or any class or organization of the school, regardless of where the activities are held, shall be under the direct supervision of certificated employees. (5 CCR 5531)

Any noncertificated person working with students in a district-sponsored extracurricular ~~students~~ activity program shall possess an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or shall have cleared a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties, in accordance with BP 4127/4227/4327 – Temporary Athletic Coaches. (Education Code 49024)

*(cf. 1240 – Volunteer Assistance)*

*(cf. 4127/4227/4327 – Temporary Athletic Team Coaches)*

*(cf. 4212.5 – Criminal Record Check)*

Adopted: 1-5-99

Amended: 9-17-02, 3-12

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.m AMENDMENT TO BOARD POLICY 6161.1 – SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 6161.1 – Selection and Evaluation of Instructional Materials?

**BACKGROUND:** Board Policy 6161.1 updated to delete material defining the "sufficiency" of instructional materials as meaning that students enrolled in the same course have identical materials from the same adoption cycle, and to delete optional material reflecting the authorization to purchase the newest adopted materials for schools in deciles 1-3 of the Academic Performance Index, as those laws have repealed on their own terms. Updated policy also reflects the requirement to address the sufficiency of instructional materials in the district's LCAP and reflects NEW LAW (AB 575, 2016) which provides that the State Board of Education may adopt instructional materials for grades K-8 at least once, but not more than twice, every eight years. Board Policy 6161.1 is being submitted as with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 6161.1 – Selection and Evaluation of Instructional Materials.
2. Do not amend Board Policy 6161.1 – Selection and Evaluation of Instructional Materials.
3. Adopt a modified version of the amendment to Board Policy 6161.1 – Selection and Evaluation of Instructional Materials.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

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Instruction

BP 6161.1(a)

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## Selection ~~a~~And Evaluation Of Instructional Materials

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

*(cf. 0440 - District Technology Plan)*

*(cf. 6000 - Concepts and Roles)*

*(cf. 6011 - Academic Standards)*

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6143 - Courses of Study)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6163.1 - Library Media Centers)*

The Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or have otherwise been determined to be aligned with the state academic content standards adopted pursuant to Education Code 60605 or the Common Core ~~State~~ Standards adopted pursuant to Education Code ~~6406~~405.8. (Education Code 60200, 60210)

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

~~The Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science and history/social science.~~

## Review Process

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. Toward that end, he/she may establish an instructional materials review committee to evaluate and recommend instructional materials.

*(cf. 1220 - Citizen Advisory Committees)*



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

*(cf. 6020 - Parent Involvement)*

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

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

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

*(cf. 9270 - Conflict of Interest)*

The committee shall review instructional materials using criteria provided in law and administrative regulation, and shall provide the Board with documentation supporting its recommendations.

All recommended instructional materials shall be available for public inspection at the district office.

*(cf. 5020 – Parent Rights and Responsibilities)*

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

## Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's textbooks and other instructional materials. (Education Code 60119; ~~5 CCR 9531~~)

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

The Board encourages participation by parents/guardians, teachers, interested community

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members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within the district containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

*(cf. 9322 – Agenda/Meeting Materials)*

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

## 1. Mathematics

*(cf. 6142.92 – Mathematics Instruction)*

## 2. Science

*(cf. 6142.93 – Science Instruction)*

## 3. History-~~s~~Social ~~s~~Science

*(cf. 6142.94 – History-Social Science Instruction)*

## 4. English~~/~~ language arts, including the English language development component of an adopted program~~-~~

*(cf. 6142.91 – English/Language Arts Instruction)*

*(cf. 6174 – Education for English-~~Language~~ Learners)*

## 5. World/~~f~~Foreign language

*(cf. 6142.2 -~~o~~ World/Foreign Language Instruction)*

## 6. Health

*(cf. 6142.8 – Comprehensive Health Education)*

The Board shall ~~also~~ determine the availability of science laboratory equipment, as applicable to

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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BP 6161.1(d)

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science laboratory courses offered in grades 9-12. (Education Code 60119)

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

~~The Board shall also make a determination that all students within the district who are enrolled in the same course have “identical” standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3, and 60119. (Education Code 1240.3; 42605)~~

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

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

*(cf. 0460 - Local Control and Accountability Plan)*

## Complaints

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

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.4 – Williams Uniform Complaint Procedures)*

Legal Reference:

EDUCATION CODE

220 Prohibition against discrimination

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BP 6161.1(e)

1240 County superintendent, general duties

~~1240.3 Definition of sufficiency for categorical flexibility~~

33050-33053 General waiver authority

33126 School accountability report card

35272 Education and athletic materials

~~42605 Tier 3 categorical flexibility~~

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

49415 Maximum textbook weight

51501 *Nondiscriminatory subject matter* ~~Subject matter reflecting on race, color, etc.~~

*52060 - 52077 Local control and accountability plan*

60000-60005 Instructional materials, legislative intent

60010 Definitions

60040-60052 Instructional requirements and materials

60060-60063.52 Requirements for publishers and manufacturers

60070-60076 Prohibited acts (re instructional materials)

60110-60115 Instructional materials on *alcohol and* drug education

60119 Public hearing on sufficiency of materials

60200-6021006 Elementary school materials

60226 Requirements for publishers and manufacturers

~~60240-60252 State Instructional Materials Fund~~

60350-60352 Core reading program instructional materials

60400-60411 High school textbooks

~~60420-60424 Instructional Materials Funding Realignment Program~~

60510-60511 Donation for sale of obsolete instructional materials

60605 State content standards

606056.8 Common Core *State* Standards

60605.86-60605.88 Supplemental instructional materials aligned with Common Core *State* Standards

CODE OF REGULATIONS, TITLE 5

9505-95302 Instructional materials, ~~especially:~~

Management Resources:

