

# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0000

### VISION

Note: The following **optional** policy uses the term "vision" as a generic term to describe any types of documents (e.g., vision statement, mission statement, etc.) that the Governing Board might adopt to set a direction for the district.

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 mission or purpose statement, philosophy, long-term goals, short-term objectives, and/or comprehensive plans.

*(cf. 0100 - Philosophy)*  
*(cf. 0200 - Goals for the School District)*  
*(cf. 0400 - Comprehensive Plans)*  
*(cf. 9000 - Role of the Board)*

The Superintendent or designee shall recommend an appropriate process for establishing and/or reviewing the district's vision statement which is inclusive of parents/guardians, students, staff and community members.

The Board shall review the district vision statements at least every three years or whenever a new Board member or Superintendent joins the district. Following these reviews 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 and shall regularly report to the Board regarding district progress toward the vision.

*(cf. 0500 - Accountability)*  
*(cf. 1100 - Communication with the Public)*

#### *Management Resources:*

CSBA PUBLICATIONS  
*Maximizing School Board Leadership: Vision, 1996*  
WEB SITES  
CSBA: <http://www.csba.org>

# CSBA Sample Administrative Regulation

**Philosophy, Goals, Objectives, and Comprehensive Plans**

AR 0000

## **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
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)*

4. Board adoption of district vision statements at a public meeting

As part of this process, the Superintendent or designee shall provide the Governing Board with relevant district documents and data, including current district mission and vision statements, if any, and information about student demographics, student achievement, student enrollment patterns, current programs and recent program cuts, 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)*

# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0100(a)

### PHILOSOPHY

As part of its responsibility to establish a guiding vision for the district, the Governing Board shall develop and regularly review a set of fundamental principles which describes the district's beliefs, values or tenets. The Board and district staff shall incorporate this philosophy in all district programs and activities.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 9000 - Role of the Board)*

Note: Districts are encouraged to replace or supplement the philosophical statements below with those that reflect their own locally developed philosophical statements.

It is the philosophy of the district that:

1. All students can learn and succeed.
2. Every student in the district, regardless of gender, special needs, or social, ethnic, language or economic background has a right to a high-quality education that challenges the student to achieve to his/her fullest potential.
3. The future of our nation and community depends on students possessing the skills to be lifelong learners and effective, contributing members of society.
4. A safe, nurturing environment is necessary for learning.
5. Parents/guardians have a right and an obligation to participate in their child's schooling.
6. The ability of children to learn is affected by social, health and economic conditions and other factors outside the classroom.
7. Early identification of student learning and behavioral difficulties contribute to student success.
8. Students and staff respond positively to high expectations and recognition for their accomplishments.
9. Continuous school improvement is necessary to meet the needs of students in a changing economy and society.

**PHILOSOPHY** (continued)

10. The diversity of the student population and staff enriches the learning experience for all students.
11. A highly skilled and dedicated staff has a direct and powerful influence on students' lives and learning.
12. A high level of communication, trust, respect and teamwork among Board members and the Superintendent contributes to effective decision making.
13. The community provides an essential resource to the educational program.
14. Effective communication with all stakeholders helps build support for the schools.
15. Accountability for the district's programs and operations is shared by the entire educational community, with the 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*

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Leadership: Vision, 1996*

# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0200(a)

### GOALS FOR THE SCHOOL DISTRICT

As part of the Governing Board's responsibility to set direction for the school district, the Board shall adopt long-term goals focused on the achievement and needs of all district students. The district's goals shall be aligned with the district's vision, mission, philosophy, and priorities and shall be limited in number so as to be reasonably achievable within established timelines.

*(cf. 0000 - Vision)*

*(cf. 0100 - Philosophy)*

*(cf. 9000 - Role of the Board)*

Note: Items #1-14 below list areas of consideration in the development of goals. Districts are encouraged to replace the list with their own locally developed goals.

When developing the district's goals, the Board shall consider the following areas:

1. Developing curriculum, assessments, and instructional materials that are aligned with the state's content standards, frameworks, and assessments

*(cf. 6141 - Curriculum Development and Evaluation)*

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

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

*(cf. 6162.52 - High School Exit Examination)*

2. Maintaining safe and orderly campuses which promote learning

*(cf. 0450 - Comprehensive Safety Plan)*

3. Ensuring that all students achieve proficiency in essential areas of skill and knowledge and attain the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

*(cf. 6178 - Career Technical Education)*

4. Providing for the specialized needs of identified groups of students, including providing necessary support and intervention programs and closing the gap between low-achieving and high-achieving students

*(cf. 5149 - At-Risk Students)*

**GOALS FOR THE SCHOOL DISTRICT (continued)**

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*  
*(cf. 6172 - Gifted and Talented Student Program)*  
*(cf. 6174 - Education for English Language Learners)*  
*(cf. 6179 - Supplemental Instruction)*

5. Providing a system of shared accountability for student achievement with clear performance standards and consequences

*(cf. 0510 - School Accountability Report Card)*  
*(cf. 2140 - Evaluation of the Superintendent)*  
*(cf. 4115 - Evaluation/Supervision)*  
*(cf. 4215 - Evaluation/Supervision)*  
*(cf. 4315 - Evaluation/Supervision)*  
*(cf. 9400 - Board Self-Evaluation)*

6. Promoting student health, nutrition, and physical activity in order to enhance learning

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6142.8 - Comprehensive Health Education)*

7. Developing each student's self-respect, respect for others, appreciation for diversity, and sense of personal responsibility

*(cf. 5137 - Positive School Climate)*  
*(cf. 6142.3 - Civic Education)*

8. Allocating time and resources for staff collaboration, planning, and professional development activities aligned with the district's goals

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

9. Maintaining fiscal integrity for the district and aligning resources to instructional needs and priorities for student achievement

*(cf. 3100 - Budget)*  
*(cf. 3400 - Management of District Assets/Accounts)*  
*(cf. 3460 - Financial Reports and Accountability)*

10. Improving the organization, management, and decision-making structure and capabilities of the district to better support the education of students

*(cf. 2000 - Concepts and Roles)*

**GOALS FOR THE SCHOOL DISTRICT (continued)**

11. Employing technology in ways that enhance learning, teaching, and noninstructional operations

*(cf. 0440 - District Technology Plan)*  
*(cf. 4040 - Employee Use of Technology)*  
*(cf. 6163.4 - Student Use of Technology)*

12. Providing and maintaining facilities to meet the needs of present and future students

*(cf. 7000 - Concepts and Roles)*  
*(cf. 7110 - Facilities Master Plan)*

13. Maintaining positive relations with parents/guardians and the community, emphasizing communication and inviting participation in the schools

*(cf. 1100 - Communication with the Public)*  
*(cf. 1113 - District and School Web Sites)*  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 1240 - Volunteer Assistance)*  
*(cf. 1700 - Relations Between Private Industry and the Schools)*  
*(cf. 6020 - Parent Involvement)*

14. Collaborating with other public agencies and private organizations to ensure that children's physical, social, and emotional needs are met

*(cf. 1020 - Youth Services)*  
*(cf. 1400 - Relations between Other Governmental Agencies and the Schools)*

Each goal shall include measurable standards, performance indicators, and benchmarks that can be used to determine the district's progress toward meeting that goal.

The Superintendent or designee shall, with the involvement of district and school site staff, develop a strategic plan containing short-term objectives, actions, and timelines designed to enable the district to achieve its long-term goals. The Superintendent or designee shall also ensure that district improvement plans and reform efforts are aligned with the district's goals.

*(cf. 0400 - Comprehensive Plans)*  
*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 0520.2 - Title I Program Improvement Schools)*  
*(cf. 0520.3 - Title I Program Improvement Districts)*  
*(cf. 0520.4 - Quality Education Investment Schools)*  
*(cf. 6171 - Title I Programs)*

The Superintendent or designee shall ensure that these goals are communicated to staff, parents/guardians, students, and the community and that those groups are given an opportunity to provide feedback to the district about the goals.

## **GOALS FOR THE SCHOOL DISTRICT (continued)**

### **Monitoring and Evaluation**

Note: The following section should be modified to reflect district practice. In order to help ensure that the Board's meetings are focused on the district's goals for student achievement, CSBA's Agenda Online program allows items from the Board meeting agenda to link to specific district goals.

The Board shall regularly monitor the progress of the district's efforts in achieving the goals. To that end, the Superintendent or designee shall provide the Board with the necessary data and analysis to help the Board evaluate the effectiveness of the district's efforts. These data shall include an analysis of the progress based on the performance indicators and benchmarks for each goal, as well as other measures of student achievement, such as the Academic Performance Index, Adequate Yearly Progress, student attendance, and graduation rates.

*(cf. 0500 - Accountability)*

*(cf. 6190 - Evaluation of the Instructional Program)*

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

If the Board determines that sufficient progress is not being made toward a particular goal, the Board and Superintendent shall determine what types of additional district resources and support should be provided so that progress in increasing student achievement can be made. District goals shall be revised as necessary.

*Legal Reference: (see next page)*

**GOALS FOR THE SCHOOL DISTRICT (continued)**

*Legal Reference:*

EDUCATION CODE

33127-33129 *Standards and criteria for fiscal accountability*

33400-33407 *CDE evaluation of district programs*

44660-44665 *Evaluation of certificated employees*

51002 *Local development of programs based on stated philosophy and goals*

51020 *Definition of goal*

51021 *Definition of objective*

51041 *Evaluation of the educational program*

52050-52059 *Public Schools Accountability Act*

64000-64001 *Consolidated application process*

CODE OF REGULATIONS, TITLE 5

15440-15463 *Standards and criteria for fiscal accountability*

UNITED STATES CODE, TITLE 20

6311 *Accountability, adequate yearly progress*

6312 *Local educational agency plan*

*Management Resources:*

CSBA PUBLICATIONS

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2006*

*Maximizing School Board Governance: Vision, 1996*

WEB SITES

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

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

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

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# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0400(a)

### COMPREHENSIVE PLANS

The Governing Board believes that careful planning is essential to effective implementation of district programs and policies. Comprehensive plans shall identify cohesive strategies for school improvement and provide stability in district operations.

The Superintendent or designee shall develop comprehensive plans for the implementation of the district's vision and goals, on specific policy topics and on other areas as required by law. As appropriate, comprehensive plans may describe, but not be limited to, anticipated short- and long-term needs, measurable outcomes, priorities, activities, available resources, timelines, staff responsibilities, and strategies for internal and external communications regarding the plan.

*(cf. 0000 - Vision)*  
*(cf. 0200 - Goals for the School District)*  
*(cf. 0430 - Comprehensive Local Plan for Special Education)*  
*(cf. 0440 - District Technology Plan)*  
*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 0500 - Accountability)*  
*(cf. 1112 - Media Relations)*  
*(cf. 2140 - Evaluation of the Superintendent)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 3543 - Transportation Safety and Emergencies)*  
*(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)*  
*(cf. 6171 - Title I Programs)*  
*(cf. 6190 - Evaluation of the Instructional Program)*  
*(cf. 7110 - Facilities Master Plan)*

Comprehensive plans may be subject to review and approval by the Board.

The process for developing comprehensive plans shall invite broad participation of school and community representatives. Committees may be appointed to assist in the development of plans. Comprehensive plans shall be available to the public and shall be reviewed at regular intervals as specified within the plan.

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 2230 - Representative and Deliberative Groups)*  
*(cf. 6020 - Parent Involvement)*  
*(cf. 9130 - Board Committees)*

## COMPREHENSIVE PLANS (continued)

In addition, school-level plans may be developed to meet the unique circumstances of individual school sites provided that they are consistent with law, district vision, Board policies, administrative regulations and districtwide plans. School plans may be subject to review and approval of the Superintendent or designee and/or the Board.

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

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

### *Legal Reference:*

#### EDUCATION CODE

*35035 Powers and duties of Superintendent*

*35291 Rules (power of governing board)*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Maximizing School Board Leadership: Vision, 1996*

#### WEB SITES

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

# CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0410(a)

## NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

Note: Discrimination in education programs and activities is prohibited by state and federal law. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination on the basis of race, color and national origin. Title IX (20 USC 1681-1688) prohibits discrimination on the basis of sex. The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC 794) prohibit discrimination on the basis of disability. State law, Government Code 12940, prohibits employers from discriminating on the basis of all categories listed below, including discrimination on the basis of sexual orientation. Government Code 11138 **mandates** districts to adopt rules and regulations to carry out the intent of this nondiscrimination provision. Education Code 220 also prohibits discrimination on the basis of sexual orientation in all programs and activities in public schools. The Office for Civil Rights (OCR) of the U.S. Department of Education has authority to enforce federal laws in all programs and activities that receive federal funds. The California Department of Education may also investigate complaints regarding discrimination through the Uniform Complaint Procedure, see BP/AR 1312.3 - Uniform Complaint Procedures.

Education Code 260 and the implementing regulations at 5 CCR 4900-4965 specify that the Board has primary responsibility for ensuring that district programs and activities are free from discrimination on the basis of both sex and gender, among other categories. 5 CCR 4910 defines "sex" as the biological condition or quality of being a female or male human being. "Gender," pursuant to 5 CCR 4910, is defined as a person's actual sex or perceived sex and includes a person's perceived identity, appearance or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with a person's sex at birth. In accordance with those definitions, the following paragraph lists both "sex" and "gender" as prohibited categories of discrimination.

The Governing Board is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on gender, sex, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics. The Board shall promote programs which ensure that discriminatory practices are eliminated in all district activities.

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

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

*(cf. 6145.2 - Athletic Competition)*

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

*(cf. 6164.6 - Identification and Education Under Section 504)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6200 - Adult Education)*

Note: Pursuant to the ADA and its implementing regulations, 28 CFR 35.150 and 35.151, district facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries,

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES** (continued)

home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. It is important to note that the law **does not** require a district to make structural changes to existing facilities where other methods are effective in achieving compliance and where the district can demonstrate that the action would result in a fundamental alteration in the nature of the activity or an undue financial or administrative burden. Districts with questions about compliance with the ADA should consult with legal counsel as appropriate.

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act.

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

In addition, Government Code 54953.2, as added by AB 3035 (Ch. 300, Statutes of 2002), requires that all Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160, 36.303). The district is required to ensure that the meeting is accessible to persons with disabilities and, upon request, to provide disability-related accommodations, such as auxiliary aids and services.

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

*(cf. 6020 - Parent Involvement)*

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

*(cf. 9320 - Meetings and Notices)*

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

Note: Pursuant to 34 CFR 104.8 and 106.9, a district that receives federal aid is required to take "continuing steps" to notify students, parents/guardians, employees, employee organizations and applicants for admission and employment that it does not discriminate in its educational programs or activities.

The Superintendent or designee shall notify students, parents/guardians, employees, employee organizations and applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination. Such notification shall be included in each announcement, bulletin, catalog, application form or other recruitment materials distributed to these groups. (34 CFR 104.8, 106.9)

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES** (continued)

The Superintendent or designee shall also provide information about related complaint procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in English or the primary language. In addition, the No Child Left Behind Act (20 USC 6311 and 6312) requires that districts receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.

In compliance with law, the district's nondiscrimination policy shall be published in the individual's primary language to the extent practicable.

*(cf. 5145.6 - Parental Notifications)*

*Legal Reference: (see next page)*

## NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

#### GOVERNMENT CODE

11000 Definitions

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

#### PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

#### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

#### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

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

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

6311 State plans

6312 Local education agency plans

#### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

#### UNITED STATES CODE, TITLE 42

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

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

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

#### CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

### *Management Resources:*

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

Protecting Students from Harassment and Hate Crime, January, 1999

Notice of Non-Discrimination, January, 1999

Nondiscrimination in Employment Practices in Education, August, 1991

#### WEB SITES

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

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

Pacific Disability and Business Technical Assistance Center: <http://www.pacdbtac.org>

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

<http://www.ed.gov/about/offices/list/ocr/index.html>

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### **Policy Reference UPDATE Service**

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# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420(a)

### SCHOOL PLANS/SITE COUNCILS

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

When required by law or determined to be a useful tool to accomplish district and school goals, school site councils or other school advisory groups shall develop comprehensive school plans designed to enhance student achievement at individual school sites.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 0400 - Comprehensive Plans)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1431 - Waivers)*

*(cf. 6020 - Parent Involvement)*

### Single Plan for Student Achievement

Note: School site councils are required to develop a single plan for student achievement to consolidate the school plans required for (1) the state and federal categorical programs included in the consolidated application pursuant to Education Code 64000-64001; (2) purposes funded under the Pupil Retention Block Grant and School and Library Improvement Block Grant pursuant to Education Code 41506-41507 and 41571-41572; and (3) the Quality Education Investment Act pursuant to Education Code 52055.700-52055.770, as added by SB 1133 (Ch. 751, Statutes of 2006). See the accompanying administrative regulation and the California Department of Education's [A Guide and Template for the Single Plan for Student Achievement: A Handbook for School Site Councils](#) for additional information regarding development of the single plan and required content of the plan.