*CALIFORNIA DEPARTMENT OF EDUCATION*~~SB4~~ PUBLICATIONS

*Instructional Materials FAQ*

~~*Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009*~~

~~STATE BOARD OF EDUCATION POLICIES~~

01-05 Guidelines for Piloting Textbooks and Instructional Materials, *rev. January 2015*~~September 2001~~

Standards for Evaluating Instructional Materials for Social Content, 2013~~00~~

WEB SITES

*CSBA:* <http://www.csba.org> ~~*CDE:* <http://www.cde.ca.gov>~~

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

California Academic Content Standards Commission, Common Core *State* Standards:

<http://www.scoe.net/castandards>

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

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

Adopted: 11-19-80

Amended: 6-19-84, 9-17-02, 2-15-05, 2-21-06, 3-16-10, 4-12-11, 11-11, 3-12-13, *8-30-17*

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.n. REVIEW, AMEND AND APPROVE AMENDMENT TO BOARD  
POLICY 0000 – VISION – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 0000 – Vision?

**BACKGROUND:** Board Policy 0000 is being updated to address data sources for vision setting, set expectations that the district's vision will drive all board decisions and district operations, and align the process of reviewing the district's vision with the process for reviewing and updating the local control and accountability plan (LCAP). Regulation deleted and key concepts incorporated into the BP.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 0000 – Vision.
2. Do not amend Board Policy 0000 – Vision.
3. Adopt a modified version of the amendment to Board Policy 0000 – Vision.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 0000

Philosophy, Goals, Objectives & Comprehensive Plans

BP 0000(a)

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## Vision

The Governing Board believes that a clearly stated purpose and direction for the district provide the foundation for continuous improvement and accountability. The Board shall adopt a long-range vision for district programs and activities that focuses on the achievement and well-being of all students and reflects the importance of preparing students for the future academically, professionally, and personally. The vision shall recognize the unique role of students, parents/guardians, staff, and community partners in contributing to a high-quality education for all students. The district's vision may be incorporated into its mission or purpose statement, philosophy or motto, long-term goals, short-term objectives, and comprehensive plans such as the local control and accountability plan (LCAP).

~~the effectiveness of the educational program of the school district depends fundamentally upon a philosophic base as enumerated in the District Moral Imperatives, Goals and Action Plans.~~

~~In order to provide a clear focus for district programs, activities and operations, the Governing Board shall adopt a long-range vision that sets direction for the district which is focused on student learning and describes what the Board wants its schools to achieve. This vision may be incorporated in various documents, including the district's Moral Imperatives, Goals and Action Plans, and LCAP.~~

*(cf. 0100 - Philosophy)*

*(cf. 0200 - Goals for the School District)*

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 9000 - Role of the Board)*

The Superintendent or designee shall recommend an appropriate process, with clearly defined procedures, timelines, and responsibilities, for establishing, reviewing, and updating the district's vision statements. This process shall include a review of relevant district documents and data including, but not limited to, information about student demographics, student achievement, current programs, and emerging educational issues. The process shall incorporate an analysis and identification of district strengths and areas in which growth is needed. Input shall be solicited from parents/guardians, students, staff, and community members through methods such as surveys, focus groups, advisory committees, and/or public meetings and forums.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 2230 - Representative and Deliberative Groups)*

*(cf. 6020 - Parent Involvement)*

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 0000

Philosophy, Goals, Objectives & Comprehensive Plans

BP 0000(b)

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The Board shall review the district's vision statements annually, in conjunction with the update to the LCAP, to ensure consistency among all documents that set direction for the district.

~~Following these reviews, process for establishing and/or reviewing the district's vision which is inclusive of parents/guardians, students, staff and community members.~~

~~The Board shall review the district vision annually. Following this review~~ the Board may revise or reaffirm the direction it has established for the district.

The Superintendent or designee shall communicate the district's vision to staff, parents/guardians, and the community.

*(cf. 1113 - District and School Web Sites)*

*(cf. 1100 - Communication with the Public)*

Board decisions regarding curriculum, policies, the budget, collective bargaining agreements, and other district operations shall be aligned with the district's vision. In addition, the Superintendent or designee shall ensure that staff's implementation of district programs and activities supports attainment of the district's vision.

The Superintendent or designee ~~and~~ shall regularly report to the Board regarding district progress toward the vision.

*(cf. 0500 - Accountability)*

~~*(cf. 1100 - Communication with the Public)*~~

Legal Reference:

EDUCATION CODE

52060-52077 Local control and accountability plan

Management Resources:

~~CDE LETTERS~~

~~2000.0612~~

CSBA PUBLICATIONS

*The School Board Role in Creating the Conditions for Student Achievement: A Review of the Research, May 2017*

*Governing to Achieve: A Synthesis of Research on School Governance to Support Student Achievement, August 7, 2014*

*Defining Governance, Issue 4: Governance Decisions, Governance Brief, June 2014*

*Defining Governance, Issue 3: Governance Practices, Governance Brief, April 2014*

~~*Maximizing School Board Leadership: Vision, 1996*~~

WEB SITES

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

Adopted: 12-4-01

Amended: 9-17-02, 10-20-15, 8-30-17

# **OAK PARK UNIFIED SCHOOL DISTRICT**

## **ADMINISTRATIVE REGULATION**

~~SERIES 0000~~ — ~~Philosophy, Goals, Objectives & Comprehensive Plans~~ — ~~AR 0000~~

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### Vision

~~The Superintendent or designee shall establish a process for developing and regularly reviewing the district's vision and direction which includes:~~

- ~~1. Clearly defined procedures, timelines and responsibilities~~
- ~~2. Identification of the strengths and needs of the district~~

~~As part of this process, the Superintendent or designee shall provide the Governing Board with relevant district documents and data, including information about student demographics, student achievement, student enrollment patterns, school climate and culture, current programs and recent program cuts or additions, staffing and professional development needs, budget trends, facilities, technology and emerging educational issues.~~

~~(cf. 0100—Philosophy)~~

~~(cf. 0200—Goals for the School District)~~

~~(cf. 0400—Comprehensive Plans)~~

- ~~3. Input from parents/guardians, students, staff and community members through procedures which may include surveys, focus groups, advisory committees and/or public meetings and forums~~

~~(cf. 1220—Citizen Advisory Committees)~~

~~(cf. 2230—Representative and Deliberative Groups)~~

~~(cf. 6020—Parent Involvement)~~

~~Adopted 12-4-01~~

~~Amended 9-17-02, 10-20-15~~



**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.o. REVIEW, AMEND, AND APPROVE AMENDMENT TO BOARD  
POLICY 0200 – PHILOSOPHY – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 0100 – Philosophy?