The Superintendent or designee shall ensure that a single plan for student achievement is prepared by the school site council as required by law for each school participating in specified state and/or federal categorical programs. (Education Code 41507, 41572, 52055.755, 64001)

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

*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 0520.4 - Quality Education Investment Schools)*

*(cf. 3513.3 - Tobacco-Free Schools)*

**SCHOOL PLANS/SITE COUNCILS** (continued)

- (cf. 4131 - Staff Development)*
- (cf. 4139 - Peer Assistance and Review)*
- (cf. 5147 - Dropout Prevention)*
- (cf. 5148.1 - Child Care Services for Parenting Students)*
- (cf. 6142.91 - Reading/Language Arts Instruction)*
- (cf. 6163.1 - Library Media Centers)*
- (cf. 6164.2 - Counseling/Guidance Services)*
- (cf. 6171 - Title I Programs)*
- (cf. 6174 - Education for English Language Learners)*
- (cf. 6190 - Evaluation of the Instructional Program)*

Note: Pursuant to Education Code 64001, the district may, at its discretion, choose to include any other school plan in the single plan for student achievement. The following paragraph is **optional**.

Whenever feasible, any other school plan may be incorporated into the single plan for student achievement.

Note: The following **optional** paragraph may be revised to reflect district practice.

The Superintendent or designee shall review each school's single plan and ensure that it has been developed and approved by a properly constituted school site council, meets the content requirements for all programs included, is based on an analysis of current practices and student academic performance, and reasonably links improvement strategies to identified needs of the school and students. He/she shall submit to the Governing Board his/her recommendations for plan approval or recommendations regarding any subsequent material revisions of the plan.

The Board shall review and approve each school's single plan for student achievement at a regularly scheduled meeting. The Board also shall review and approve any subsequent revisions that include material changes affecting the academic programs for students participating in these categorical programs. The Board shall certify that, to the extent allowable under federal law, the plan is consistent with district local improvement plans required as a condition of receiving federal funding. (Education Code 64001)

Note: The following **optional** paragraph may be revised to reflect district practice.

The Superintendent or designee shall ensure that principals and members of each site council receive training on the roles and responsibilities of the site council. To the extent necessary, he/she shall ensure that site councils receive the resources necessary in order to perform their role effectively.

## SCHOOL PLANS/SITE COUNCILS (continued)

### School Site Block Grants

Note: Uncodified AB 1802 (Ch. 79, Statutes of 2006), Sec. 43, allocates state budget funds to school districts for the purpose of school site block grants, including block grants to locally funded charter schools that have students currently enrolled. The following section reflects the purposes of this one-time funding and the approval process. See the accompanying administrative regulation for allowable uses of these funds.

Upon receipt of state funding for school site block grants, the Board shall allocate the funds to district schools on an equal per-pupil basis. (AB 1802, Sec. 43, Statutes of 2006)

The school's use of the funds allocated through this block grant shall be proposed by the school site council or, if the school does not have a school site council, by a schoolwide advisory group or school support group. (AB 1802, Sec. 43, Statutes of 2006)

Note: The following **optional** paragraph may be revised to reflect district practice.

The Board encourages school site councils to fund the highest priority needs identified in school improvement plans. The school site council shall provide the Superintendent or designee and the Board with a written proposal that includes a statement of the identified need(s) and how the funds will be used to enhance the educational program.

Before the funds are encumbered or expended, the Board shall approve the site council's proposed use of the funds. If the Board does not approve the proposed use, the Board shall inform the school site council of the reasons for disapproval and request that the council review and revise its proposal. (AB 1802, Sec. 43, Statutes of 2006)

Note: If the school site council and Board are unable to agree on the use of the funds by May 1, 2007, the dispute shall be immediately submitted to the County Board of Education, which shall resolve the dispute within 30 days of submission. The County Board's decision will be final.

*Legal Reference: (see next page)*

**SCHOOL PLANS/SITE COUNCILS (continued)**

*Legal Reference:*

EDUCATION CODE

52-53 *Designation of schools*  
8240-8244 *General child care and development programs*  
8750-8754 *Conservation education*  
18100-18203 *School libraries*  
32228-32228.5 *School safety and violence prevention*  
33133 *Information guide for school site councils*  
35147 *Open meeting laws exceptions*  
41500-41573 *Categorical education block grants*  
44500-44508 *Peer Assistance and Review Program*  
44520-44534 *New Careers Program*  
48400-48403 *Compulsory continuation education*  
48430-48438 *Continuation education*  
48660-48667 *Community day schools*  
51745-51749.3 *Independent study*  
51760-51769.5 *Work experience education*  
51870-51874 *Educational technology*  
52053-52055.55 *Immediate Intervention/Underperforming Schools Program*  
52055.700-52055.770 *Quality Education Investment Act*  
52176 *Advisory committees*  
52200-52212 *Gifted and Talented Education Program*  
52300-52346 *Regional occupational centers*  
52500-52617 *Adult education, including:*  
52610-52616.24 *Adult education finances*  
52800-52887 *School-Based Program Coordination Act*  
52890 *Qualifications and duties of outreach consultants*  
54000-54028 *Educationally Disadvantaged Youth Programs*  
54100-54145 *Miller-Unruh Basic Reading Act*  
54425 *Advisory committees (compensatory education)*  
54650-54659 *Education Improvement Incentive Program*  
54740-54749.5 *California School Age Families Education Program*  
56000-56867 *Special education*  
64000 *Categorical programs included in consolidated application*  
64001 *Single school plan for student achievement, consolidated application programs*  
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS  
52012 *Establishment of school site council*  
52014-52015 *School plans*  
HEALTH AND SAFETY CODE  
104420 *Tobacco use prevention*

*Legal Reference continued: (see next page)*

**SCHOOL PLANS/SITE COUNCILS (continued)**

*Legal Reference: (continued)*

MILITARY AND VETERANS CODE

500-520.1 *California Cadet Corps*

AB 1802 UNCODIFIED 2006 STATUTE

43 *School site block grants*

CODE OF REGULATIONS, TITLE 5

3930-3937 *Compliance plans*

UNITED STATES CODE, TITLE 20 6312-6319 *Title I programs; plans*

6421-6472 *Programs for neglected, delinquent, and at-risk children and youth*

6601-6651 *Teacher and Principal Training and Recruitment program*

6801-7014 *Limited English proficient and immigrant students*

7101-7165 *Safe and Drug-Free Schools and Communities*

7341-7355c *Rural Education Initiative*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*A Guide and Template for the Single Plan for Student Achievement: A Handbook for School Site Councils*, April 2006

WEB SITES

*California Department of Education, Single Plan for Student Achievement:*

<http://www.cde.ca.gov/nclb/sr/le/singleplan.asp>

*Center for Comprehensive School Reform and Improvement: <http://www.centerforcsri.org>*

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

(3/02 7/05) 11/06

# CSBA Sample Administrative Regulation

## Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0420(a)

### SCHOOL PLANS/SITE COUNCILS

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

#### School Site Councils

Note: Pursuant to Education Code 41507 and 41572, as a condition of receiving funding under the Pupil Retention Block Grant and/or School and Library Improvement Block Grant, districts must have a school site council or advisory committee as described in repealed Education Code 52012, as that statute read on January 1, 2004.

When required for participation in any categorical program, each district school shall establish a school site council or advisory committee. (Education Code 41507, 41572, 52852, 64001)

The school site council shall be composed of the following: (Education Code 41507, 41572, 52852)

1. The principal
2. Teachers selected by the school's teachers
3. Other school personnel chosen by the school's other personnel
4. Parents/guardians of students attending the school chosen by other such parents/guardians, or community members chosen by the parents/guardians as representatives

Note: Item #5 below applies to secondary schools only. Pursuant to Education Code 52 and 53, secondary schools include high schools and junior high schools.

5. In secondary schools, students attending the school chosen by other such students

Half of the school site council membership shall consist of school staff, the majority of whom shall be classroom teachers. For elementary school site councils, the remaining half

**SCHOOL PLANS/SITE COUNCILS** (continued)

shall be parents/guardians or parent/guardian representatives. For secondary school site councils, the remaining half shall be equal numbers of parents/guardians (or parent/guardian representatives) and students. (Education Code 41507, 41572, 52852)

A district employee may serve as a parent/guardian representative on the site council of the school his/her child attends, provided the employee does not work at that school. (Education Code 52852)

School site councils may function on behalf of other committees in accordance with law. (Education Code 52176, 52870, 54425; 5 CCR 3932)

Note: Pursuant to Education Code 35147, school site councils and some advisory committees are exempt from open meeting law requirements (Brown Act), but must comply with other, less complex procedural requirements as specified. These procedural requirements are detailed in AR 1220 - Citizen Advisory Committees.

School site councils shall operate in accordance with procedural meeting requirements established in Education Code 35147.

*(cf. 1220 - Citizen Advisory Committees)*

**Single Plan for Student Achievement**

Note: The following section reflects requirements pertaining to the development of a single plan for student achievement required for (1) the state and federal categorical programs included in the consolidated application pursuant to Education Code 64000-64001; (2) purposes funded under the Pupil Retention Block Grant and School and Library Improvement Block Grant pursuant to Education Code 41506-41507 and 41571-41572; and (3) the Quality Education Investment Act pursuant to Education Code 52055.700-52055.770, as added by SB 1133 (Ch. 751, Statutes of 2006). To assist schools with the development of the single plan for student achievement, the California Department of Education (CDE) has developed [A Guide and Template for the Single Plan for Student Achievement: A Handbook for School Site Councils](#) which is available on the CDE's web site.

In order for a school to participate in any state or federal categorical program specified in Education Code 41506, 41571, 52055.700, or 64000, the school site council shall approve, annually review, and update a single plan for student achievement. If the school does not have a school site council, a schoolwide advisory group or school support group conforming to the composition requirements of the school site council listed above shall fulfill these responsibilities. (Education Code 41507, 41572, 52055.755, 64001)

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

*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 0520.4 - Quality Education Investment Schools)*

*(cf. 3513.3 - Tobacco-Free Schools)*

*(cf. 4131 - Staff Development)*

**SCHOOL PLANS/SITE COUNCILS** (continued)

(cf. 4139 - Peer Assistance and Review)  
 (cf. 5147 - Dropout Prevention)  
 (cf. 5148.1 - Child Care Services for Parenting Students)  
 (cf. 6142.91 - Reading/Language Arts Instruction)  
 (cf. 6163.1 - Library Media Centers)  
 (cf. 6164.2 - Counseling/Guidance Services)  
 (cf. 6171 - Title I Programs)  
 (cf. 6174 - Education for English Language Learners)

The single plan for student achievement shall be aligned with school goals for improving student achievement and shall be based on an analysis of verifiable state data, including the Academic Performance Index (API) and the California English Language Development Test (CELDT), and any other data voluntarily developed by the district to measure student achievement. (Education Code 64001)

The plan shall, at a minimum: (Education Code 64001)

1. Address how funds provided to the school through categorical programs will be used to improve the academic performance of all students to the level of the performance goals established by the API
2. Identify the school's means of evaluating progress toward accomplishing those goals
3. Identify how state and federal law governing these programs will be implemented

Note: The CDE's A Guide and Template for the Single Plan for Student Achievement: A Handbook for School Site Councils clarifies that integrating multiple planning processes into the single plan does not eliminate any specific planning elements required for individual categorical programs, as provided below. For example, see AR 0420.1 - School-Based Program Coordination for plan requirements of that program and the section on "School Plans for Categorical Block Grants" below for additional information regarding plan requirements for categorical block grants.

In addition to meeting the requirements common to all applicable school plans, the single plan shall address the content required by law for each individual categorical program in which the school participates.

Plans developed for the state's Immediate Intervention/Underperforming Schools Program pursuant to Education Code 52054 or the federal Title I schoolwide programs pursuant to 20 USC 6314 shall satisfy the requirement for the single plan. (Education Code 64001)

(cf. 6171 - Title I Programs)

Note: The CDE's A Guide and Template for the Single Plan for Student Achievement: A Handbook for School Site Councils suggests the following steps for the school site council when developing the single plan. Items #1-5 below are **optional**.

**SCHOOL PLANS/SITE COUNCILS** (continued)

In developing or revising the single plan, the school site council shall:

1. Measure the effectiveness of current improvement strategies at the school

The school site council shall analyze student performance based on state and local data, identify significant low performance among all student groups, and analyze instructional programs to determine program areas that need to be addressed in order to raise performance of student groups not meeting academic standards.

*(cf. 6011 - Academic Standards)*

2. Seek input from other school advisory committees as appropriate
3. Reaffirm or revise school goals to serve as a basis for school improvement activities and expenditures
4. Revise improvement strategies and expenditures

The school site council shall specify actions to be taken, dates by which actions are to be started and completed, expenditures needed to implement the action, the funding source, anticipated annual performance growth for each student group, and the means that will be used to evaluate progress toward each goal.

5. Approve and recommend the plan to the Governing Board

Note: The following **optional** paragraph reflects responsibilities of the administration and the school site council pertaining to implementation and monitoring of the single plan, as recommended in the CDE's A Guide and Template for the Single Plan for Student Achievement: A Handbook for School Site Councils.

The Superintendent or designee and the principal shall implement the strategies in the single plan and report to the school site council and the Board regarding progress toward school goals. The school site council shall monitor the implementation and effectiveness of the single plan and modify any activities that prove ineffective.

**School Plans for Categorical Block Grants**

Note: The following **optional** section is for use by districts applying for funding under the Pupil Retention Block Grant (Education Code 41505-41508) and/or School and Library Improvement Block Grant (Education Code 41570-41573). The Pupil Retention Block Grant combines funding for, among other programs, supplemental instruction, continuation high schools, 10th-grade counseling, opportunity programs and classes, and dropout prevention and recovery programs, including educational clinics, alternative work centers, and the school-based student motivation and maintenance program. The School and Library Improvement Block Grant combines funding for the school improvement program and school library services. Participation in either program requires the school site council to develop a single school plan that incorporates the requirements of repealed Education Code 52014-52015, as those sections read on January 1, 2004. Items #1-12 below reflect plan requirements pursuant to repealed Education Code 52014-52015 and should be modified to reflect district practice.

**SCHOOL PLANS/SITE COUNCILS** (continued)

Whenever a school participates in the state's categorical block grant programs for student retention and/or school and library improvement, the school site council shall develop a plan which shall include, but need not be limited to: (Education Code 41507, 41572)

1. Curricula, instructional strategies, and materials responsive to the individual educational needs and learning styles of each student that enables all students to do all of the following:
  - a. Make continuous progress and learn at a rate appropriate to their abilities
  - b. Master basic skills in language development and reading, writing, and mathematics
  - c. Develop knowledge and skills in other aspects of the curricula, such as arts and humanities; physical, natural, and social sciences; multicultural education; physical, emotional, and mental health; consumer economics; and career education
  - d. Pursue educational interests and develop esteem for self and others; personal and social responsibility, critical thinking, and independent judgment

*(cf. 5148 - Child Care and Development)*

*(cf. 6158 - Independent Study)*

*(cf. 6184 - Continuation Education)*

*(cf. 6185 - Community Day School)*

2. Consideration of the use of community resources to achieve instructional improvement objectives
3. Consideration of the use of education technology

*(cf. 0440 - District Technology Plan)*

4. A staff development program for teachers, other school personnel, paraprofessionals, and volunteers

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4131.1 - Beginning Teacher Support/Induction)*

*(cf. 4138 - Mentor Teachers)*

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

*(cf. 4231 - Staff Development)*

5. Provisions for utilization of the student success team process to identify and assess the needs of students who are dropouts or potential dropouts, and to develop programs to meet those needs

**SCHOOL PLANS/SITE COUNCILS** (continued)

*(cf. 5147 - Dropout Prevention)*

*(cf. 5149 - At-Risk Students)*

*(cf. 6164.5 - Student Success Teams)*

6. Procedures for coordinating services from funding sources at the school level to help students participate successfully in the core academic curricula and specialized curricula related to jobs and career opportunities

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work Experience Education)*

7. Instructional and auxiliary services to meet the special needs of students who are limited-English-speaking, including instruction in a language they understand; educationally disadvantaged students; gifted and talented students; and students with disabilities

*(cf. 6172 - Gifted and Talented Student Program)*

8. Improvement of the classroom and school environments, including improvement of relationships between and among students, school personnel, parents/guardians, and the community, and reduction of the incidence of violence and vandalism among students

*(cf. 5137 - Positive School Environment)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

9. Improvement of student attendance, including parent/guardian awareness of the importance of regular school attendance

*(cf. 5113 - Absence and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

10. The proposed expenditure of block grant funds and the degree to which expenditures meet the plan's criteria
11. Other activities and objectives established by the school site council
12. A process for ongoing evaluation and modification of the plan

The evaluation shall be based on the degree to which the school is meeting the plan's objectives, student achievement, and improved school environment. An improved school environment shall be measured by indicators such as the incidence of absenteeism, suspension and expulsion, dropouts, school violence, vandalism and theft; student attitudes towards the school, self, and others; absenteeism among staff, staff resignations, and requests for transfers; and satisfaction of students, parents/guardians, teachers, administrators, and staff.

## **SCHOOL PLANS/SITE COUNCILS** (continued)

Note: The following **optional** paragraph is for use by districts applying for funding under the School and Library Improvement Block Grant, Education Code 41570-41573. Education Code 41572 requires that the school plan incorporate the requirements of Education Code 18181 pertaining to a districtwide library plan, as that repealed section read on January 1, 2004.

In addition, any school receiving state funding for school and library improvement shall incorporate plans pertaining to school libraries. (Education Code 41572)

The student retention and/or school and library improvement plans shall be incorporated into the school's single plan for student achievement as described in the above section. (Education Code 41507, 41572)

### **School Site Block Grants**

Note: Uncodified AB 1802 (Ch. 79, Statutes of 2006), Sec. 43, establishes one-time school site block grants that may be expended for any one-time educational purpose as provided below. The use of the funds must be proposed by the school site council or advisory group and approved by the Board; see the accompanying Board policy.

The school site council may propose any one-time educational purpose for the use of funds allocated to school sites under school site block grants, including, but not limited to, the following purposes: (AB 1802, Sec. 43, Statutes of 2006)

1. Instructional materials
2. Classroom and laboratory supplies and materials
3. School and classroom library materials
4. Educational technology
5. Deferred maintenance
6. Expenditures designed to close the achievement gap
7. Professional development

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# CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.1(a)

## SCHOOL-BASED PROGRAM COORDINATION

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Note: The following policy is **mandated** for districts participating in School-Based Program Coordination pursuant to Education Code 52800-52887. See the accompanying administrative regulation for information about the categorical programs that may be coordinated under this Act.

Education Code 41500-41573, as added by AB 825 (Ch. 871, Statutes of 2004), establishes categorical education block grants that provide additional flexibility in the use of specified categorical funds.

In order to best serve students with special needs and students participating in designated educational programs, the Governing Board encourages school-based program coordination as a means for achieving flexibility in the use of the categorical funds received by each school. The Board believes that resources acquired to assist students in one program often can benefit other students without in any way depriving the originally targeted group.

Note: Before schools begin to develop the plan required for operating under the School-Based Program Coordination Act, Education Code 52852.5 **mandates** the Board to adopt policies ensuring that a school site council is established to consider whether or not it wishes the school to participate in the program; see also BP/AR 0420 - School Plans/Site Councils.

A school site council shall be established at each school to consider whether or not it wishes the school to participate in school-based program coordination. All interested persons shall have an opportunity to meet in public to establish the site council. (Education Code 52852.5)

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

*(cf. 1220 - Citizen Advisory Committees)*

Note: Pursuant to Education Code 64001, districts applying for School-Based Program Coordination funding through the consolidated application process must consolidate their program plan into a single plan for student achievement; see BP/AR 0420 - School Plans/Site Councils. The district must ensure that the single plan contains the elements required by Education Code 52853 for the School-Based Program Coordination plan.

## **SCHOOL-BASED PROGRAM COORDINATION** (continued)

The school site council of any participating school shall develop, for approval by the Board, a school plan that addresses the components specified in Education Code 52853. This plan shall be incorporated into the school's single plan for student achievement required for the state's consolidated application process. (Education Code 52853, 64001)

Evaluation of each participating school's educational program shall include an assessment of the school's effectiveness in meeting the needs of each student population originally targeted by the categorical programs.

(cf. 0500 - Accountability)  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 5149 - At-Risk Students)  
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)  
(cf. 6172 - Gifted and Talented Student Program)  
(cf. 6174 - Education for English Language Learners)  
(cf. 6190 - Evaluation of the Instructional Program)

### *Legal Reference:*

#### EDUCATION CODE

8750-8754 Conservation education  
41500-41573 Categorical education block grants  
44520-44534 New Careers Program  
51870-51874 Education technology  
52200-52212 Gifted and Talented Education Program  
52340-52346 California Regional Career Guidance Centers  
52800-52887 School-Based Program Coordination Act  
54000-54028 Educationally Disadvantaged Youth Programs  
54100-54145 Miller-Unruh Basic Reading Act  
54650-54659 Education Improvement Incentive Program  
56000-56867 Special education  
64000 Categorical programs included in consolidated application  
64001 Single school plan for student achievement, consolidated application programs  
MILITARY AND VETERANS CODE  
500-520.1 California Cadet Corps

### *Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
Voluntary Template for the Single Plan for Student Achievement  
WEB SITES  
California Department of Education: <http://www.cde.ca.gov>

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### **Policy Reference UPDATE Service**

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# CSBA Sample Administrative Regulation

## Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0420.1(a)

### SCHOOL-BASED PROGRAM COORDINATION

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Note: The following **optional** administrative regulation is for use by districts participating in School-Based Program Coordination pursuant to Education Code 52800-52887.

The Superintendent or designee shall provide information about the School-Based Program Coordination Act to each principal. Each principal shall provide this information to teachers, other school personnel, parents/guardians, and secondary students. (Education Code 52852.5)

Note: Education Code 52851 lists the categorical programs that may be coordinated under the School-Based Program Coordination Act. Although Education Code 52851 includes the School Improvement Program (Education Code 52000-52049.1), this program is inoperative as of July 1, 2005, pursuant to Education Code 52002, as added by AB 825 (Ch. 871, Statutes of 2004). Funding for the School Improvement Program is combined into a block grant for school and library improvement as described in Education Code 41570.

The district should revise the following list to include those funding sources received by the district.

Categorical funds coordinated under this program may include funding for: (Education Code 52851)

1. Conservation Education (Education Code 8750-8754)

*(cf. 6142.5 - Environmental Education)*

2. New Careers Program (Education Code 44520-44534)

*(cf. 4112.21 - Interns)*

3. Education Technology (Education Code 51870-51874)

*(cf. 0440 - District Technology Plan)*

**SCHOOL-BASED PROGRAM COORDINATION** (continued)

4. Gifted and Talented Education Program (Education Code 52200-52212)  
*(cf. 6172 - Gifted and Talented Student Program)*
5. California Regional Career Guidance Centers (Education Code 52340-52346)  
*(cf. 6178 - Career Technical Education)*
6. Educationally Disadvantaged Youth Programs (Education Code 54000-54028)  
*(cf. 5149 - At-Risk Students)*
7. Miller-Unruh Basic Reading Act (Education Code 54100-54145)  
*(cf. 6142.91 - Reading/Language Arts Instruction)*
8. Special Education (Education Code 56000-56867)  
*(cf. 0430 - Comprehensive Local Plan for Special Education)*
9. California Cadet Corps (Military and Veterans Code 500-520.1)

Funds coordinated under this program shall be used to supplement, not supplant, existing state and local appropriations. (Education Code 52852.5)

Any school participating in school-based program coordination shall not be required to meet any state laws or regulations for any coordinated program listed above, except as specifically provided under the School-Based Program Coordination Act. (Education Code 52851)

# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.4(a)

### CHARTER SCHOOLS

Note: The following policy is **optional**. Education Code 47600-47616.5 authorize the establishment of a capped number of public charter schools. Pursuant to Education Code 47606, a district may petition the Superintendent of Public Instruction and the State Board of Education (SBE) to convert all its schools to charter schools and thus become a charter district.

Pursuant to Education Code 47610, charter schools are generally exempted from Education Code provisions governing school districts unless otherwise specified in law. Districts should consult with legal counsel regarding the applicability of state law other than the Education Code to charter schools.

The Governing Board believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning. These schools shall operate under the provisions of their charters, federal laws, specified state laws, and general oversight of the Board.

The Superintendent or designee may work with charter school petitioners prior to the formal submission of the petition in order to gather information about the proposal and suggest components that would align the petition with the district's vision and goals for student learning. As needed, he/she may work with the petitioners to establish workable plans for technical assistance or contracted services which the district may provide to the proposed charter school.

Note: The following paragraph is **optional**. CSBA's publication [Charter Schools: A Manual for Governance Teams](#) suggests that a staff advisory committee is one method that can be used to obtain input on proposed charters.

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to review a submitted petition and the supporting documentation. Such a committee may be used to evaluate the completeness of the proposal, the merits of the proposed educational program, the level of community support, and any concerns that should be addressed by the petitioners. The Superintendent or designee shall also consult with legal counsel as appropriate regarding compliance of the proposal with legal requirements.

*(cf. 1220 - Citizen Advisory Committees)*

Note: Education Code 47605 requires the Board to grant a charter as long as it is satisfied that granting the charter is consistent with sound educational practice. A charter can be denied only if certain factual findings are made; see the accompanying administrative regulation. Pursuant to Education Code 47605, if the district denies a charter, petitioners may submit the petition first to the County Board of Education and then, if denied by the County Board, to the SBE. 5 CCR 11967.5-11967.5.1 establish criteria for the SBE to use in reviewing and approving charter petitions.

**CHARTER SCHOOLS** (continued)

In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter and any supplementary information, consider public and staff input, and determine whether the charter petition adequately addresses all the provisions required by law. The Board shall not deny a charter school petition unless specific written factual findings are made pursuant to law and administrative regulation.

Note: The following paragraph is **optional** and may be revised to reflect district practice. Although not required by law, CSBA's publication Charter Schools: A Manual for Governance Teams recommends one or more memoranda of understanding (MOU) to address matters that are related to the charter petition, but are not included in the petition, and to establish expectations by which the charter school can be held accountable. The publication provides examples of issues pertaining to business operations, administrative and support services, special education, and student assessment that might be addressed in an MOU.

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

The district shall not require any student to attend a charter school and shall not require any district employee to work at a charter school. (Education Code 47605)

The Board shall ensure that any charter granted by the Board contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems, multiple measures for evaluating the educational program, and regular reports to the Board.

*(cf. 0500 - Accountability)*

Note: Under the No Child Left Behind Act (20 USC 6311), charter schools are subject to the same federal Title I accountability requirements as all other public schools in the state, including requirements to make "adequate yearly progress" as defined by the SBE; see BP/AR 0520.2 - Title I Program Improvement Schools. U.S. Department of Education nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, clarifies that the entity which authorizes the charter is responsible for ensuring that the charter school complies with accountability provisions.

The Board shall monitor each charter school to determine whether it makes "adequate yearly progress" as defined by the State Board of Education and federal Title I accountability requirements. If a charter school fails to make adequate yearly progress for two or more consecutive years, the Board shall take action for program improvement in accordance with law, Board policy, and administrative regulations.

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

**CHARTER SCHOOLS** (continued)

Note: The following paragraph is **optional**. The intent and language of the state's charter school law allow districts to convert their own schools into charter schools. In addition, whenever a school receiving Title I funds has failed to make "adequate yearly progress" for five consecutive years, the federal No Child Left Behind Act (20 USC 6316) requires that the district create a plan for restructuring the school, one option of which is to reopen it as a public charter school.

The Board may consider converting an existing school to a charter school when state or federal law requires restructuring of the school because of low performance or when otherwise deemed beneficial by the district and community.

*Legal Reference:*EDUCATION CODE*17280-17317 Field Act**17365-17374 Field Act, fitness for occupancy**41365 Charter school revolving loan fund**42100 Annual statement of receipts and expenditures**42238.51-42238.53 Funding for charter districts**44237 Criminal record summary**44830.1 Certificated employees, conviction of a violent or serious felony**45122.1 Classified employees, conviction of a violent or serious felony**46201 Instructional minutes**47600-47616.7 Charter Schools Act of 1992, as amended**47640-47647 Special education funding for charter schools**47652 Funding of first-year charter schools**48000 Minimum age of admission (kindergarten)**48010 Minimum age of admission (first grade)**48011 Minimum age of admission from kindergarten or other school**51745-51749.3 Independent study**52052 Alternative accountability system**54032 Limited English or low-achieving pupils**56026 Special education**56145-56146 Special education services in charter schools**60600-60649 Assessment of academic achievement, including:**60605 Academic content and performance standards; assessments**60640-60649 Standardized Testing and Reporting Program**60850-60859 High school exit examination*GOVERNMENT CODE*3540-3549.3 Educational Employment Relations Act**54950-54963 The Ralph M. Brown Act*PENAL CODE*667.5 Definition of violent felony**1192.7 Definition of serious felony*CODE OF REGULATIONS, TITLE 5*11700.1-11705 Independent study**11960-11969 Charter schools*

*Legal Reference continued: (see next page)*

## CHARTER SCHOOLS (continued)

### *Legal Reference: (continued)*

#### CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

#### UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress

6319 Qualifications of teachers and paraprofessionals

7223-7225 Charter schools

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 Accountability

300.18 Highly qualified special education teachers

#### COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4<sup>th</sup> 986

#### ATTORNEY GENERAL OPINIONS

89 Ops. Cal. Atty. Gen. 166 (2006)

80 Ops. Cal. Atty. Gen. 52 (1997)

78 Ops. Cal. Atty. Gen. 297 (1995)

### *Management Resources:*

#### CSBA PUBLICATIONS

Charter Schools: A Manual for Governance Teams, rev. 2005

#### CSBA ADVISORIES

Charter School Facilities and Proposition 39: Legal Implications for School Districts, September 2005

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Special Education and Charter Schools: Questions and Answers, September 10, 2002

#### U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program, July 2004

The Impact of the New Title I Requirements on Charter Schools, July 2004

#### WEB SITES

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

California Building Standards Commission: <http://www.bsc.ca.gov>

California Charter Schools Association: <http://www.charterassociation.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

Education Commission of the States: <http://www.ecs.org>

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

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

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

(11/02 11/03) 3/06

# CSBA Sample Administrative Regulation

**Philosophy, Goals, Objectives, and Comprehensive Plans**

AR 0420.4(a)

## **CHARTER SCHOOLS**

Note: The following administrative regulation is **optional**.

### **Petition Signatures**

To be considered by the Governing Board, a petition for the establishment of a charter school within the district must be signed by one of the following: (Education Code 47605)

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

If the charter petition calls for an existing public school to be converted to a charter school, the petition must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

*(cf. 4116 - Permanent/Probationary Status)*

In circulating a petition, the petitioners shall include a prominent statement explaining that a signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition. (Education Code 47605)

### **Components of Charter Petition**

Note: CSBA's publication Charter Schools: A Manual for Governance Teams recommends specific content that might be included in the descriptions of each component listed in items #1-16 below.

A charter petition shall include affirmations of the conditions described in Education Code 47605(d) as well as descriptions of all of the following: (Education Code 47605, 47611.5)

1. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

**CHARTER SCHOOLS** (continued)

Note: The following paragraph is applicable only if the charter school proposes to serve high school students.

- If the proposed school will serve high school students, the petition shall describe the manner in which the charter school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "A-G" admissions criteria may be considered to meet college entrance requirements.
2. The measurable student outcomes identified for use by the charter school. *Student outcomes* means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.
  3. The method by which student progress in meeting those student outcomes is to be measured.
  4. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
  5. The qualifications to be met by individuals to be employed by the school.
  6. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.
  7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.
  8. Admission requirements, if applicable.
  9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Board.
  10. The procedures by which students can be suspended or expelled.

**CHARTER SCHOOLS** (continued)

11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
12. The public school attendance alternatives for students residing within the district who choose not to attend charter schools.
13. A description of the rights of any district employee upon leaving district employment to work in a charter school and of any rights of return to the district after employment at a charter school.
14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.

Note: Education Code 47605 requires charter petitions to contain the declaration specified in item #15 below regarding responsibilities for collective bargaining. If the charter school is not deemed a public school employer for purposes of collective bargaining under Government Code 3540-3549.3, the district where the charter school is located shall be deemed the public school employer for these purposes, pursuant to Education Code 47611.5.

Education Code 47611.5 further provides that, if the charter does not specify that the charter school shall comply with laws and regulations governing tenure or a merit or civil service system, the scope of representation for that charter school shall also include discipline and dismissal of charter school employees.

15. A declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.
16. The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the school, including plans for disposing of any net assets and for the maintenance and transfer of student records.

Note: Education Code 47605 requires that petitioners provide to the Board additional information listed in items #1-4 below. The Board may add its own additional requirements for information. For example, U.S. Department of Education nonregulatory guidance, [The Impact of New Title I Requirements on Charter Schools](#), suggests that districts, at their discretion, choose to incorporate in the charter the state's definition of "adequate yearly progress" to assist charter schools in understanding their accountability requirements; see "Accountability" below and BP/AR 0520.2 - Title I Program Improvement Schools.

According to CSBA's publication [Charter Schools: A Manual for Governance Teams](#), some districts request a school calendar, information regarding transportation arrangements, staff development procedures, assurances that the school will provide appropriate services for English language learners and students with disabilities, or any other information that will assist the Board in understanding the proposal. Districts that wish to require additional information in the charter may list those items below.

## **CHARTER SCHOOLS** (continued)

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

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

1. The facilities to be used by the school, including where the school intends to locate  
*(cf. 7160 - Charter School Facilities)*
2. The manner in which administrative services of the school are to be provided
3. Potential civil liability effects, if any, upon the school and district
4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

### **Location of Charter School**

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

The Attorney General has opined, in 89 Ops.Cal.Atty.Gen. 166 (2006), that online charter schools are subject to the restrictions and conditions placed upon independent study programs, including the condition that students must reside in the charter school's home county or an adjacent county, and therefore may not receive state funding for the instruction of students who do not reside in the county where the school is chartered or in an adjacent county.