**BACKGROUND:** Board Policy 0100 updated to strongly encourage boards to engage in thoughtful discussions and develop their own statements of district philosophy. Sample statements expanded to add items related to nondiscrimination, the influence of teachers and educational support staff on student achievement, the importance of professional development for staff and the board, the board's responsibility to engage in advocacy, and the link between financial stability and attainment of district goals.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 0100 – Philosophy
2. Do not amend Board Policy 0100 – Philosophy.
3. Adopt a modified version of the amendment to Board Policy 0100 – Philosophy.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 0000

Philosophy, Goals, Objectives & Comprehensive Plans

BP 0100(a)

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## Philosophy

~~As part of its responsibility~~ In order to establish and support a guiding vision for the district, the Governing Board shall develop, articulate, and regularly review an overarching set of fundamental principles which describes the district's core beliefs, values, and/or tenets. The Board and district staff shall incorporate these principles into is philosophy in all district programs, ~~and~~ activities, and operations of the district.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 9000 - Role of the Board)

~~The district's instructional program exists to assist students~~  
It is the philosophy of the district that:

1. All students can learn and succeed.
2. Every student should have an opportunity to receive a quality education regardless of his/her social, cultural, or economic background.
3. Every student in the district has a right to be free from discrimination, harassment, intimidation, and bullying, as prohibited by law or district policy.
4. The future of our nation and community depends on students possessing the skills to be lifelong learners, collaborative and creative problem solvers, and effective, contributing members of a global and technologically advanced society.
5. Highly skilled and dedicated teachers and educational support staff have the capacity to guide students toward individual achievement and growth, and have a direct and powerful influence on student learning and life experiences.
6. A safe, nurturing environment and positive school climate are necessary for learning, academic achievement, and student development.

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

# **OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY**

*Series 0000*

*Philosophy, Goals, Objectives & Comprehensive Plans*

*BP 0100(b)*

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7. Parents/guardians have a right and an obligation to be engaged in their child's education and to be involved in the intellectual, physical, emotional, and social development and well-being of their child.

*(cf. 6020 - Parent Involvement)*

8. The needs of the whole child must be addressed, as the ability of children to learn is affected by social, health, and economic conditions and other factors outside the classroom.

9. Early identification of learning and behavioral difficulties and timely and appropriate support and intervention contribute to student success.

10. Students and staff are encouraged and motivated by high expectations and recognition for their accomplishments.

11. School improvement is a dynamic process requiring flexibility and innovation to meet the needs of students in a changing world.

12. Professional development for the Board and district staff is essential for the growth and success of the district and its students.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

*(cf. 9240 - Board Training)*

13. The diversity of the student body and school staff enriches the learning experience, promotes cultural awareness and acceptance, and serves as a model for citizenship in a global society.

14. A common set of norms and protocols is crucial to effective governance.

15. Communication, trust, respect, collaboration, and teamwork strengthen the relationship among Board members and between the Board and Superintendent, and contribute to the effectiveness of the governance team.

16. The community and district are inextricably connected partners, wherein the community's engagement in issues that impact the schools enhances the district's programs and student learning.

*(cf. 1000 - Concepts and Roles)*

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 0000

Philosophy, Goals, Objectives & Comprehensive Plans

BP 0100(c)

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17. Two-way communication with all stakeholders is essential for establishing continuity, support, and shared goals both within the district and with the surrounding community.

18. The Board has a responsibility to advocate on behalf all students, keep current on legislative issues affecting education, and build positive relationships with local, state, and federal representatives.

19. A fiscally sound budget which is reflective of the district's vision is imperative to the financial stability of the district and to the attainment of its goals.

20. Responsibility for district programs and operations is shared by the entire educational community, with ultimate accountability resting with the Board as the basic embodiment of representative government.

*Legal Reference:*

*EDUCATION CODE*

*51002 Local development of programs based on stated philosophy and goals*

*51019 Definition of philosophy*

*51100-51101 Parental involvement*

*Management Resources:*

*CSBA PUBLICATIONS*

*The School Board Role in Creating the Conditions for Student Achievement: A Review of the Research, May 2017*  
*Governing to Achieve: A Synthesis of Research on School Governance to Support Student Achievement, August 7, 2014*

*Defining Governance, Issue 2: Governing Commitments, Governance Brief, February 2014*

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

*National School Climate Center: <http://schoolclimate.org>*

~~*in reaching the Board adopted goals of education. We believe however, that the education of our students is a shared responsibility of parents, students, the entire community, its organizations, and the schools.*~~

~~*The philosophy of the district is reflected in the District's Moral Imperatives, Goals and Action Plans that are reviewed and published annually.*~~

~~*Legal Reference:*~~

~~*EDUCATION CODE*~~

~~*51002 Local development of programs based on stated philosophy and goals*~~

~~*51019 Definition of philosophy*~~

~~*Management Resources:*~~

~~*CSBA PUBLICATIONS*~~

~~*Maximizing School Board Leadership: Vision, 1996*~~

Adopted 12-4-01

Amended 9-17-02, 10-20-15, 8-30-17

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.p. APPROVE AMENDMENT TO BOARD POLICY 2140 – EVALUATION OF THE SUPERINTENDENT - First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 2140 – Evaluation of the Superintendent?

**BACKGROUND:** Board Policy 2140 is being updated to provide that the responsibility for determining the criteria, schedule, method(s), and instrument(s) for superintendent evaluation rests with the board, although input may be sought from the superintendent. Updated policy clarifies that, although the evaluation may be discussed in closed session, the law does not permit discussion or action on any proposed change in compensation during closed session, with limited exceptions. Policy also reflects court decision holding that personal performance goals are not subject to disclosure to the public unless they are specifically stated in the employment contract. Board Policy BP 2121 is being submitted with recommended language from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 2140 – Evaluation of the Superintendent.
2. Do not amend Board Policy 2140 – Evaluation of the Superintendent.
3. Adopt a modified version of the amendment to Board Policy 2140 – Evaluation of the Superintendent.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

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VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 2000

Administration

BP 2140(a)

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## Evaluation Of The Superintendent

The Governing Board recognizes its responsibility to establish an evaluation system that enables a fair assessment of the Superintendent's effectiveness in leading the district toward established goals, serves to support his/her continued growth in leadership and management skills, and provides a basis for Board decisions regarding contract extension and compensation. The Board shall annually conduct a formal evaluation of the Superintendent's performance and may provide additional opportunities throughout the year to review the Superintendent's progress toward meeting established goals. ~~shall annually conduct a formal evaluation of the Superintendent's performance in order to assess his/her effectiveness in leading the district toward established goals and objectives. The Superintendent and Board may establish an appropriate schedule for the annual evaluation process.~~

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 0500 - Accountability)*

*(cf. 2121 - Superintendent's Contract)*

*(cf. 9000 - Role of the Board)*

*(cf. 9005 - Governance Standards)*

~~Evaluation criteria shall be based on district and Superintendent specific goals and objectives and agreed upon prior to the evaluation by the Board and Superintendent. The evaluation shall provide commendations in areas of strength, provide recommendations for improving effectiveness, and serve as a basis for making decisions about salary increases and/or contract extension.~~ The Board shall determine, with the Superintendent's input, the criteria, schedule, method(s), and instrument(s) to be used for the Superintendent's evaluation. Evaluation criteria shall include, but are not limited to, district goals and success indicators; educational, management, and community leadership skills; and the Superintendent's professional relationship with the Board.

*(cf. 2110 - Superintendent Responsibilities and Duties)*

*(cf. 2111 - Superintendent Governance Standards)*

~~The Board and Superintendent may annually consider what evaluation method(s) will best serve the district and agree on the specific written instrument to be used.~~

Prior to the evaluation, the Superintendent shall ~~provide~~~~prepare and distribute~~ to the Board ~~for its review~~ a ~~progress~~-report of ~~progress~~ toward district goals, the Superintendent's self-appraisal of accomplishments and performance, and a ~~statement~~~~review~~ of actions taken to address any Board recommendations from the previous evaluation.

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 2000

Administration

BP 2140(b)

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Each Board member shall independently evaluate the Superintendent's performance based upon the evaluation criteria, after which, ~~the Board shall produce examine all Board members' evaluations and reach a consensus on the evaluation. The Board president or designee shall then develop a single document that integrates the individual evaluations and represents the consensus of the Board. s collective judgment and provide a copy to the Superintendent.~~

*(cf. 9121 - President)*

The evaluation shall provide commendations in areas of strength and achievement and recommendations for improving effectiveness in any areas of need, concern, or unsatisfactory performance.

The Board shall meet in closed session with the Superintendent to discuss the evaluation.  
(Government Code 54957)

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

At this meeting, ~~the~~ Superintendent shall have an opportunity to ask questions, respond verbally and in writing to the evaluation, and present additional information regarding ~~evidence~~ of his/her performance or district progress.

The discussion shall include the establishment of performance goals for the next year and may identify professional development opportunities for the Superintendent and/or the entire governance team to address areas of concern, strengthen the relationship between the Superintendent and Board, or enhance the Superintendent's knowledge of current educational issues and leadership and management skills.

*(cf. 9240 - Board Training)*

*(cf. 9400 - Board Self-Evaluation)*

~~Superintendent and~~ After the Board and Superintendent have discussed ~~president shall sign~~ the evaluation, the Board ~~president~~ and Superintendent shall sign the evaluation and it shall be placed ~~as evidence that the evaluation has been discussed, and shall place the evaluation~~ in the Superintendent's personnel file. The evaluation, including personal performance goals, shall be confidential to the extent permitted by law.

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

~~After each evaluation has been completed, the Board shall meet in open session to give the~~

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 2000

Administration

BP 2140(c)

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~~Board and Superintendent an opportunity to jointly identify priorities for the next year.~~

~~(cf. 2111 – Superintendent Governance Standards)~~

~~(cf. 9005 – Governance Standards)~~

~~(cf. 9400 – Board Self Evaluation)~~

Legal Reference:

GOVERNMENT CODE

6254.8 *Public Records Act; employment contracts*

54957 *Closed session, personnel matters*

COURT DECISIONS

*Versaci v. Superior Court, (2005) 127 Cal.App.4th 805*

*Duval v. Board of Trustees, (2001) 93 Cal.App.4th 902*

Management Resources:

~~CSBA PUBLICATIONS~~

~~Maximizing School Board Leadership: Human Resources, 2004~~

WEB SITES

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

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

Adopted: 9-17-02

Amended: 9-16-03, 8-30-17



**TO: MEMBERS, BOARD OF EDUCATION**  
**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**  
**DATE: AUGUST 30, 2017**  
**SUBJECT: A.2.q. APPROVE AMENDMENT OF BYLAWS OF THE BOARD 9121– BOARD PRESIDENT- First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment of Bylaws of the Board 9121 – Board President?