Unless otherwise exempted by law, any charter petition submitted to the Board on or after July 1, 2002, shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school that is unable to locate within the district's jurisdictional boundaries may establish one site outside district boundaries but within the county, provided that: (Education Code 47605, 47605.1)

1. The district is notified prior to approval of the petition.

**CHARTER SCHOOLS** (continued)

2. The County Superintendent of Schools and Superintendent of Public Instruction (SPI) are notified before the charter school begins operations.
3. The school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish a resource center, meeting space, or other satellite facility located in an adjacent county if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

All charter schools shall be subject to these requirements by June 30, 2005, or upon the expiration of a charter that was in existence on January 1, 2003, whichever is later. Until the later of these dates, any charter school that provided educational services before July 1, 2002, shall be subject to these requirements only for new educational services or school sites it establishes or acquires. (Education Code 47605.1)

**Charter Approval/Denial**

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of support for the petition by teachers, other employees of the district, and parents/guardians. (Education Code 47605)

*(cf. 9320 - Meetings and Notices)*

Within 60 days of receiving a petition, or within 90 days with the consent of the petitioners and the Board, the Board shall either grant or deny the request to establish a charter school. (Education Code 47605)

<p>Note: 5 CCR 11967.5.1 contains criteria that the SBE must consider in reviewing charter applications. Although these regulations do not apply to districts, districts may find the criteria useful in determining how they might evaluate whether a petition meets the conditions specified in items #1-5 below.</p>
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The Board shall grant the charter if doing so is consistent with sound educational practice. A charter shall be denied only if the Board presents written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605)

**CHARTER SCHOOLS** (continued)

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.
4. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b) listed in "Components of Charter Petition" above.

The Board shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)

Note: Education Code 47605 provides that a district cannot approve a charter school serving students in a grade level not offered by the district, unless the charter also serves all the grade levels offered by the district. Thus, an elementary district cannot approve a charter for a high school, but can approve a charter for a K-12 school since it includes all grade levels served by the district.
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The Board shall not approve any charter petition that proposes to serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district. (Education Code 47605)

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

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

In granting charter petitions, the Board shall give preference to schools best able to provide comprehensive learning experiences for academically low-achieving students according to standards established by the California Department of Education (CDE) under Education Code 54032. (Education Code 47605)

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

## **CHARTER SCHOOLS** (continued)

It shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the charter to the County Superintendent, the CDE, and the State Board of Education (SBE). (Education Code 47605)

### **Material Revisions**

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

If, after receiving approval of its petition, a charter school proposes to establish operations at one or more additional sites within the district's boundaries, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)

### **Renewals**

Note: The following two <b>optional</b> paragraphs may be revised to reflect timelines and procedures required by the district.
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A charter school seeking renewal of its charter shall submit a written request to the Board at least 120 days before the term of the charter is due to expire.

At least 90 days before the term of the charter is due to expire, the Board shall conduct a public hearing to receive input on whether or not to extend the charter. At least 60 days before the expiration date, the Board shall either grant or deny the request for renewal.

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

In addition, beginning on January 1, 2005, or after a charter school has been in operation for four years, whichever is later, a charter school shall meet at least one of the following criteria prior to receiving a charter renewal: (Education Code 47607)

1. The charter school attains its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.

**CHARTER SCHOOLS** (continued)

2. The charter school ranks in deciles 4-10 on the API in the prior year or in two of the last three years.
3. The charter school ranks in deciles 4-10 on the API for a demographically comparable school in the prior year or in two of the last three years.
4. The Board determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school.

Note: Pursuant to Education Code 47607, the Superintendent of Public Instruction (SPI) will make recommendations to the district following a review of materials submitted to him/her in accordance with the following paragraph. This review may be the basis for a revocation of the charter by the SBE.

The Board's determination shall be based on documented, clear, and convincing data; student achievement data from the Standardized Testing and Reporting Program, and any other available assessments, for demographically similar student populations in comparison schools; and information submitted by the charter school. The Board shall submit to the SPI copies of supporting documentation and a written summary of the basis for its determination.

A charter renewal may not be granted to a charter school prior to 30 days after the school submits related materials.

5. The charter school qualifies for an alternative accountability system pursuant to Education Code 52052(h).

Each renewal shall be for a period of five years. (Education Code 47607)

Note: Education Code 47607.5 provides that, if a district does not grant a renewal, the charter school may submit its application for renewal to the County Board and then the SBE using the same procedures that apply when a district denies an original petition pursuant to Education Code 47605. Pursuant to Education Code 47605, when a charter school that was granted its charter by the SBE seeks renewal of its charter, it must first submit its petition for renewal to the district that initially denied the charter. If the Board denies the renewal, the school may then petition the SBE for renewal.

**Revocations**

Note: Education Code 47607 authorizes the Board to revoke a charter when certain substantiated findings are made, as described in the following section. In addition, Education Code 47604.5 authorizes the SBE to revoke the charter of any charter school, whether or not the SBE is the chartering authority, if it makes certain findings relating to gross financial mismanagement, illegal or improper use of funds, or substantial and sustained departure from measurably successful practices.

**CHARTER SCHOOLS** (continued)

The Board may revoke a charter whenever it finds, through a showing of substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement
4. Violated any provision of law

Prior to revocation, the Board shall notify the charter school of any violation(s) listed in items #1-4 above and give the school a reasonable opportunity to remedy the violation(s) unless the Board determines, in writing, that the violation(s) constitutes a severe and imminent threat to the health or safety of the students. (Education Code 47607)

Note: AB 2030 (Ch. 757, Statutes of 2006) amended Education Code 47607 to require the Board to hold a hearing and to prepare written factual findings supported by substantial evidence prior to the revocation of a charter. The law does not define what type of "substantial evidence" is necessary. However, an example might be found in Ridgecrest Charter School v. Sierra Sands Unified School District in which the court determined that a district's facilities offer to a charter school was insufficient because the district did not provide a thorough and factual explanation of its rationale for the allocation of space. In preparing its written factual findings, a district should ensure that the findings address all legal requirements and are sufficiently detailed to allow for effective review by a court. District legal counsel should be consulted as appropriate.

If the charter school does not successfully remedy the above violation(s), the Board shall provide the charter school with a written notice of intent to revoke the charter and notice of facts in support of revocation. No later than 30 days after providing the notice of intent to revoke the charter, the Board shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, unless the Board and the charter school agree to a 30-day extension, the Board shall issue its final decision as to whether or not to revoke the charter. The Board shall not revoke a charter unless the action is supported by written factual findings supported by substantial evidence specific to the charter school. A decision to revoke a charter shall be reported to the County Board of Education and the CDE. (Education Code 47607)

Note: Pursuant to Education Code 47607, as amended by AB 2030 (Ch. 757, Statutes of 2006), the charter school may appeal the revocation to the County Board within 30 days of the Board's final decision. The County Board may reverse the revocation if it determines that the district's findings are not supported by substantial evidence, in which case the district may appeal the reversal to the SBE. If the County Board upholds the district's revocation or does not issue a decision within 90 days of receipt, the charter school may appeal to the SBE. If either the County Board or the SBE reverses the revocation, the district remains the chartering authority.

**CHARTER SCHOOLS** (continued)

Education Code 47605 further provides that, while an appeal is pending, a charter school whose revocation is based on items #1-2 above will continue to qualify as a charter school for funding and all other purposes of the Charter School Act and may continue to hold all existing grants, resources, and facilities in order to ensure that the education of students enrolled in the school is not disrupted.

**Requirements for Charter Schools**

Note: Although charter schools are generally exempted from Education Code provisions governing school districts, state law does delineate a number of requirements for charter schools. The following section lists some, but not necessarily all, legal requirements that apply to charter schools. In addition, charter schools are subject to applicable federal laws, the state and federal constitution, other state laws that apply to governmental agencies in general (i.e., employment, open meeting), and the terms of their charters.

In providing general oversight of a charter school, the Board shall determine whether the school meets the legal requirements applicable to charter schools. Each charter school shall:

1. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
2. Not charge tuition (Education Code 47605)
3. Not discriminate against any student on the basis of ethnicity, national origin, gender, or disability (Education Code 47605)
4. Adhere to all laws establishing minimum age for public school attendance (Education Code 47610)

*(cf. 5111 - Admission)*

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

Note: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school receives an equitable share of state and federal special education funding and/or any necessary special education services provided by the district on behalf of disabled students in the charter school.

6. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)

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

*(cf. 6159 - Individualized Education Program)*

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

**CHARTER SCHOOLS** (continued)

7. Admit all students who wish to attend the school, according to the following criteria and procedures:
- a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within this state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)
- However, if a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)
- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, except that preferences shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. In the event of a drawing, the Board shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet student demand. (Education Code 47605)
  - c. Other admissions preferences may be permitted by the Board on an individual school basis as consistent with law.
8. Require its teachers to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)

(*cf.* 4112.2 - Certification)

Note: According to U.S. Department of Education nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, teachers who teach core academic subjects in charter schools, in addition to meeting state charter school laws regarding teacher qualifications, must meet the requirement of the No Child Left Behind Act (20 USC 6319) for "highly qualified" teachers; see BP/AR/E 4112.24 - Teacher Qualifications Under the No Child Left Behind Act. 34 CFR 300.18, as amended by 71 Fed. Reg. 156, clarifies that, with regard to special education teachers in a charter school, "highly qualified" means that the teacher meets the certification requirements set forth in the state's charter school law.

**CHARTER SCHOOLS** (continued)

9. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the SBE (20 USC 6319; 34 CFR 300.18)

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

Note: Education Code 44830.1 and 45122.1 prohibit charter schools from hiring any person who has been convicted of a violent or serious felony as defined in Penal Code 667.5 and 1192.7, unless that person has received a certificate of rehabilitation and a pardon. Schools also may not retain in employment any temporary, substitute, or probationary employee who has been convicted of a violent or serious felony. See AR 4112.5/4312.5 - Criminal Record Check and AR 4212.5 - Criminal Record Check.

10. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law (Education Code 44830.1, 45122.1)

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

*(cf. 4212.5 - Criminal Record Check)*

11. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)
12. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

Note: According to U.S. Department of Education nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, charter schools that receive Title I funds and have paraprofessionals working in programs supported by Title I funds must comply with requirements of the No Child Left Behind Act (20 USC 6319) regarding paraprofessional qualifications; see BP/AR/E 4222 - Teacher Aides/Paraprofessionals.

13. If applicable, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

14. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or student assessments applicable to noncharter public schools (Education Code 47605, 47612.5)

*(cf. 6011 - Academic Standards)*

*(cf. 6162.51- Standardized Testing and Reporting Program)*

*(cf. 6162.52 - High School Exit Examination)*

**CHARTER SCHOOLS** (continued)

Note: Education Code 47612.5 specifies the minimum number of instructional minutes that must be offered each fiscal year by grade level. Pursuant to Education Code 47612.5, if a charter school fails to meet that requirement, its state apportionment will be reduced in proportion to the percentage of instructional minutes that the school failed to offer. Education Code 47612.5 and 47612.6 provide that neither the SBE nor the SPI may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

15. Offer at least the number of instructional minutes set forth in Education Code 47612.5 for the grade levels provided by the charter school (Education Code 47612.5)

*(cf. 6111 - School Calendar)*

Note: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.3. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to the California Department of Education, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

16. Meet the requirements of Education Code 51745-51749.3 if it provides independent study, except that it may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

*(cf. 6158 - Independent Study)*

Note: Pursuant to Education Code 47634.2 and CCR 11963.2, charter schools offering nonclassroom-based instruction will receive 70 percent of the level of funding to which the charter school would otherwise be entitled, unless the SBE determines that a different percentage is appropriate.

17. Identify and report to the SPI any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2)
18. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)
19. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
20. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30

**CHARTER SCHOOLS** (continued)

- days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)
21. By January 1, 2007, comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
    - a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
    - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
  22. Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding its financial records (Education Code 47604.3)
  23. Annually prepare and submit financial reports to the district Board and the County Superintendent in accordance with the following reporting cycle:
    - a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
    - b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
    - c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
    - d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
    - e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the state Controller and the CDE. (Education Code 47605)

**CHARTER SCHOOLS** (continued)**Administrative and Other District Services**

The district may charge for the actual costs of supervisory oversight of a charter school not to exceed one percent of the charter school's revenue. If the district is able to provide substantially rent-free facilities to the charter school, the district may charge actual costs up to three percent of the charter school's revenue for supervisory oversight. (Education Code 47613)

The charter school may separately purchase administrative or other services from the district or any other source. (Education Code 47613)

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

Note: Education Code 41365 provides that if a charter school defaults on a loan made directly to the school through the revolving loan fund, the charter school shall be solely liable for repayment of the loan.

**Waivers**

Note: Education Code 33054 provides that, if the Board fails to hold the hearing specified below, the charter school would then be permitted to hold the hearing prior to submitting the waiver request directly to the SBE.

If a charter school submits to the district an application for a waiver of any state Education Code provisions, the Board shall hold a public hearing on the waiver request no later than 90 days following receipt of the request. (Education Code 33054)

The Superintendent or designee shall subsequently prepare a summary of the public hearing to be forwarded with the waiver request to the SBE. If the Board recommends against approval of the waiver request, it shall set forth the reasons for its disapproval in written documentation that shall be forwarded to the SBE. (Education Code 33054)

**District Oversight**

Note: Education Code 47604 provides that a district must comply with all oversight responsibilities required by law, including, but not limited to, those described in this section, in order to not be liable for the debts or obligations of a charter school operated by or as a nonprofit public benefit corporation.

For each charter school under the Board's authority, the Superintendent shall: (Education Code 47604.32, 47604.33)

**CHARTER SCHOOLS** (continued)

1. Identify at least one staff member as a contact person for the charter school

Note: CSBA's publication Charter Schools: A Manual for Governance Teams recommends more frequent visits than the minimum required by Education Code 47604.32 (see item #2 below), perhaps three times during the school year, in order to monitor school operations more closely and develop relationships with the staff at the charter school.

2. Visit the charter school at least annually
3. Ensure that the charter school complies with all reports required of charter schools by law
4. Monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the reports listed above in "Requirements for Charter Schools"
5. Provide timely notification to the CDE if a renewal of the charter is granted or denied, the charter is revoked, or the charter school will cease operation for any reason

The Board and the Superintendent or designee may inspect or observe any part of the charter school at any time. (Education Code 47607)

(11/03 3/06) 11/06

# CSBA Sample Board Policy

**Philosophy, Goals, Objectives, and Comprehensive Plans**

BP 0430(a)

## **COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION**

The Governing Board desires to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic, nonsectarian school.

Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)*  
*(cf. 6159 - Individualized Education Program)*  
*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*  
*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*  
*(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)*  
*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*  
*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

Note: Education Code 56195.1 requires a local plan for the education of all individuals with disabilities residing in the district. This plan may be developed in conjunction with other districts (Option 1 below) or by a single district (Option 2).
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The special education local plan area (SELPA) shall administer a local plan and administer the allocation of funds. (Education Code 56195)

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 3541.2 - Transportation for Students with Disabilities)*  
*(cf. 4112.23 - Special Education Staff)*

### **OPTION 1: (Districts that participate in a multidistrict SELPA)**

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district participates as a member of the SELPA.

The Superintendent or designee shall extend the district's full cooperation to the SELPA. The policies and procedures of the SELPA shall be applied as policies and regulations of this district, with the exception of those that apply to complaints, unless the SELPA plan specifically authorizes the district to operate under its own policies and regulations.

**COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION** (continued)

**OPTION 2: (Single-district SELPA)**

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district shall serve as a SELPA.

The Superintendent or designee shall develop a local plan for the education of individuals with disabilities residing in the district. The plan shall be approved by the Board.

*Legal Reference: (see next page)*

**COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

- 56000-56001 *Education for individuals with exceptional needs*
- 56020-56035 *Definitions*
- 56040-56046 *General provisions*
- 56048-56050 *Surrogate parents*
- 56055 *Foster parents*
- 56060-56063 *Substitute teachers*
- 56170-56177 *Children enrolled in private schools*
- 56190-56194 *Community advisory committees*
- 56195-56195.10 *Local plans*
- 56205-56208 *Local plan requirements*
- 56213 *Special education local plan areas with small or sparse populations*
- 56240-56245 *Staff development*
- 56300-56385 *Identification and referral, assessment, instructional planning*
- 56440-56447.1 *Programs for individuals between the ages of three and five years*
- 56500-56508 *Procedural safeguards, including due process rights*
- 56520-56524 *Behavioral interventions*
- 56600-56606 *Evaluation, audits and information*
- 56836-56836.05 *Administration of local plan*

GOVERNMENT CODE

- 7579.5 *Surrogate parent, appointment, qualifications, liability*
- 95000-95029 *California Early Intervention Services Act*

WELFARE AND INSTITUTIONS CODE

- 361 *Limitations on parental control*
- 726 *Limitations on parental control*

CODE OF REGULATIONS, TITLE 5

- 3000-3089 *Regulations governing special education*

UNITED STATES CODE, TITLE 20

- 1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

- 794 *Rehabilitation Act of 1973, Section 504*

UNITED STATES CODE, TITLE 42

- 12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.10-99.22 *Inspection, review and procedures for amending education records*
- 104.1-104.39 *Section 504 of the Rehabilitation Act of 1973*
- 300.1-300.818 *Assistance to states for the education of children with disabilities, including:*
- 300.500-300.520 *Due process procedures for parents and children*
- 303.1-303.654 *Early intervention program for infants and toddlers with disabilities*

*Management Resources:*

WEB SITES

- California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>
- U.S. Department of Education, Office of Special Education Programs:  
<http://www.ed.gov/about/offices/list/osers/osep>

(2/98 7/03) 11/06

**Policy Reference UPDATE Service**

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# CSBA Sample Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0430(a)

## COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

### Definitions

Note: The following administrative regulation reflects the 2004 reauthorization of the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation (AB 1663, Ch. 454, Statutes of 2007). Note that in cases where state law provides greater protections to students, state law supersedes federal law.