**BACKGROUND:** Board Bylaw 9121 updated to reorganize and revise the duties of the board president for consistency with information provided in CSBA's Board President's Workshop, and to add an optional component on providing training for the president to enhance his/her leadership skills. Board Bylaw 9121 is being submitted with recommended language from CSBA.

**ALTERNATIVES:** 1. Approve the amendment of Bylaws of the Board 9121 – Board President.  
2. Do not approve the amendment of Bylaws of the Board 9121 – Board President.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD BYLAWS

Series 9000

Board Bylaws

BB 9121(a)

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## President

The Governing Board shall elect a president from among its members to provide leadership on behalf of the **governance team**~~Board~~ and the educational community it serves.

*(cf. 9000 - Role of the Board)*

*(cf. 9005 - Governance Standards)*

*(cf. 9100 - Organization)*

~~The president shall preside at all Board meetings. He/she shall:~~

To ensure that Board meetings are conducted in an efficient, transparent, and orderly manner, the president shall:

1. Call such meetings of the Board as he/she may deem necessary, giving notice as required by law

*(cf. 9320 - Meetings and Notices)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

2. Consult with the Superintendent or designee on the preparation of Board meeting agendas

*(cf. 9322 - Agenda/Meeting Materials)*

~~3~~1. Call the meeting to order at the appointed time and preside over the meeting

~~4~~2. Announce the business to come before the Board in its proper order

~~5~~3. Enforce the Board's **bylaws related**~~policies relating~~ to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act

~~6~~4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference

~~7~~5. Facilitate the Board's effective deliberation, ensuring that each Board member has an opportunity to participate in the deliberation and that the discussion remains focused~~Explain what the effect of a motion would be if it is not clear to every member~~

~~6~~~~Restriet discussion to the question when a motion is before the Board~~

~~8~~7. Rule on issues of parliamentary procedure

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD BYLAWS

Series 9000

Board Bylaws

BB 9121(b)

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98. Put motions to a vote, and ~~state~~ clearly ~~state~~ the results of the vote

~~9. Be responsible for the orderly conduct of all Board meetings~~

*(cf. 9323 - Meeting Conduct)*

The president shall ~~have the same rights as other members of the Board, including the right to discuss and vote on all matters before the Board.~~

~~The president shall~~ perform other duties in accordance with law and Board policy including, but not limited to:

1. Signing all instruments, acts, ~~and orders~~, ~~and resolutions~~ necessary to ~~comply~~ ~~arry~~ with legal ~~out state~~ requirements and ~~carry out~~ the will of the Board

~~2. Consulting with the Superintendent or designee on the preparation of the Board's agendas~~

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

23. Working with the Superintendent ~~or designee~~ to ensure that Board members have necessary materials and information

34. Subject to Board approval, appointing and dissolving all committees

*(cf. 9130 - Board Committees)*

~~5. Calling such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law~~

*(cf. ~~9320 - Meetings and Notices~~)*

*(cf. ~~9321 - Closed Session Purposes and Agendas~~)*

46. In conjunction with the Superintendent or designee, ~~r~~Representing the district as the Board's ~~governance~~ spokesperson; in communications with the media ~~in conjunction with the Superintendent~~

*(cf. 1112 - Media Relations)*

5. Leading the Board's advocacy efforts to build support within the local community and at the state and national levels

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD BYLAWS

Series 9000

Board Bylaws

BB 9121(c)

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The president shall participate in professional development opportunities to enhance his/her leadership skills. ~~have the same rights as other members of the Board, including the right to move, second, discuss and vote on all questions before the Board.~~

*(cf. 9240 - Board Training)*

## **NOTE: please select Option 1 or Option 2**

**OPTION 1:** When the president resigns or is absent, the clerk shall perform the president's duties. When both the president and clerk are absent, the Board shall choose a president pro tempore to perform the president's duties.

**OPTION 2:** When the president resigns or is absent ~~or disabled~~, the vice president shall perform the president's duties. When both the president and vice president are absent ~~or disabled~~, the clerk shall perform the president's duties.

*(cf. 9123 - Clerk)*

### Legal Reference:

*EDUCATION CODE*

*35022 President of the board*

*35143 Annual organizational meetings; dates and notice*

*GOVERNMENT CODE*

*54950-54963 Ralph M. Brown Act*

### Management Resources:

*CSBA PUBLICATIONS*

*Call to Order: A Blueprint for Great Board Meetings, 2015*

*Board Presidents' Handbook, revised 2002*

*CSBA Professional Governance Standards, 2000*

~~*Maximizing School Board Leadership: Boardsmanship, 1996*~~

*WEB SITES*

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

Adopted: 10-19-77

Amended: 3-2-83, 11-6-84, 9-11-90, 3-12-02, 9-17-02, 8-30-17

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.r. APPROVE AMENDMENT OF BYLAWS OF THE BOARD 9220– GOVERNING BOARD ELECTIONS - First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Bylaws of the Board 9220 – Governing Board Elections?

**BACKGROUND:** Bylaw 9220 is updated to reflect NEW LAW (SB 415, 2015) which, effective January 1, 2018, requires a district to move the date of its board election to be concurrent with a statewide election whenever holding an election on a nonconcurrent date has resulted in a significant decrease in voter turnout, as defined. Bylaw encourages districts to review recent voter turnout and, if necessary, adopt a plan before the January 1, 2018 deadline in order to delay consolidation until November 8, 2022. Bylaw also reflects NEW LAWS which require public hearings before and after drawing maps of proposed trustee areas (AB 350, 2016), authorize districts to permit board candidates to submit candidate statements for electronic distribution (AB 2010, 2016), allow districts to establish a dedicated fund to make public funds available to persons seeking elective office under specified conditions (SB 1107, 2016), and require prospective plaintiffs who allege that the election method violates the California Voting Rights Act to notify the district before filing a complaint (AB 350, 2016). Board Policy 9220 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment of Bylaws of the Board 9220 – Governing Board Elections.
2. Do not approve the amendment Bylaws of the Board 9220 – Governing Board Elections.
3. Adopt a modified amendment of the Bylaws of the Board 9220 – Governing Board Elections.