*Free appropriate public education (FAPE)* means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education, including the requirements of 34 CFR 300.1-300.818; include appropriate preschool, elementary school, or secondary school education for individuals between the ages of 3 and 21; and are provided in conformity with an individualized education program (IEP) that meets the requirements of 34 CFR 300.320-300.324. (34 CFR 300.17, 300.101, 300.104; Education Code 56040)

FAPE applies to students who are suspended or expelled or placed by the district in a nonpublic, nonsectarian school. (34 CFR 300.17, 300.101, 300.104)

Note: AB 1663 (Ch. 454, Statutes of 2007) added Education Code 56040.1 to provide the following definition, consistent with federal law.

*Least restrictive environment* means that, to the maximum extent appropriate, students with disabilities, including individuals in public or private institutions or other care facilities, be educated with individuals who are nondisabled, including the provision of nonacademic and extracurricular services and activities. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (34 CFR 300.107, 300.114, 300.117; Education Code 56040.1)

Note: AB 1663 (Ch. 454, Statutes of 2007) amended Education Code 56000 and 56031 to define "special education," as specified in the following two paragraphs.

*Special education* means specially designed instruction, provided at no cost to the parent/guardian, to meet the unique needs of individuals with disabilities including a full continuum of program options including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education to meet the educational and service needs in the least restrictive environment. (Education Code 56300, 56031)

**COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION** (continued)

*Special education* may include each of the following if the services otherwise meet the definition in the above paragraph: (Education Code 56031)

1. Speech language pathology services, or any other designated instruction and service or related service, pursuant to Education Code 56363, if the service is considered special education rather than designated instruction and service or related service under state standards
2. Travel training
3. Career technical education
4. Transition services for students with disabilities in accordance with 34 CFR 300.43 if provided as specially designed instruction, or a related service, if required to assist a student with disabilities to benefit from special education

*Specially designed instruction* means adapting the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the student to the general curriculum, so that the student can meet the educational standards that apply to all students in the district. (34 CFR 300.39)

Note: Pursuant to Government Code 7579.5, when a student is a ward of the court, the district would appoint a surrogate parent only when the court has limited the right of the parent/guardian to make educational decisions for his/her child and the student has no responsible adult, such as a foster parent, to represent him/her. Since Welfare and Institutions Code 361 and 726 require the juvenile court to appoint a responsible adult when the court limits parental rights, rarely will it be necessary for the district to appoint a surrogate because that appointment would be superseded by the court's appointment of a responsible adult or foster parent. See BP/AR 6159.3 - Appointment of Surrogate Parent for Special Education.

*Surrogate parent* means an individual assigned to act as a surrogate for the parent/guardian. The surrogate may represent an individual with disabilities in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to the individual with disability. (34 CFR 300.519; Education Code 56050)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education)

**Elements of the Local Plan**

Note: Education Code 56205 details the elements that must be included in the local plan developed by the special education local plan area (SELPA), including a requirement that the plan contain assurances of general compliance with Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the IDEA (20 USC 1400-1482), and the Americans with Disabilities Act (42 USC 12101-12213). The following section is **optional**.

**COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION** (continued)

The local plan developed by the special education local plan area (SELPA) shall include, but not be limited to, the following: (Education Code 56205, 56206)

1. Assurances that policies, procedures, and programs, consistent with state law, regulation, and policy, are in effect as specified in Education Code 56205(a)(1-22) and in conformity with 20 USC 1412(a), 20 USC 1413(a)(1), and 34 CFR 300.201
2. An annual budget plan and annual service plan adopted at a public hearing held by the SELPA
3. A description of programs for early childhood special education from birth through five years of age
4. A description of the method by which members of the public, including parents/guardians of individuals with disabilities who are receiving services under the plan, may address questions or concerns pursuant to Education Code 56205
5. A description of a dispute resolution process
6. Verification that the plan has been reviewed by the community advisory committee in accordance with Education Code 56205
7. A description of the process being utilized to refer students for special education instruction pursuant to Education Code 56303
8. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method for ensuring that all requirements of each student's IEP are being met
9. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment

The local plan, annual budget plan, and annual service plan shall be written in language that is understandable to the general public. (Education Code 56205)

<p>Note: Education Code 56195.8 <b>mandates</b> entities providing special education to adopt policies that include, among other things, information on the number of individuals with disabilities who are being provided special education and related services. Other mandated policies are located throughout CSBA's policy manual.</p>
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**COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION** (continued)

Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to Education Code 56195.1 and 56195.7. (Education Code 56195.8)

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 3542 - School Bus Drivers)*

*(cf. 4112.23 - Special Education Staff)*

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

*(cf. 6159 - Individualized Education Program)*

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

*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*

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

*(cf. 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0440(a)

### DISTRICT TECHNOLOGY PLAN

Note: The following **optional** policy may be revised to reflect district practice.

The Governing Board recognizes that technological resources can enhance student achievement by increasing student access to information, developing their technological literacy skills, and providing instruction tailored to student needs. Effective use of technology can also increase the efficiency of the district's noninstructional operations and governance. The Board is committed to the development and maintenance of a districtwide infrastructure and to providing staff professional development that will allow the implementation of existing and new technologies.

*(cf. 4040 - Employee Use of Technology)*

*(cf. 4131 - Staff Development)*

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

Note: Education Code 51871.5 requires districts to develop a three- to five-year education technology plan as a condition of receiving any technology grant administered by the California Department of Education (CDE). As required by Education Code 51871.5, the CDE has developed criteria for reviewing technology plans which are described in Education Technology Planning: A Guide for School Districts. See the accompanying administrative regulation for information about the required components of the plan.

In addition, Education Code 52295.35, 5 CCR 11974, and 20 USC 6764 require development of a technology plan for districts receiving funding under the federal Enhancing Education Through Technology (EETT) grant program to enhance teaching and learning in grades 4-8. Pursuant to Education Code 52295.25, to be eligible for EETT, a district or consortium of districts must (1) have a high number or high percentage of children from low-income families and (2) either have one or more schools identified for program improvement or corrective action under the No Child Left Behind Act (see BP/AR 0520.2 - Title I Program Improvement Schools) or have a "substantial need" for assistance in acquiring and using technology as defined in 5 CCR 11973. According to the CDE, a plan that meets the CDE criteria for state technology grants would also satisfy the requirements of the EETT plan.

47 CFR 54.508 requires an approved technology plan as a prerequisite for the E-rate application for federal universal service discounts. The CDE has delegated its authority to approve E-rate technology plans to local county offices of education, which will approve, certify, and retain technology plans for the school districts in their jurisdiction. According to the CDE, a CDE-approved plan for EETT or a state technology grant program will satisfy the requirement for the E-rate plan with the completion of a supplemental budget analysis form.

A CDE-approved technology plan which meets the EETT criteria is also required for participation in the Education Technology K-12 Voucher Program which resulted from the settlement agreement between California consumers and the Microsoft Corporation in Microsoft Cases, J.C.C.P. No. 4106, Superior Court of California, County of San Francisco, Department 305. The vouchers are offered to K-12 schools at which at least 40 percent of the students are eligible to receive free or reduced-price meals.

## DISTRICT TECHNOLOGY PLAN (continued)

The Superintendent or designee shall develop a three- to five-year technology plan which:

1. Focuses on the use of technology to improve student achievement and is aligned with the district's vision and goals for student learning

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 6000 - Concepts and Roles)*

2. Contains clear goals for the use of technology based on an assessment of district needs
3. Addresses all components required for state or federal technology grant programs, administered by the California Department of Education, in which the district participates (Education Code 51871.5, 52295.35; 5 CCR 11974; 20 USC 6764; 47 CFR 54.508)

Note: Among the technological tools available to facilitate governance and management are CSBA's Agenda Online, a service that allows development and access to Board meeting agendas and materials from any computer with Internet access and GAMUT Online (Governance and Management Using Technology), a service that provides Internet access to CSBA's sample Board policies as well as the district's local policies.

4. Addresses the use of technology to improve district governance, district and school site administration, support services, and communications

*(cf. 0400 - Comprehensive Plans)*

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

*(cf. 3580 - District Records)*

### Planning Team

Note: The following **optional** paragraph may be revised to reflect district practice. The CDE's publication Education Technology Planning: A Guide for School Districts states that districts should include all stakeholders on the planning team that develops the technology plan, and CDE criteria for reviewing grant applications include a review of the composition of the planning team. See the accompanying administrative regulation for information on recommended participants.

The Superintendent or designee shall appoint a planning team to assist with the development of the technology plan. The recommendations of the committee shall be advisory only and shall not be binding on the Board. The plan shall be submitted to the Board for approval.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 9140 - Board Representatives)*

*Legal Reference: (see next page)*

## DISTRICT TECHNOLOGY PLAN (continued)

### *Legal Reference:*

#### EDUCATION CODE

10550-10555 Telecommunications standards

11800 K-12 High Speed Network grant program

51006 Computer education and resources

51007 Programs to strengthen technological skills

51865 California distance learning policy

51870-51874 Educational technology

52270-52272 Education technology and professional development grants

52295.10-52295.55 Implementation of federal Enhancing Education Through Technology (EETT) grant program

60010 Instructional materials, definition

66940-66941 Distance learning

#### PENAL CODE

502 Computer crimes, remedies

#### CODE OF REGULATIONS, TITLE 5

11971-11979.5 Enhancing Education Through Technology grants

#### UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, No Child Left Behind Act, Title II, Part D

#### UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

#### CODE OF FEDERAL REGULATIONS, TITLE 47

54.500-54.523 Universal service support for schools, especially:

54.508 Technology plan

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Education Technology Planning: A Guide for School Districts, 2001*

#### WEB SITES

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

California Department of Education, Education Technology Office: <http://www.cde.ca.gov/ls/et>

California Learning Resource Network: <http://www.clrn.org>

California Technology Assistance Project: <http://www.ctap.k12.ca.us>

International Society for Technology in Education: <http://www.iste.org>

Technical Support for Education Technology in Schools: <http://www.techsets.org>

# CSBA Sample Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0440(a)

## DISTRICT TECHNOLOGY PLAN

Note: The following **optional** administrative regulation may be revised to reflect district practice.

### Development of Plan

Note: In reviewing district technology plans for purposes of awarding state or federal technology grants (see accompanying Board policy), one of the criteria used by the California Department of Education (CDE) is whether stakeholders from within the district and the community-at-large participated in the planning process. The following **optional** paragraph reflects participants recommended by the CDE and may be revised to reflect district practice.

The district's technology plan shall be developed by a planning team which may include, but is not limited to, the Superintendent, district curriculum and technology administrators, site administrators, teachers, library media teachers, classified staff, parents/guardians, students, community members, including members of the business community.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 9140 - Board Representatives)*

The Superintendent or designee shall present the planning team with its specific duties and responsibilities and a timeline for completing its recommendations and for reporting to the Governing Board.

### Plan Components

Note: The following section reflects the major components which the CDE considers in its review of technology plans submitted with applications for state or federal technology grants. These components were established pursuant to Education Code 51871.5 and are detailed in the CDE publication [Education Technology Planning: A Guide for School Districts](#). The district may add other components below to reflect district practice.

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

1. Curriculum
  - a. Teachers' and students' current access to technology tools both during the school day and outside of school hours
  - b. The current use of hardware and software to support teaching and learning
  - c. The district's curricular goals and academic content standards as presented in various district and school site comprehensive planning documents

**DISTRICT TECHNOLOGY PLAN** (continued)*(cf. 0000 - Vision)**(cf. 0200 - Goals for the School District)**(cf. 0400 - Comprehensive Plans)**(cf. 0420 - School Plans/Site Councils)**(cf. 6011 - Academic Standards)*

- d. A list of clear goals and a specific implementation plan to:
- (1) Use technology to improve teaching and learning by supporting the district's curricular goals and academic content standards

Note: Pursuant to 20 USC 6752, one of the goals of the federal Enhancing Education Through Technology (EETT) grant program is the development of students' technological literacy by the end of grade 8.

- (2) Delineate how and when students will acquire technological and information literacy skills needed to succeed in the classroom and the workplace
- (3) Ensure appropriate access for all students
- (4) Use technology to make student record keeping and assessment more efficient and supportive of teachers' efforts to meet individual student academic needs
- (5) Use technology to make teachers and administrators more accessible to parents/guardians

*(cf. 6020 - Parent Involvement)**(cf. 6143 - Courses of Study)*

- e. Benchmarks and a timeline for implementing planned strategies and activities
- f. The process that will be used to monitor whether the strategies and methodologies using technology are being implemented according to the benchmarks and timeline

## 2. Professional development

- a. Teachers' and administrators' current technology skills and needs for professional development
- b. Clear goals and a specific implementation plan for providing professional development opportunities based on the needs assessment and on the curriculum goals, benchmarks, and timeline described in item #1 above

**DISTRICT TECHNOLOGY PLAN** (continued)

- c. Benchmarks and a timeline for implementing planned strategies and activities
- d. The process that will be used to monitor whether the professional development goals are being met and the planned professional development activities are being implemented according to the benchmarks and timeline

*(cf. 4040 - Employee Use of Technology)*

*(cf. 4131 - Staff Development)*

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

*(cf. 4331 - Staff Development)*

3. Infrastructure, hardware, technical support, and software

- a. The technology hardware, electronic learning resources, networking, and telecommunications infrastructure, physical plant modifications, and technical support needed by teachers, students, and administrators to support the activities in items #1 and 2 above
- b. The existing hardware, Internet access, electronic learning resources, infrastructure, and technical support currently in place in the district which could be used to support the components described in items #1 and 2 above
- c. Benchmarks and a timeline for obtaining the hardware, infrastructure, electronic learning resources, and technical support required to support the other components of the plan
- d. The process that will be used to monitor whether the goals and benchmarks are being reached within the specified time frame

4. Funding and budget

- a. All costs and the current budget associated with implementing each component of the plan
- b. Existing and potential funding sources
- c. Options for reducing costs
- d. Annual budgets for the term of the plan
- e. Provision of ongoing technical support
- f. The district's policy for replacing obsolete equipment

**DISTRICT TECHNOLOGY PLAN** (continued)

- g. A process for monitoring progress and updating funding and budget decisions

*(cf. 3100 - Budget)*

Note: AB 307 (Ch. 313, Statutes of 2006) amended Education Code 51871.5 to require the Superintendent of Public Instruction to develop, by July 1, 2007, guidelines and criteria for an additional component, as described in item #5 below. As of this writing, the guidelines and criteria have not yet been developed. A district that has a current three- to five-year plan in place on July 1, 2008, is not required to comply with the new component until its plan expires or is voluntarily replaced.

5. Appropriate and ethical use of technology (Education Code 51871.5)

- a. Appropriate and ethical use of information technology in the classroom
- b. Internet safety
- c. The manner in which to avoid committing plagiarism
- d. The concept, purpose, and significance of a copyright so that students are equipped with the skills necessary to distinguish lawful from unlawful online downloading
- e. The implications of illegal peer-to-peer network file sharing

*(cf. 5131 - Conduct)*

*(cf. 6162.54 - Test Integrity/Test Preparation)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

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

6. Monitoring and evaluation

- a. A process for evaluating the impact of technology on student learning using the goals and benchmarks for each component of the plan
- b. A schedule for evaluating the effect of plan implementation on student achievement
- c. How and when the results of the monitoring process and evaluation will be used

*(cf. 0500 - Accountability)*

(6/95) 7/07

# CSBA Sample Board Policy

**Philosophy, Goals, Objectives, and Comprehensive Plans**

BP 0450(a)

## **COMPREHENSIVE SAFETY PLAN**

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

*(cf. 0510 - School Accountability Report Card)*

*(cf. 5131 - Conduct)*

*(cf. 5137 - Positive School Climate)*

Note: Education Code 32286 requires each school to adopt a comprehensive school safety plan. Pursuant to Education Code 32281, districts with an ADA of 2,500 or less may instead develop a districtwide safety plan that is applicable to each school site. Option 1 is for use by districts with more than 2,500 ADA. Option 2 is for use by districts with 2,500 ADA or less; however, such districts may choose to develop both districtwide and school site safety plans, and therefore should select both Options 1 and 2 below.

### **OPTION 1: (Districts with more than 2,500 ADA and districts with less than 2,500 ADA that choose to develop districtwide and school site plans)**

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. (Education Code 32281)

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

*(cf. 1220 - Citizen Advisory Committees)*

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

Each school shall review and update its safety plan by March 1 of each year. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32286)

Each school shall forward the safety plan to the Board for approval. (Education Code 32288)

### **OPTION 2: (Districts with 2,500 or less ADA)**

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

Note: The remainder of this policy applies to all districts.

## COMPREHENSIVE SAFETY PLAN (continued)

The Board shall review the comprehensive districtwide and/or school safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation.

Note: The following paragraph is **optional**. Education Code 35294.20-35295.25, which had required the Board to discuss "three essential components" (i.e., assurance of a safe physical and respectful environment and assurance that the school will provide resiliency skills) when approving the plan and to not approve the plan as a consent item, was repealed on January 1, 2008.

The Board shall approve the plan at a regularly scheduled meeting.

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

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

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

Note: Education Code 32288 requires that districts notify the California Department of Education if a school has not complied with the safety plan requirements, as specified below. In the event that the Superintendent of Public Instruction determines that there has been a willful failure by a district to make any report required by Education Code 32280-32289, Education Code 32287 provides that the district may be fined \$2,000.

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

Note: Districts applying for funding under the Safe and Drug Free Schools and Communities Program pursuant to 20 USC 7114, must assure that the district has a safety plan in place that contains specified components similar to the plan required by Education Code 32280-32288. Pursuant to Education Code 32289, a complaint of noncompliance with the planning requirements of 20 USC 7114 may be filed under the uniform complaint procedures described in BP/AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

### *Legal Reference:*

#### EDUCATION CODE

- 200-262.4 Prohibition of sex discrimination
- 32260-32262 Interagency School Safety Demonstration Act of 1985
- 32270 School safety cadre
- 32280-32289 School safety plans
- 32290 Safety devices
- 35147 School site councils and advisory committees
- 35183 School dress code; uniforms
- 35291 Rules

*Legal Reference continued: (see next page)*

## COMPREHENSIVE SAFETY PLAN (continued)

### *Legal Reference: (continued)*

#### EDUCATION CODE (continued)

35291.5 School-adopted discipline rules

35294.10-35294.15 School Safety and Violence Prevention Act

41510-41514 School Safety Consolidated Competitive Grant Program

48900-48927 Suspension and expulsion

48950 Speech and other communication

49079 Notification to teacher; student who has committed acts constituting grounds for suspension or expulsion

67381 Violent crime

#### PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

#### CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

#### CODE OF REGULATIONS, TITLE 5

11992-11993 Definition, persistently dangerous schools

11987-11987.7 School Community Violence Prevention Program requirements

#### UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug Free Schools and Communities, especially:

7114 Application for local educational agencies

7912 Transfers from persistently dangerous schools

#### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

### *Management Resources:*

#### CSBA PUBLICATIONS

*911! A Manual for Schools and the Media During a Campus Crisis, 2001*

*Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Safe Schools: A Planning Guide for Action, 2002*

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007*

*Early Warning, Timely Response: A Guide to Safe Schools, August 1998*

#### WEB SITES

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

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Center for Effective Collaboration and Practice: <http://cecp.air.org>

Federal Bureau of Investigation: <http://www.fbi.gov>

National Alliance for Safe Schools: <http://www.safeschools.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug Free Schools:

<http://www.ed.gov/about/offices/list/osdfs/index.html>

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### **Policy Reference UPDATE Service**

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# CSBA Sample Administrative Regulation

**Philosophy, Goals, Objectives, and Comprehensive Plans**

AR 0450(a)

## **COMPREHENSIVE SAFETY PLAN**

Note: The following **optional** administrative regulation should be revised to reflect district practice.

### **Development and Review of School Site Safety Plan**

Note: Education Code 35294.20-35295.25, which had required the safety planning committee to consider incorporating "three essential components" when approving the plan, was repealed on January 1, 2008.

The following section reflects requirements for the development of site-level safety plans required by Education Code 32280-32289. Districts with 2,500 or less ADA that selected only Option 2 in the accompanying Board policy (i.e., that have developed a districtwide safety plan applicable to all school sites in lieu of individual site plans, as authorized by Education Code 32281) should omit this section.

When developing the comprehensive school safety plan, the school site council shall consult with local law enforcement as well as other school site councils and safety committees, when practical. (Education Code 32281, 32282)

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

In addition, the school site council may consult with other local agencies as appropriate, including health care and emergency service providers.

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

The school site council may delegate the responsibility for developing a school safety plan to a school safety planning committee. This committee shall be composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

**COMPREHENSIVE SAFETY PLAN** (continued)

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

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

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs

*(cf. 1230 - School-Connected Organizations)*

4. A representative of each teacher organization at the school site

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

5. A representative of the student body government
6. All persons who have indicated that they want to be notified

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

1. A representative of the local churches
2. Local civic leaders
3. Local business organizations

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1700 - Relations between Private Industry and the Schools)*

**Content of the Safety Plan**

Note: Education Code 32282 requires that the following components be included in the districtwide and/or school site safety plan. The district may expand this list to require other components at its discretion.
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**COMPREHENSIVE SAFETY PLAN** (continued)

The districtwide and/or school site safety plan shall include an assessment of the current status of school crime committed on campus(es) and at school-related functions. (Education Code 32282)

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

1. Child abuse reporting procedures consistent with Penal Code 11164

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

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

- a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act

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

*(cf. 6159 - Individualized Education Program)*

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

- b. An earthquake emergency procedure system in accordance with Education Code 32282

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

*(cf. 3516.3 - Earthquake Emergency Procedure System)*

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

*(cf. 1330 - Use of School Facilities)*

*(cf. 3516.1 - Fire Drills and Fires)*

*(cf. 3516.2 - Bomb Threats)*

*(cf. 3516.5 - Emergency Schedules)*

*(cf. 3543 - Transportation Safety and Emergencies)*

3. Policies pursuant to Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

**COMPREHENSIVE SAFETY PLAN** (continued)

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

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

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

*(cf. 4158/4258/4358 - Employee Security)*

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

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

*(cf. 5132 - Dress and Grooming)*

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

*(cf. 5142 - Safety)*

8. A safe and orderly school environment conducive to learning

*(cf. 5137 - Positive School Climate)*

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

*(cf. 5144 - Discipline)*

Note: Although Education Code 32282 requires that the safety plan include hate crime reporting procedures pursuant to Penal Code 628-628.6, those sections of the Penal Code were repealed in 2005.
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10. Hate crime reporting procedures

*(cf. 5145.9 - Hate-Motivated Behavior)*

Note: The following components are <b>optional</b> and should be revised to reflect district practice.
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**COMPREHENSIVE SAFETY PLAN** (continued)

Among the strategies for providing a safe environment, the school safety plan may also include:

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

*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 6141.2 - Recognition of Religious Beliefs and Customs)*

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

*(cf. 5113 - Absences and Excuses)*  
*(cf. 5113.1 - Chronic Absence and Truancy)*  
*(cf. 5131 - Conduct)*  
*(cf. 5136 - Gangs)*

3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, and community service learning

*(cf. 6142.3 - Civic Education)*  
*(cf. 6142.4 - Service Learning/Community Service Classes)*

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

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

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

*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5131.61 - Drug Testing)*  
*(cf. 5131.62 - Tobacco)*  
*(cf. 5131.63 - Steroids)*

**COMPREHENSIVE SAFETY PLAN** (continued)

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

*(cf. 1020 - Youth Services)*

Note: Education Code 32281 provides that the district's safety plan may include the following <b>optional</b> procedures.
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7. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 3514.2 - Integrated Pest Management)*

Note: Education Code 32281 authorizes the principal, upon receiving verification from law enforcement, to notify parents/guardians and employees in writing that a violent crime has occurred on the school site. A "violent crime" is any act for which a student could be expelled or crimes listed in Education Code 67381, including homicide, rape, robbery, and aggravated assault, as defined in the Federal Bureau of Investigation's <u>Uniform Crime Reporting Handbook</u> . Education Code 32281 encourages that the notice be sent no later than the second work day after receiving verification from law enforcement.
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20 USC 7912 requires that all students attending a "persistently dangerous" school be provided notice of the designation and an option to transfer to a different school within the district. See BP/AR 5116.1 - Intradistrict Open Enrollment.
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8. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

*(cf. 5116.1 - Intradistrict Open Enrollment)*

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

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 3515 - Campus Security)*

*(cf. 3515.3 - District Police/Security Department)*

*(cf. 3530 - Risk Management/Insurance)*

*(cf. 5112.5 - Open/Closed Campus)*

*(cf. 5131.5 - Vandalism and Graffiti)*

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

**COMPREHENSIVE SAFETY PLAN** (continued)

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

*(cf. 3515.2 - Disruptions)*

*(cf. 3515.5 - Sex Offender Notification)*

*(cf. 5131.4 - Student Disturbances)*

- b. Assignment of staff members responsible for each identified task and procedure
- c. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan
- d. Coordination of communication to schools, Governing Board members, parents/guardians, and the media

*(cf. 1112 - Media Relations)*

*(cf. 9010 - Public Statements)*

- e. Development of a method for the reporting of violent incidents
- f. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

11. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0500(a)

### ACCOUNTABILITY

Note: The following **optional** policy may be revised to reflect district practice. Additional information about the Board's role in accountability is presented throughout CSBA's Maximizing School Board Governance series.

The Governing Board recognizes its responsibility to ensure accountability to the public for the performance of district schools. The Board shall regularly review the effectiveness of the district's programs, personnel, and fiscal operations, with a focus on the district's effectiveness in improving student achievement. The Board shall establish systems and processes to monitor results and to evaluate the district's progress toward accomplishing the district's vision and goals.

*(cf. 0000 - Vision)*  
*(cf. 0200 - Goals for the School District)*  
*(cf. 0400 - Comprehensive Plans)*  
*(cf. 2140 - Evaluation of the Superintendent)*  
*(cf. 3460 - Financial Accountability and Reports)*  
*(cf. 4115 - Evaluation/Supervision)*  
*(cf. 4215 - Evaluation/Supervision)*  
*(cf. 4315 - Evaluation/Supervision)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6190 - Evaluation of the Instructional Program)*  
*(cf. 9000 - Role of the Board)*  
*(cf. 9005 - Governance Standards)*  
*(cf. 9400 - Board Self-Evaluation)*

The Board and the Superintendent shall agree upon appropriate measures of district, school, and student performance and shall establish a schedule for providing regular reports to the Board and the public regarding district progress.

*(cf. 0510 - School Accountability Report Card)*  
*(cf. 1100 - Communication with the Public)*  
*(cf. 1112 - Media Relations)*

Opportunities for feedback from students, parents/guardians, staff, and community members shall be made available as part of the review and evaluation of district programs and operations.

*(cf. 6020 - Parent Involvement)*

Note: California's accountability system is based on both state and federal requirements, including the calculation of an Academic Performance Index (API) pursuant to the Public Schools Accountability Act

**ACCOUNTABILITY** (continued)

(Education Code 52050-52059) and a determination as to whether schools and districts make "adequate yearly progress" (AYP) pursuant to the No Child Left Behind Act (20 USC 6311). Both the API and AYP incorporate multiple measures, including but not limited to student performance on statewide assessments. These indexes are included in an Accountability Progress Report that is issued each year for every school and district.

Schools are subject to intervention and support based on their ranking on the API and their ability to meet growth targets established by the State Board of Education; see BP 0520.4 - Quality Education Investment Schools. In addition, a school or district that receives federal Title I funds may be identified for program improvement if it does not meet AYP criteria for two consecutive years within specific areas; see BP/AR 0520.2 - Title I Program Improvement Schools and BP/AR 0520.3 - Title I Program Improvement Districts.

Indicators of district progress in improving student achievement shall include, but not be limited to, the Academic Performance Index (API) established by the state's accountability system and measures of "adequate yearly progress" (AYP) required under the federal accountability system.

*(cf. 0520.2 - Title I Program Improvement Schools)*  
*(cf. 0520.3 - Title I Program Improvement Districts)*  
*(cf. 0520.4 - Quality Education Investment Schools)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 6162.51 - Standardized Testing and Reporting Program)*  
*(cf. 6162.52 - High School Exit Examination)*

Following the annual publication of the API and school rankings by the Superintendent of Public Instruction, the Board shall, at a regularly scheduled meeting, discuss the results of each school's annual ranking. (Education Code 52056)

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 52056 encourages but does not require Boards to discuss test results from the Standardized Testing and Reporting (STAR) program (Education Code 60640-60649) by school, grade, and the student subgroups listed in 20 USC 6311, including economically-disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. Pursuant to Education Code 60643, test contractors are required to provide disaggregated data for all those categories as well as gender.

This discussion shall include an examination of scores from the Standardized Testing and Reporting (STAR) program, by school, grade, and student subgroup, including disaggregated data based on socioeconomic status, race/ethnicity, enrollment in special education, English proficiency, and gender.

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

Evaluation results may be used as a basis for identifying and developing strategies to address disparities in achievement among student subgroups, implementing programmatic changes,

## ACCOUNTABILITY (continued)

determining the need for additional support or assistance, awarding incentives or rewards, and establishing other performance-based consequences.

### *Legal Reference:*

#### EDUCATION CODE

33127-33129 *Standards and criteria for fiscal accountability*

33400-33407 *CDE evaluation of district programs*

44660-44665 *Evaluation of certificated employees*

51041 *Evaluation of the educational program*

52050-52059 *Public Schools Accountability Act*

60640-60649 *Standardized Testing and Reporting Program*

#### CODE OF REGULATIONS, TITLE 5

15440-15463 *Standards and criteria for fiscal accountability*

#### UNITED STATES CODE, TITLE 20

6311 *Accountability, adequate yearly progress*

6312 *Local educational agency plan*

6316 *School and district improvement*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.13-200.20 *Adequate yearly progress*

200.30-200.35 *Identification of program improvement schools*

200.36-200.38 *Notification requirements*

200.52-200.53 *District improvement*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Maximizing School Board Governance*

#### WEB SITES

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

California Department of Education, Accountability: <http://www.cde.ca.gov/ta/ac>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

# CSBA Sample Board Policy

**Philosophy, Goals, Objectives, and Comprehensive Plans**

BP 0510(a)

## **SCHOOL ACCOUNTABILITY REPORT CARD**

Note: Education Code 35256 requires the Governing Board to annually issue a school accountability report card (SARC) for each school site, reporting all conditions listed in Education Code 33126 and 41409.3. The goal of the SARC is to provide data by which parents/guardians can make meaningful comparisons between schools, thus enabling them to make informed decisions regarding which school they wish their children to attend.

AB 1061 (Ch. 530, Statutes of 2007) amended Education Code 33126 to delete specified items from the list of conditions that are required to be reported, including, but not limited to, the quality of school instruction and leadership, classroom discipline and climate for learning, the availability of qualified substitute teachers, the degree to which students are prepared to enter the workforce, and whether the school qualifies for the Governor's Performance Award Program.

In addition, pursuant to 20 USC 6311, any district that receives Title I, Part A funding (see BP/AR 6171 - Title I Programs) must prepare and disseminate an annual report card which includes specified information regarding student achievement on statewide academic assessments, indicators of adequate yearly progress, whether the district or district schools have been identified for program improvement, graduation rates, and teacher qualifications. Rather than issuing a district-level report card, districts are allowed by 20 USC 6311 to incorporate the information into the SARC.

The Governing Board recognizes its responsibility to inform parents/guardians and the community about the conditions, needs, and progress at each district school and to provide data by which parents/guardians can make meaningful comparisons between schools. The process of gathering and analyzing data also provides opportunities for school and district staff to review achievements and identify areas for improvement.

The Board shall annually issue a school accountability report card (SARC) for each school site. (Education Code 35256)

Note: Education Code 33126.1 requires that the California Department of Education (CDE) develop a standardized template for use by districts in creating their SARCs. This template is posted on the CDE's web site; districts may download it and then enter SARC data electronically. The template lists the specific legal requirements and definitions (including federal Title I requirements for district report cards pursuant to 20 USC 6311), as well as references to help access the data.

In preparing the district's report cards, the Superintendent or designee may choose to use or adapt the model template provided by the California Department of Education. If the model template is not used, the Superintendent or designee shall ensure that data are reported in a manner that is consistent with the definitions for school conditions as provided in the template. At least every three years, the Board shall compare the content of the district's report cards to the state's model template, recognizing that variances are allowed by law as necessary to meet local needs. (Education Code 33126.1, 35256)

**SCHOOL ACCOUNTABILITY REPORT CARD** (continued)

The Board shall annually approve the SARC's for all district schools and shall evaluate the data contained in the SARC's as part of the Board's regular review of the effectiveness of the district's programs, personnel, and fiscal operations.

*(cf. 0500 - Accountability)*  
*(cf. 6190 - Evaluation of the Instructional Program)*  
*(cf. 9000 - Role of the Board)*

The Superintendent or designee shall develop strategies for communicating the information contained in the SARC's to all stakeholders, including opportunities for staff and the community to discuss their content.

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1100 - Communication with the Public)*  
*(cf. 1112 - Media Relations)*

**Notification and Dissemination of SARC's**

Note: Education Code 35256 requires districts to notify parents/guardians about the availability of the SARC and to provide a paper copy of the SARC upon request. Education Code 35258 requires any district that is connected to the Internet to make the information contained in the SARC available via the Internet; some county offices of education make SARC's available on their web sites for district schools within the county. AB 1061 (Ch. 530, Statutes of 2007) amended Education Code 35256 and 35258 to require that, commencing in the 2008-09 school year, districts must make the SARC available, in both hard copy and on the Internet as applicable, by February 1 of each year. Districts are not required to submit their SARC's to the CDE, but are required by Education Code 33126.1 to ensure that the CDE has the district's current SARC web site address for linkage from the CDE's web site. Districts that are not connected to the Internet may modify the following paragraph accordingly.