**RECOMMENDATION:** At the discretion of the Board.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

Series 9000

Bylaws of the Board

BB 9220(a)

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## Governing Board Elections

Any person is eligible to be a Governing Board member, without further qualifications, if he/she is 18 years of age or older, a citizen of California, a resident of the school district, a registered voter, and not legally disqualified from holding civil office. Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or ~~be elected~~ as a Board member except when he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

A district employee elected to the Board shall resign his/her position before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

(cf. 9224 – Oath of Affirmation)

(cf. 9270 - Conflict of Interest)

The Board encourages all candidates to become knowledgeable about the role of board members. The Superintendent or designee shall provide all candidates with information that will enable them to understand the responsibilities and expectations of being a Board member, including information regarding available workshops, seminars, and/or training. The Superintendent or designee shall provide all candidates with the county election official's contact information and general information about school programs, district operations, and Board responsibilities.

(cf. 9230 - Orientation)

(cf. 9240 - Board Training)

## Consolidation of Elections

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election. ~~Board election procedures shall be conducted~~ in accordance with ~~state and federal law~~ Elections Code 1302.

In addition, if a regularly scheduled Board election held other than on a statewide election date results in a decrease in local voter turnout of 25 percent or more compared to the average local turnout for the previous four statewide general elections, the Board shall take action to consolidate Board elections with statewide elections. The district shall move its election to the next statewide election date, unless the Board has adopted a plan by January 1, 2018 to consolidate Board elections not later than the November 8, 2022 statewide general election. (Elections Code 14051, 14052)

# OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

Series 9000

Bylaws of the Board

BB 9220(b)

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In order to consolidate elections based on either circumstance described above, the Board shall adopt a resolution and submit it to the County Board of Supervisors for approval not later than 240 days prior to the date of the currently scheduled district election. (Elections Code 10404.5)

Whenever a regularly scheduled Board election is changed due to consolidation of elections, the terms of office of incumbent Board members shall be extended to align with the next applicable election. (Elections Code 10404.5)

(cf. 9110 - Terms of Office)

## Electing Board Members Elections Process and Procedures

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

To ensure ongoing compliance with the California ~~and federal~~ Voting Rights Acts, the Board may review the district's Board election method to determine whether any modification is necessary due to changes in the district's population or any of its racial, color, or language minority group composition. The review shall be based on the Superintendent or designee's report to the Board after the release of each decennial federal census.

If the Board determines that a change is necessary, it shall hold public hearing in accordance with Elections Code 10100 before adopting a resolution at an open meeting specifying the change(s) and shall, in accordance with Education Code 5019 ~~or other applicable provisions of law~~, obtain approval from the county committee on school district organization having jurisdiction over the district.

(cf. 9320 – Meetings and Notices)

## Campaign Conduct

All candidates, including current Board members running as incumbents, shall abide by local, county, state, and federal requirements regarding campaign donations, funding, and expenditures.

A Board member shall not expend, and a candidate shall not accept, any public money for the purpose of seeking elective office. However, the district may establish a dedicated fund for those seeking election to the Board, provided that the funds are available to all candidates who are qualified pursuant to Education Code 35107 without regard to incumbency or political preference. (Government Code 85300)

# OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

Series 9000

Bylaws of the Board

BB 9220(c)

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

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

(cf. 9005 – Governance Standards)

## Statement of Qualifications

~~The district shall assume no part of the cost of printing, handling, translating or mailing candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro-rata share of these costs to the district in advance as specified in Elections Code 13307.~~

On the 125<sup>th</sup> day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county clerk-elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Election Code 13307

(cf. 9223 – Filing Vacancies)

OPTION 1: Candidates for the Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

OPTION 2: Candidates for the Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

~~Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)~~

When the elections official allows for the electronic distribution of candidate statements, a candidate for the Board may, in addition to or instead of submitting a candidate statement for inclusion in the mailed voter's pamphlet, prepare and submit a candidate statement for electronic distribution.



# OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

Series 9000

Bylaws of the Board

BB 9220(d)

~~OPTION 1: In order to help defray the costs of campaigning for the Board, the district shall pay the cost of printing, handling, translating, mailing, and/or electronically distributing candidate statements filed pursuant to Elections Code 13307.~~

~~OPTION 2:~~ The district shall assume no part of the cost of printing, handling, translating, mailing, or electronically distributing candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the hard copy and/or electronic voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

## Tie Votes in Board Member Elections

Before each election, the Board shall ~~establish~~ ~~decide~~ whether to resolve a potential tie ~~is to be resolved~~ by lot or ~~with~~ ~~by~~ a runoff election. ~~(Education Code 5016) After an election for which~~ If the Board has decided to resolve a tie by lot, the Board shall immediately ~~after the election~~, notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. ~~(Education Code 5016) After an election for which~~ If the Board has decided to resolve a tie with a runoff election, the Board shall schedule the runoff election in accordance with law. (Education Code 5016)

### Legal Reference:

#### EDUCATION CODE

~~1000 Composition, and trustee area, county board of education~~

1006 Qualifications for holding office, county board of education

5000-5033 Elections

5220-5231 Elections

5300-5304 General provisions (conduct of elections)

5320-5329 Order and call of elections

5340-5345 Consolidation of elections

5360-5363 Election notice

5380 Compensation (of election officer)

5390 Qualifications of voters

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions (re returns, recounts, etc.)

7054 Use of district property

35107 Eligibility; school district employees

35177 Campaign expenditures or contributions

35239 Compensation of governing board member of districts with less than 70 ADA

#### ELECTIONS CODE

20 Public office eligibility

1302 Local elections, school district election

2201 Grounds for cancellation

2220-2226 Residency confirmation procedures

4000-400~~4~~8 Elections conducted wholly by mail

# OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

Series 9000

Bylaws of the Board

BB 9220(e)

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## *10010 District boundaries*

*10400-10418 Consolidation of elections*

*10509 Notice of election by secretary*

*10600-10604 School district elections*

*13307 Candidate's statement*

*13308 Candidate's statement contents*

*13309 Candidate's statement, indigency*

*14025-14032 California Voting Rights Act*

*14050-14057 California Voter Participation Rights Act*

*20440 Code of Fair Campaign Practices*

## GOVERNMENT CODE

*1021 Conviction of crime*

*1097 Illegal participation in public contract*

*12940 Nondiscrimination, Fair Employment and Housing Act*

*81000-91013 Political Reform Act*

## PENAL CODE

*68 Bribes*

*74 Acceptance of gratuity*

*424 Embezzlement and falsification of accounts by public officers*

*661 Removal for neglect or violation of official duty*

## CALIFORNIA CONSTITUTION

*Article 2, Section 2 Voters, qualifications*

*Article 7, Section 7 Conflicting offices*

*Article 7, Section 8 Disqualification from office*

UNITED STATES CODE, TITLE ~~4~~52

~~1972-1973aa-6~~ *10301-10508 Voting Rights Act*

## COURT DECISIONS

*Rey v. Madera Unified School District, (2012) ~~138~~ 203 Cal. ~~Rptr. 3d 192~~ App. 4<sup>th</sup> 1223*

*Randall v. Sorrell, (2006) 126 S.Ct. 2479*

*Sanchez v. City of Modesto, (2006) ~~51~~ 145 Cal. ~~Rptr. 3d 821~~ App. 4<sup>th</sup> 660*

*Dusch v. Davis, (1967) 387 U.S. 112*

## ATTORNEY GENERAL OPINIONS

*85 Ops.Cal.Atty.Gen. 49 (2002)*

*83 Ops.Cal.Atty.Gen. 181 (2000)*

*81 Ops.Cal.Atty.Gen. 98 (1998)*

*69 Ops.Cal.Atty.Gen.290 (1986)*

## Management Resources

*CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS*

*Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017*

## WEB SITES

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

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

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

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

Institute for Local Self Government: <http://www.cal-ilg.org>

Adopted: 3-2-83

Amended: 11-6-84, 9-11-90, 3-12-02, 9-17-02, 10-15-13, 8-30-17

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.s. APPROVE AMENDMENT OF BYLAWS OF THE BOARD 9230 –  
ORIENTATION - First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Bylaws of the Board 9230 – Orientation?

**BACKGROUND:** Board Bylaw 9230 is updated to delete section on "Board Candidate Orientation" and move that material to BB 9220 - Governing Board Elections. Bylaw also clarifies that an orientation meeting must be conducted in open session if a majority of the members of the board will be discussing district business, provides examples of topics and materials to be addressed in the orientation, and provides information about CSBA trainings for new and first-term board members. Board Bylaw 9230 is being submitted with recommended language from CSBA.

**ALTERNATIVES:**

1. Approve the amendment of Bylaws of the Board 9230 – Orientation.
2. Do not approve the amendment Bylaws of the Board 9230 – Orientation.
3. Adopt a modified version of the amendment to Bylaws of the Board 9230 – Orientation.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

Series 9000

Bylaws of the Board

BB 9230(a)

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## Board Candidate Orientation

The Governing Board recognizes the importance of providing all newly elected or appointed Board members with support and information to assist them in becoming effective members of the Board. Incoming Board members shall be provided an orientation designed to build their knowledge of the district and an understanding of the responsibilities of their position. Such orientation may include the provision of information, support, and/or training related to Board functions, policies, protocols, and standards of conduct. ~~desires to provide Board candidates with information that will enable them to understand the responsibilities and expectations of Board membership. The Superintendent or designee shall provide all candidates with general information about school programs, district operations, and Board responsibilities and the County election official's contact information.~~

(cf. 90200 – Role of the Board ~~Limits of Board Member Authority~~)

(cf. 9220 – Governing Board Elections)

(cf. 922370 - Filling Vacancies ~~Conflict of Interest~~)

~~The Board encourages all candidates to attend public Board meetings during the period of their candidacy. Candidates shall have the same access as members of the public to district staff and information.~~

(cf. 1340 – Access to District Records)

(cf. 9011 – Disclosure of Confidential/Privileged Information)

## New Board Member Orientation

As early as possible following the election or appointment of ~~The~~ Board members, one or more orientation session(s) shall be held during open meeting(s) of the Board. The Board president and the Superintendent or designee shall develop an agenda for the meeting(s) and shall identify resources that may be useful for incoming Board members. ~~shall convene a meeting to provide an orientation and information to incoming Board members to assist them in understanding the Board's functions, policies, procedures, protocols, and agreed-upon standards of conduct. Incoming members shall also receive the district's policy manual and other materials related to the district and Board member responsibilities.~~

(cf. 9121 - President)

(cf. 9000 – Role of the Board)

(cf. 9005 – Governance Standards)

Upon their election or appointment, incoming Board members shall be provided a copy of the Brown Act and informed that, pursuant to Government Code 54952.1, they must conform to the Act's requirements as if they had already assumed office. Additional information for incoming Board members may include, but is not limited to, Board bylaws related to the limits of

# OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

Series 9000

Bylaws of the Board

BB 9230(b)

individual Board member authority, the conduct of Board meetings, and other Board operations; governance standards for ethical conduct; legal requirements related to conflict of interest and prohibited political activity; protocols for speaking with district staff, members of the public, and the media; and publications on effective governance practices.