20 USC 6311 requires districts receiving Title I, Part A funds to disseminate the Title I report card information to all district schools and to all parents/guardians of students attending those schools and to make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies. In its nonregulatory guidance Report Cards, dated September 12, 2003, the U.S. Department of Education states that because not all parents/guardians have access to the Internet, the Internet alone is not a sufficient means of disseminating report cards. The CDE has interpreted this recommendation, in conjunction with state law, to require that all parents/guardians be notified of the availability of the full report and provided information as to how they can access the full report on the Internet or request a paper copy. The CDE also encourages districts to provide an abbreviated copy of the SARC as part of this notice.

The Superintendent or designee shall annually publicize the issuance of the SARC's and notify parents/guardians that a paper copy will be provided upon request. On or before February 1 of each year, the Superintendent or designee shall make the SARC's available in paper copy and on the Internet. (Education Code 35256)

*(cf. 5145.6 - Parental Notifications)*

*Legal Reference: (see next page)*

**SCHOOL ACCOUNTABILITY REPORT CARD (continued)**

*Legal Reference:*

EDUCATION CODE

1240 County superintendent, general duties  
17002 Definition, including good repair  
17014 Plan for building maintenance  
17032.5 Portable classroom maintenance  
17070.15 School Facilities Act; definitions  
17089 Portable classroom maintenance  
33126 School Accountability Report Card  
33126.1 School Accountability Report Card model template  
33126.15 School Accountability Report Card template  
33126.2 Secretary of Education school accountability report card study  
35256 School Accountability Report Card  
35256.1 Information required in the School Accountability Report Card  
35258 Internet access to the School Accountability Report Card  
41409 Calculation of statewide averages  
41409.3 Salary information required in the School Accountability Report Card  
46112 Minimum school day for grades 1 through 3  
46113 Minimum school day for grades 4 through 8  
46117 Minimum kindergarten school day  
46141 Minimum school day (high school)  
51225.3 Requirements for graduation  
52052 Academic performance index  
52056 Meeting growth targets  
60119 Textbook sufficiency  
60600-60618 General provisions  
60640-60648 Standardized testing and reporting program  
60800 Physical fitness testing  
60850 High school exit examination  
60851 High school exit examination  
CALIFORNIA CONSTITUTION  
Article 16, Section 8.5(e) Allocations to State School Fund  
UNITED STATES CODE, TITLE 20  
6311 State plans, including local educational agency report cards

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Report Cards, September 12, 2003

WEB SITES

CSBA, SARC Select: <http://www.csba.org/Services/Services/DistrictServices/SARC.aspx>

California Department of Education, School Accountability Report Card:

<http://www.cde.ca.gov/ta/ac/sa>

U.S. Department of Education, No Child Left Behind Act: <http://www.nclb.gov>

# CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.2(a)

## TITLE I PROGRAM IMPROVEMENT SCHOOLS

Note: The following **optional** policy and accompanying administrative regulation are for use by districts that receive federal Title I funds to improve the academic achievement of students from economically disadvantaged families; also see BP/AR 6171 - Title I Programs. Pursuant to the No Child Left Behind Act of 2001 (NCLB) (20 USC 6316), schools receiving Title I funds are identified for "program improvement" (PI) if they fail to make "adequate yearly progress" (AYP), as defined by the State Board of Education (SBE), for two or more consecutive years. See the definition of AYP in the accompanying administrative regulation. According to the state criteria, a school is identified for PI if, for each of two consecutive years, it either (1) does not make AYP in the same content area (English language arts or mathematics) schoolwide or for any numerically significant student subgroup or (2) does not make AYP on the same indicator (Academic Performance Index or high school graduation rate) schoolwide. The assessment scores of small schools that have too few students to generate a school-level report are aggregated into a district accountability measure. For further information about the identification of PI schools, see the California Department of Education's (CDE) [Adequate Yearly Progress Report Information Guide](#).

See BP/AR 0520.3 - Title I Program Improvement Districts for requirements pertaining to local educational agencies identified for PI pursuant to 20 USC 6316.

The following paragraph reflects the goals of the PI program pursuant to 20 USC 6311 and may be revised to reflect district practice.

The Governing Board is committed to enabling all district students to meet state academic achievement standards and to narrowing the achievement gap among student groups. To that end, the Board shall assist all district schools, including those receiving federal Title I funds, to achieve adequate yearly progress, as defined by the State Board of Education.

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

*(cf. 6011 - Academic Standards)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

*(cf. 6171 - Title I Programs)*

Whenever a district school is identified by the California Department of Education as in need of program improvement (PI), the Superintendent or designee shall ensure that school improvement efforts are coordinated and aligned. He/she shall also revise the school's Single Plan for Student Achievement in accordance with law and as specified in administrative regulation.

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

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

*(cf. 0520.4 - Quality Education Investment Schools)*

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

Note: Pursuant to 20 USC 6316, whenever a school is identified for PI, the district must allow, in Year 1 of PI and in subsequent years, all students in that school to transfer to another district school or charter school that has not been identified for PI. In addition to the transfer option, 20 USC 6316 requires the district to arrange for supplemental educational services for eligible students in schools that are in Year 2 of PI and beyond. For schools in Year 3 of PI and beyond, other corrective actions and/or restructuring must also be implemented. See the accompanying administrative regulation.

20 USC 6316 and 34 CFR 200.48 require that the district set aside an amount equal to at least 20 percent of district Title I funds to pay for costs related to supplemental educational services and transportation for student transfers. Districts have some discretion as to how much is spent on each purpose, provided that at least 5 percent of the district's total Title I allocation is allotted to each purpose. The district may spend less if the demand is met. The district may, but is not required to, use non-Title I funds or additional federal, state, or local sources of funding for these purposes if the demand for services exceeds 20 percent.

Administrative costs cannot be counted in these amounts. However, pursuant to 34 CFR 200.48, as amended by 73 Fed. Reg. 210, the cost of determining outreach and assistance to parents/guardians concerning their choice to transfer their child or to request supplemental services may be included within specified limits. 73 Fed. Reg. 210 also amended 34 CFR 200.48 to provide that, if a district does not meet its 20 percent spending obligation in a given school year, it must spend the unexpended amount on these purposes in the subsequent school year, unless it meets specified criteria; see the accompanying administrative regulation.

Depending on the length of time a district school has been identified for PI, the district shall provide opportunities for student transfers, supplemental educational services, other corrective actions, and/or restructuring in accordance with law.

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 6179 - Supplemental Instruction)*

**Program Evaluation**

Note: The following **optional** section may be revised to reflect indicators of program effectiveness agreed upon by the Governing Board and Superintendent and/or required by the state plan for NCLB adopted pursuant to 20 USC 6311.

Pursuant to 20 USC 6311, any district receiving Title I, Part A funds must prepare and disseminate an annual report card which includes specified information regarding student achievement on statewide academic assessments, indicators of AYP, whether the district or district schools have been identified for PI, graduation rates, and teacher qualifications. 34 CFR 200.11, as amended by 73 Fed. Reg. 210, adds a requirement that districts report the most recent available academic achievement results in grades 4 and 8 on the National Assessment of Educational Progress reading and mathematics assessments. The report cards must include the percentage of students at each achievement level, for the total student population and for each numerically significant subgroup, and participation rates for students with disabilities and English learners.

Rather than issuing a district-level report card, districts are allowed by 20 USC 6311 to incorporate the information into the school accountability report card required by Education Code 35256; see BP 0510 - School Accountability Report Card.

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

The Board shall annually review the adequate yearly progress of each district school based on state academic assessments and other indicators specified in the state plan for the No Child Left Behind Act. The Superintendent or designee shall publicize and disseminate the results of this review to parents/guardians, principals, schools, and the community so that the instructional program can be continually refined to help all students meet state academic standards. (20 USC 6316)

*(cf. 0510 - School Accountability Report Card)*

*(cf. 6190 - Evaluation of the Instructional Program)*

The Board and Superintendent or designee also shall review the effectiveness of the actions and activities carried out by PI schools with respect to parental involvement, professional development, and other PI activities. (20 USC 6316)

*(cf. 4131 - Staff Development)*

*(cf. 6020 - Parent Involvement)*

As necessary based on the results of these evaluations, the Board may require the Superintendent or designee to review and revise any of the school's reform plans, including the school's Single Plan for Student Achievement, allocate additional resources toward the implementation of the plan, and/or require more frequent monitoring of the school's progress in order to raise student achievement.

*Legal Reference: (see next page)*

**TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)**

*Legal Reference:*

EDUCATION CODE

35256 School accountability report card

60642.5 California Standards Tests

60850-60856 High School Exit Examination

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

CODE OF REGULATIONS, TITLE 5

11992-11994 Persistently dangerous schools, definition

13075-13075.4 Supplemental educational services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

6301 Title I program purpose

6311 Adequate yearly progress

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

6316 School improvement

7912 Persistently dangerous schools

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

200.13-200.20 Adequate yearly progress

200.30-200.35 Identification of program improvement schools

200.36-200.38 Notification requirements

200.39-200.43 Requirements for program improvement, corrective action, and restructuring

200.44 School choice option

200.45-200.47 Supplemental educational services

200.48 Funding for transportation and supplemental services

200.49-200.51 State responsibilities

200.52-200.53 District improvement

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

2008 Adequate Yearly Progress Report Information Guide, August 2008

California's Accountability Workbook

FEDERAL REGISTER

Final Rule and Supplementary Information, October 29, 2008. Vol. 73, No. 210, pages 64436-64513

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Public School Choice, January 14, 2009

Supplemental Educational Services, January 14, 2009

WEB SITES

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

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp> U.S. Department of Education, No Child Left

Behind: <http://www.nclb.gov>

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**Policy Reference UPDATE Service**

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# CSBA Sample Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0520.2(a)

## TITLE I PROGRAM IMPROVEMENT SCHOOLS

Note: The following **optional** administrative regulation reflects the requirements of the No Child Left Behind Act of 2001 (NCLB) (20 USC 6316) for Title I schools that fail to make "adequate yearly progress" (AYP) for two or more consecutive school years and thus are identified for program improvement (PI).

### Definitions

Note: Specific indicators used by the State Board of Education (SBE) to define AYP and "numerically significant subgroups" are described in the state's federally approved Accountability Workbook and are subject to change. 73 Fed. Reg. 210 amended 34 CFR 200.19 to make a number of changes for calculating the high school graduation rate.

*Adequate yearly progress (AYP)* is a series of annual academic performance goals, as defined by the State Board of Education, that incorporate student participation levels on state assessments, minimum required percentages of students scoring at the proficient level or above on English language arts and mathematics state assessments, high school graduation rates, and growth on the state's Academic Performance Index (API).

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

*Numerically significant subgroups* include economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, when the number of students in the subgroup is sufficient to yield statistically reliable results. (20 USC 6311)

*Program improvement (PI) school* is a school receiving federal Title I funds that has failed to make AYP for each of two consecutive school years in the same content area (i.e., English-language arts or mathematics) schoolwide or for any numerically significant subgroup, or has failed to make AYP on the same additional indicator (i.e., API for all schools or, for high schools, graduation rate) schoolwide.

### Year 1 Program Improvement

When any Title I school is identified for Year 1 PI: (20 USC 6316)

1. The Superintendent or designee shall provide students enrolled in the school the option of transferring to another district school or charter school that has not been identified for PI, as described below under "Student Transfers."

(cf. 0420.4 - Charter Schools)

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

Note: 20 USC 6316 requires PI schools to develop or revise a two-year improvement plan. The Categorical Program Monitoring instrument used by the California Department of Education (CDE) to determine program compliance indicates that the school should revise its Single Plan for Student Achievement, developed pursuant to Education Code 64000-64001, to fulfill this requirement.

2. The principal and school community shall revise the school's Single Plan for Student Achievement in accordance with 20 USC 6316, and present it for approval by the Governing Board.

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

*(cf. 6171 - Title I Programs)*

3. Within 45 days of receiving the plan, the Board shall establish a peer review process to assist with the review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of law. (20 USC 6316)
4. The school shall implement the plan no later than the beginning of the next full school year following the school's identification for PI, or, if the plan has not been approved prior to beginning the school year, immediately upon approval of the plan. (20 USC 6316)
5. As the school develops and implements the school plan, the Superintendent or designee shall ensure that the school receives technical assistance either from the district, the California Department of Education (CDE), an institution of higher education, a private organization, an educational service agency, or another entity with experience in helping schools improve academic achievement, including assistance in: (20 USC 6316)
  - a. Analyzing data from state assessments and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and district responsibilities identified in the school plan
  - b. Identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for PI
  - c. Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and remove the school from PI status

*(cf. 3100 - Budget)*

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

**Year 2 Program Improvement**

For any Title I school that fails to make AYP by the end of the first full school year after being identified for PI, the Superintendent or designee shall: (20 USC 6316)

1. Continue to provide all students enrolled in the school the option of transferring to another district school or charter school that has not been identified for PI, as described below under "Student Transfers"
2. Arrange for the provision of supplemental educational services to eligible students from low-income families by a provider with a demonstrated record of effectiveness, as described below under "Supplemental Educational Services"
3. Continue to provide for technical assistance

**Year 3 Program Improvement: Corrective Action**

When a school continues to fail to make AYP by the end of the second full school year after identification for PI (four consecutive years of failure to make AYP), the Superintendent or designee shall continue to provide all elements of Year 1 and Year 2 PI. In addition, the Board shall take at least one of the following corrective actions: (20 USC 6316)

1. Replace school staff relevant to the failure  
*(cf. 4113 - Assignment)*
2. Implement a new curriculum and related professional development  
*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*
3. Significantly decrease management authority at the school level
4. Appoint an outside expert to advise the school
5. Extend the school year or school day for the school  
*(cf. 6111 - School Calendar)*
6. Restructure the internal organization of the school

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)**Year 4 Program Improvement and Beyond: Restructuring**

For any school that continues to fail to make AYP after one full year of corrective action, the Superintendent or designee shall continue to provide all students enrolled in the school with the option to transfer to another district school or charter school and continue to make supplemental educational services available to eligible students who remain in the school. In addition, the Board shall develop a plan and make necessary arrangements to implement one of the following options for alternative governance and restructuring, consistent with state law: (20 USC 6316)

1. Reopen the school as a charter school
2. Replace all or most of the school staff relevant to the failure
3. Enter into a contract with an entity with a demonstrated record of effectiveness to operate the school
4. Turn the operation of the school over to the CDE
5. Institute any other major restructuring of the school's governance arrangements that makes fundamental reforms

**Notifications**

Note: 20 USC 6316 and 34 CFR 200.37 require the following notification to parents/guardians. Templates that can be used by the district to develop the notification for any year of PI, as well as translations in many languages, are available on the CDE's web site.

Whenever a school is identified for PI, corrective action, or restructuring, the Superintendent or designee shall promptly notify parents/guardians of students enrolled in that school. The notification shall include: (20 USC 6316; 34 CFR 200.37)

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state
2. The reasons for the identification
3. An explanation of what the school is doing to address the problem of low achievement
4. An explanation of what the district or state is doing to help the school address the achievement problem

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for PI

Note: Specific requirements for the notifications described in items #6 and 7 below are addressed below in the sections on "Student Transfers" and "Supplemental Educational Services," respectively.

6. An explanation of the option to transfer to another district school or charter school as described below under "Student Transfers"
7. If the school is in Year 2 of PI or beyond, an explanation of how parents/guardians can obtain supplemental educational services for their child as described below under "Supplemental Educational Services"

*(cf. 5145.6 - Parental Notifications)*

The Superintendent or designee shall disseminate information about corrective actions taken at any district school to the parents/guardians of each student in that school and to the public through such means as the Internet, the media, and public agencies. (20 USC 6316)

The Superintendent or designee shall promptly notify teachers and parents/guardians whenever a school is identified for restructuring and shall provide them adequate opportunities to comment before taking action and to participate in developing any plan for restructuring school governance. (20 USC 6316)

All notifications pertaining to PI shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316)

Note: 20 USC 6316 and 34 CFR 200.48 require districts to spend at least 20 percent of district Title I funds for costs related to supplemental educational services, transportation for student transfers, and related outreach and assistance to parents/guardians; see the accompanying Board policy. As amended by 73 Fed. Reg. 210, 34 CFR 200.48 authorizes districts to spend less than 20 percent if specified criteria are met. These criteria include providing timely, accurate notifications as described above and partnering with outside groups to inform students and families, as provided below. The following paragraph is **optional**.

To the extent practicable, the district shall partner with outside groups, such as faith-based organizations, other community-based organizations, and business groups, to help inform eligible students and their families of the opportunities to transfer or to receive supplemental educational services. (34 CFR 200.48)

**Student Transfers**

Note: As noted above, 20 USC 6316 requires any school in Year 1 of PI or beyond to provide all students in that school with an opportunity to transfer to another public or charter school in the district.