(cf. 1112 - Media Relations)  
(cf. 1160 - Political Processes)  
(cf. 9005 – Governance Standards)  
(cf. 9010 - Public Statements)  
(cf. 9011 - Disclosure of Confidential/Privileged Information)  
(cf. 9012 - Board Member Electronic Communications)  
(cf. 9200 - Limits of Board Member Authority)  
(cf. 9270 - Conflict of Interest)  
(cf. 9323 - Meeting Conduct)

In addition, ~~the Superintendent or designee shall may~~ provide incoming Board members with specific ~~additional~~ background ~~and~~ information regarding the district, including, but not limited to, the ~~district's~~ vision and goals; statements, local control and accountability plan and other comprehensive plans, student demographic data, ~~operations, and current challenges in areas that include, but are not limited to,~~ student achievement data, ~~curriculum, finance, facilities,~~ district policy manual, district budget, and minutes of recent open Board meetings. ~~, human resources, and collective bargaining.~~

(cf. 0000 – Vision)  
(cf. 0200 - Goals for the School District)  
(cf. 0400 - Comprehensive Plans)  
(cf. 0460 - Local Control and Accountability Plan)

The Superintendent or designee may offer incoming Board members a tour of district schools and facilities, and may introduce them to district and school site administrators and other staff.

Incoming members are encouraged, ~~to attend Board meetings and review agenda materials available to the public in order to become familiar with current issues facing the district.~~ ~~Incoming members also may,~~ at district expense and with approval of the Board, to attend ~~the~~ workshops and conferences relevant to the needs of the individual member, the Board as a whole, or the district. ~~workshops and conferences relevant to their newly elected members.~~

(cf. 9240 - Board Training ~~Development~~)  
(cf. 9320 - Meetings and Notices)

Legal Reference:  
EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshops

# OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

Series 9000

Bylaws of the Board

BB 9230(c)

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33362-33363 Reimbursement of expenses; *board member or member-elect of school district board*  
~~ELECTIONS CODE~~

~~13307 Candidate's statement~~

~~20440 Code of Fair Campaign Practices~~

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially:

54952.1 Member of a legislative body

54952.2 Open meeting laws; posting agenda; board actions

54952.7 Copies of Brown Act to ~~b~~Board members

Management Resources:

CSBA PUBLICATIONS

~~School Board Leadership, 2007~~

~~The Brown Act: School Boards and Open Meeting Laws, rev. 2007~~

~~Guide to Effective Meetings, 2007~~

Professional Governance Standards *for School Boards*, ~~2000~~

~~Maximizing School Board Leadership, 1996~~

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

~~Becoming a Better Board Member: A Guide to Effective School Board Service, 2006~~

*The Brown Act: School Boards and Open Meeting Laws*, rev. 2009

WEB SITES

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

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

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

Adopted: 10-19-77

Amended: 11-6-84, 9-11-90, 3-12-02, 9-17-02, 1-20-09, *8-30-17*

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT**

**DATE: AUGUST 30, 2017**

**SUBJECT: A.2.t. APPROVE AMENDMENT OF BYLAWS OF THE BOARD 9400 – GOVERNING BOARD SELF-EVALUATION - First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Bylaws of the Board 9400 – Governing Board Self-Evaluation?

**BACKGROUND:** Board Bylaw 9400 is updated for consistency with CSBA's online board self-evaluation tool and facilitator services. Bylaw also links board self-evaluation to the identification of strategies for strengthening board performance, including board trainings. Board Bylaw 9400 is being submitted with recommended language from CSBA.

**ALTERNATIVES:**

1. Approve the amendment of Bylaws of the Board 9400 – Governing Board Self-Evaluation.
2. Do not approve the amendment Bylaws of the Board 9400 – Governing Board Self-Evaluation.
3. Adopt a modified version of the amendment to Bylaws of the Board 9400 – Governing Board Self-Evaluation.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent

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Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT

## BYLAWS OF THE BOARD

Series 9000

Bylaws of the Board

BB 9400(a)

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### Board Self-Evaluation

The Governing Board shall annually conduct a self-evaluation in order to demonstrate accountability to the community and ensure that district governance effectively supports student achievement and the attainment of the district's vision and goals.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 2140~~23~~ - Evaluation of the Superintendent)

The evaluation may address any areas of Board responsibility, including, but not limited to, Board performance in relation to vision setting, curriculum, personnel, finance, policy development, collective bargaining, and community relations, and advocacy. The evaluation also may also address objectives related to Board meeting operations, relationships among Board members, relationship with the Superintendent, understanding of Board and Superintendent roles and responsibilities, communication skills, or other governance or boardmanship skills.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

The Board shall be evaluated itself as a whole. Individual Board members are also expected are encouraged to use the evaluation process as an opportunity to assess and set goals for privately assess their own personal performance.

~~Each~~ Every other year, the Board, with assistance from the Superintendent, shall determine an evaluation method or instrument that measures key components of board responsibility and a reasonable number of previously identified performance objectives. Visual and/or audio recordings ~~deotape~~ of a Board meeting may only be used as an evaluation tool only with the when consent is given by of all Board members.

Any discussion involving of the Board's self-evaluation shall be conducted in open session. At the request of the Board, a facilitator may be used to assist with the evaluation process. The Board may invite the Superintendent or others individual(s) with pertinent information to provide input into the evaluation process.

Following the evaluation, the Board shall set goals, define and/or refine protocols, and develop strategies for strengthening Board performance and shall establish priorities and objectives for the following year's evaluation. The Board shall also develop strategies for strengthening Board performance based on identified areas of need, including, but not limited to, Board trainings.



# OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

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(cf. 9230 - Orientation)

(cf. 9240 - Board ~~Training~~Development)

Legal Reference:

GOVERNMENT CODE

54950-54963 Brown Act; board self-evaluations not covered

Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards

~~2000~~

Defining Governance, Issue 3: Governance Practices, Governance Brief, April 2014

~~Maximizing School Board Leadership, 1996~~

WEB SITES

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

CSBA Board Self-Evaluation: <http://bse.csba.org>

Adopted: 11-6-84

Amended: 11-13-90, 3-12-02, 9-17-02, 8-30-17