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

34 CFR 200.44 provides that a district subject to a desegregation plan, whether voluntary, court-ordered, or required by a federal or state administrative agency, is not exempt from the requirement to allow such transfers. However, the district may take into account the requirements of the desegregation plan in determining how to provide students with the option to transfer to another school.

Because NCLB requires the district to offer intradistrict transfers to all students in PI schools, it is recommended that the district give priority to such students in its intradistrict open enrollment policy; see BP 5116.1 - Intradistrict Open Enrollment.

All students enrolled in a school in Year 1 of PI or beyond shall be provided an option to transfer to another district school or charter school that: (20 USC 6316; 34 CFR 200.44)

1. Has not been identified for PI, corrective action, or restructuring

Note: Districts must offer students attending a school identified as "persistently dangerous" by the CDE the opportunity to transfer to another district school. See BP/AR 5116.1 - Intradistrict Open Enrollment for a definition of "persistently dangerous" and other conditions regarding this type of transfer.

2. Has not been identified by the CDE as a "persistently dangerous" school pursuant to 20 USC 7912 and 5 CCR 11992-11994

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5116.1 - Intradistrict Open Enrollment)*

Note: Pursuant to 20 USC 6316 and 34 CFR 200.44, all students in PI schools must be given the opportunity to transfer although priority must be given to the lowest achieving students from low-income families. U.S. Department of Education (USDOE) non-regulatory guidance (Public School Choice) clarifies that all students in such schools must be given an option to transfer but the district should determine situations in which prioritization must be applied (e.g., the lowest achieving students from low-income families are given their first choice and/or are provided transportation first if funds are limited). For these purposes, the district must determine family income on the same basis that the district uses to make Title I allocations to schools.

Among these students, priority shall be given to the lowest achieving students from low-income families, as defined by the district for purposes of allocating Title I funds. (20 USC 6316; 34 CFR 200.44)

If two or more district schools are eligible to accept transfers based on criteria listed in items #1-2 above, the district shall provide a choice of more than one such school and shall take into account parent/guardian preferences among the choices offered. (34 CFR 200.44)

Note: 34 CFR 200.44 indicates that lack of capacity is not a permissible reason to deny transfer opportunities to students. The USDOE guidance and CDE correspondence dated October 31, 2007, reiterate that districts must either create additional capacity or provide choices of other schools. The CDE correspondence cautions districts to ensure that nothing in their parental notification letter or transfer application implies that choice may be limited due to a lack of capacity. When capacity is an issue, the district might consider portable classrooms, reassignment of teachers, distance learning programs, the establishment of new charter schools, or other options.

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

School capacity shall not be used to deny transfer opportunities to students. However, the Superintendent or designee may consider capacity in selecting schools that will be offered as alternatives for school choice. The Board may increase capacity in eligible district schools to accommodate all students who wish to transfer.

Note: 34 CFR 200.37 and 200.44, as amended by 73 Fed. Reg. 210, clarify timelines for the notice and implementation of the transfer option, as provided below. Preliminary AYP determinations are reported by the CDE prior to the beginning of the traditional school year to enable districts to meet the following requirement.

The transfer option shall be offered so that students may transfer in the school year following the school year in which the district administered the assessments that resulted in the identification of the school for PI, corrective action, or restructuring. In order to provide adequate time for parents/guardians to exercise their transfer option before the school year begins, the Superintendent or designee shall notify parents/guardians of the available school choices sufficiently in advance of, but no later than 14 calendar days before, the start of the school year. (34 CFR 200.37, 200.44)

Note: 34 CFR 200.37 contains requirements for the content of the notice that must be provided to parents/guardians whenever a school is identified for PI, corrective action, or restructuring, which include the content described in items #4-5 below related to school choice. The USDOE guidance describes additional requirements that the notice should contain (items #1-3 below). These requirements are incorporated into the sample parental notification available on the CDE's web site.

Notice of the transfer option shall:

1. Inform parents/guardians that their child is eligible to attend another public school due to the identification of the current school as in need of improvement
2. Identify each public school or public charter school that the parent/guardian can select
3. Explain why the choices made available to the parents/guardians may have been limited
4. Provide information on the academic achievement of the school(s) to which the student may transfer (34 CFR 200.37)
5. Explain the provision of transportation to the new school (34 CFR 200.37)

Note: 34 CFR 200.37 describes additional content of the notice that may be provided to parents/guardians at the district's discretion. The following paragraph is **optional** and may be revised as desired.

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

The notice may include other information about the school(s) to which the student may transfer, such as a description of any special academic programs or facilities, the availability of before- and after-school programs, the professional qualifications of teachers in the core academic subjects, and a description of parent involvement opportunities. (34 CFR 200.37)

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

In addition to mailing notices directly to parents/guardians, the Superintendent or designee shall provide information about transfer options through broader means, such as the Internet, the media, and public agencies serving students and their families. (34 CFR 200.36)

Note: 34 CFR 200.39, as amended by 73 Fed. Reg. 210, adds the following requirement for districts that have their own web sites. If the district does not have a web site, the CDE is required to provide this information on its web site.

To ensure that parents/guardians have current information, the district shall prominently display on its web site, in a timely manner each school year, the number of students who were eligible for and who participated in the student transfer option, beginning with data from the 2007-08 school year and each subsequent year thereafter, and a list of available schools to which eligible students may transfer in the current school year. (34 CFR 200.39)

Note: According to the USDOE guidance, the district may set a reasonable deadline by which parents/guardians must respond to the offered transfer option, as long as parents/guardians have sufficient time and information to make an informed decision. The following paragraph is **optional** and may be revised to specify timelines for each step of the process. See E(1) 0520.2 for a sample form that the district can use for parent/guardian requests for student transfers.

The Superintendent or designee may establish reasonable timelines for parents/guardians to indicate their intent to transfer their child and for the district to notify parents/guardians of the school assignment.

Note: According to the USDOE guidance, parents/guardians do not necessarily have to be guaranteed their first choice of schools. The following **optional** paragraph reflects language in the guidance that authorizes, but does not require, districts to develop a system of rank-ordering preferences.

The Superintendent or designee may require parents/guardians to rank-order their preferences from among schools that are eligible to receive transfer students. Parents/guardians may decline their assigned school and remain in their school of origin.

Note: If a student exercises the option to transfer to another school, 20 USC 6316 and 34 CFR 200.44 require the district to provide or pay for the student's transportation to that school. The USDOE guidance clarifies that, if the district does not offer transportation services to its students, it will be required to reimburse parents/guardians for the costs of providing transportation or for using public transportation. This requirement is an exception to state and federal law for other types of intradistrict transfers for which the district is not obligated to provide or pay for transportation; see BP 5116.1 - Intradistrict Open Enrollment.

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

The district shall provide, or shall pay for the provision of, transportation for the student to the public school that student chooses to attend. (20 USC 6316; 34 CFR 200.44)

*(cf. 3540 - Transportation)*

Note: The USDOE guidance states that districts have flexibility to establish transportation zones based on geographic location. The following **optional** paragraph is based on the authority in the USDOE guidance and may be revised to reflect district practice.

To ensure that transportation may be reasonably provided, the Superintendent or designee may establish transportation zones based on geographic location. Transportation to schools within a zone shall be fully provided, while transportation outside the zone may be partially provided.

Any student who transfers to another school may remain in that school until he/she has completed the highest grade in that school. However, the district shall not be obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified for PI, corrective action, or restructuring. (20 USC 6316; 34 CFR 200.44)

In the event that all district schools are identified for PI, corrective action, or restructuring, the district shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for an interdistrict transfer. (20 USC 6316; 34 CFR 200.44)

*(cf. 5117 - Interdistrict Attendance)*

**Supplemental Educational Services**

Note: As described above, 20 USC 6316 and 34 CFR 200.45 require the district to make supplemental educational services available to students from low-income families whenever a school is in Year 2 of PI or beyond. For these purposes, the district must determine family income on the same basis that the district uses to make Title I allocations to schools. Parents/guardians are allowed to select supplemental educational services within the district or in neighboring local educational agencies from a list of entities approved by the SBE. USDOE non-regulatory guidance (Supplemental Educational Services) indicates that parents/guardians also may select a provider that is accessible through technology, such as e-learning, online, or distance learning technology.

When required by law, supplemental educational services shall be provided outside the regular school day and shall be specifically designed to increase achievement of eligible students from low-income families on state academic assessments and to assist them in attaining state academic standards. (20 USC 6316)

*(cf. 6011 - Academic Standards)*

*(cf. 6179 - Supplemental Instruction)*

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

Note: 20 USC 6316 and 34 CFR 200.37 address the content of the notification that must be issued when a school is required to provide supplemental educational services. These requirements are incorporated into the sample parental notification letters available on the CDE's web site.

When a school is required to provide supplemental educational services, the Superintendent or designee shall annually notify parents/guardians of: (20 USC 6316; 34 CFR 200.37)

1. The availability of supplemental educational services
2. The identity of approved providers that are within the district or are reasonably available in neighboring local educational agencies
3. The identity of approved providers of technology-based or distance learning supplemental educational services

Note: 34 CFR 200.37, as amended by 73 Fed. Reg. 210, now requires districts to indicate providers who can serve students with disabilities or limited English proficiency, as provided in item #4 below, and to explain the benefits of receiving services, as provided in item #5 below.

4. The services, qualifications, and demonstrated effectiveness of each provider, including an indication of those providers who are able to serve students with disabilities or limited English proficiency
5. The benefits of receiving supplemental educational services

Note: The USDOE guidance suggests that the notification also include procedures and timelines for selecting a provider. The following paragraph is **optional**.

In addition, the notification shall describe procedures and timelines that parents/guardians must follow to select a provider.

Note: 73 Fed. Reg. 210 amended 34 CFR 200.37 to add the following requirement pertaining to notification of supplemental educational services.

This notification shall be clearly distinguishable from other information sent to parents/guardians regarding identification of the school for PI, corrective action, or restructuring. (34 CFR 200.37)

Note: 34 CFR 200.39, as amended by 73 Fed. Reg. 210, adds the following requirement for districts that have their own web sites. If the district does not have a web site, the CDE is required to provide this information on its web site.

To ensure that parents/guardians have current information, the district shall prominently display on its web site, in a timely manner each school year, the number of students who

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

were eligible for and who participated in supplemental educational services, beginning with data from the 2007-08 school year and each subsequent year thereafter, a list of state-approved providers serving the district in the current year, and the location where services are provided. (34 CFR 200.39)

Note: 20 USC 6316 requires a district to spend 20 percent of its Title I spending obligation on costs related to supplemental educational services, transportation for transfers, and related outreach and assistance to parents/guardians; see the accompanying Board policy. 34 CFR 200.48, as amended by 73 Fed. Reg. 210, specifies that, in order to spend less than 20 percent, a district must distribute sign-up forms for supplemental educational services, establish at least two enrollment windows, and make school facilities available to eligible providers, as provided below. The following three paragraphs are **optional**.

See E(2) 0520.2 for a sample service request form.

The Superintendent or designee shall distribute sign-up forms for supplemental educational services directly to all eligible students and their parents/guardians and make them available and accessible through broad means of dissemination such as the Internet, other media, and communications through public agencies serving eligible students and their families. (34 CFR 200.48)

The district shall provide a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length to enable parents/guardians of eligible students to make informed decisions about requesting supplemental educational services and selecting a provider. (34 CFR 200.48)

Eligible supplemental services providers shall be given access to school facilities, using a fair, open, and objective process, on the same basis as other groups that seek access to school facilities. (34 CFR 200.48)

*(cf. 1330 - Use of School Facilities)*

Note: The USDOE guidance advises that the district may establish a reasonable deadline by which parents/guardians must request services, as long they are given sufficient time and information to make an informed decision. The following paragraph may be revised to include any such deadline established by the district.

Within a reasonable period of time established by the Superintendent or designee, parents/guardians shall select a service provider from among those approved by the SBE. Upon request, the Superintendent or designee shall assist parents/guardians in choosing a provider. (20 USC 6316; 34 CFR 200.46)

Note: Pursuant to 34 CFR 200.47, a school district may apply to the SBE to become a supplemental service provider as long as the district has not been identified as a PI district, program staff are not employed at a

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

school identified for PI, and the district demonstrates a record of effectiveness. 5 CCR 13075.1 and 13075.2 define "record of effectiveness" and list application requirements. 5 CCR 13075.4 lists conditions under which a provider's status can be terminated by the SBE. The following **optional** paragraph is for use by districts that have been approved as service providers.

When the district is an approved service provider, the Superintendent or designee shall be careful to provide parents/guardians with a balanced presentation of the options available to them and shall ensure that they understand their right to select the district or any other service provider.

The Superintendent or designee shall ensure that eligible students with disabilities, students covered under Section 504 of the federal Rehabilitation Act, and students with limited English proficiency receive appropriate supplemental educational services with any necessary accommodations or language assistance. (34 CFR 200.46)

*(cf. 6159 - Individualized Education Program)*

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

*(cf. 6164.6 - Identification and Education Under Section 504)*

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

Note: The USDOE guidance clarifies that, if supplemental educational services providers are unable to provide necessary accommodations or language assistance to students with disabilities, students covered under Section 504, or students who are English learners, districts are obligated to provide or contract for such services with accommodations or language assistance, as provided below.

If no provider is able to make the services available to such students, the district shall provide these services with necessary accommodations or language assistance, either directly or through a contract. Supplemental educational services shall be consistent with a student's individualized education program (IEP) or Section 504 services plan.

If available funds are insufficient to provide supplemental educational services to each eligible student whose parents/guardians request those services, priority shall be given to the lowest achieving eligible students. (20 USC 6316)

Note: The USDOE guidance notes that districts should establish fair and equitable procedures for selecting students to receive services if a particular provider does not have the capacity to serve all students who have selected that provider. The guidance encourages districts to consider allocating available spaces consistent with the priority to serve the lowest achieving eligible students. The following paragraph is **optional**.

If the number of parents/guardians selecting a particular provider exceeds the capacity of that provider, priority shall be given to the lowest achieving eligible students.

Once a provider has been selected by a parent/guardian, the Superintendent or designee shall enter into an agreement with the provider. The agreement shall: (20 USC 6316)

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

1. Require the district to develop, in consultation with the parents/guardians and the provider, a statement of specific achievement goals for the student, how the student's progress will be measured, and a timetable for improving achievement. In the case of a student with disabilities, the statement shall be consistent with the student's IEP.
2. Describe how the student's parents/guardians and teacher(s) will be regularly informed of the student's progress.
3. Provide for the termination of the agreement if the provider is unable to meet such goals and timetables.
4. Contain provisions with respect to the district making payments to the provider.

Note: USDOE correspondence dated August 10, 2007, clarifies that, although providers are prohibited from disclosing student information to third parties without consent, the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.8) does not prohibit providers from using contact information they obtain from the district to notify parents/guardians regarding their services.
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5. Prohibit the provider, without written parent/guardian permission, from disclosing to the public the identity of any student eligible for or receiving supplemental educational services.

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

(3/03 7/04) 3/09

# CSBA Sample Exhibit

Philosophy, Goals, Objectives, and Comprehensive Plans

E(1) 0520.2

## TITLE I PROGRAM IMPROVEMENT SCHOOLS

Note: The following sample form is for use when a district school is identified for program improvement, corrective action, or restructuring after failing to make "adequate yearly progress" for two or more consecutive school years. The No Child Left Behind Act of 2001 (20 USC 6316) requires that parents/guardians be promptly notified when a school has been so identified, and be offered the option to transfer to another public school. See the accompanying Board policy and administrative regulation.

### PARENT/GUARDIAN TRANSFER REQUEST BASED ON SCHOOL'S PROGRAM IMPROVEMENT STATUS

**Instructions:** To request a transfer for your child out of a school that has been identified for [program improvement, corrective action or restructuring], please complete the following form and return it by [date] to [the district office or to the principal at your child's school]. You will be notified by [date] regarding your child's school assignment for the next school year and your options if you decide to decline the school assignment at that time.

Child's Name: \_\_\_\_\_

Parent/Guardian's Name: \_\_\_\_\_ Signature: \_\_\_\_\_

School Child Currently Attends: \_\_\_\_\_

Note: The law does not specify the number of schools that must be offered for transfer, although the district must strive to provide the fullest possible menu of school choices to parents/guardians and must take into account parent/guardian preferences among the choices offered. See the accompanying administrative regulation. The district should list each available school below.

Please write numbers in the boxes below to rank your top [number] choices of available schools:

[ ] \_\_\_\_\_ [school name] \_\_\_\_\_

[ ] \_\_\_\_\_ [school name] \_\_\_\_\_

[ ] \_\_\_\_\_ [school name] \_\_\_\_\_

If you have any questions, please contact the [district office or principal] at [phone number].

(3/03) 3/09

Policy Reference UPDATE Service

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# CSBA Sample Exhibit

Philosophy, Goals, Objectives, and Comprehensive Plans

E(2) 0520.2

## TITLE I PROGRAM IMPROVEMENT SCHOOLS

Note: The following sample form is for use when a district school fails to make "adequate yearly progress" for three or more consecutive school years and is thus required to provide supplemental educational services to eligible students pursuant to the No Child Left Behind Act (20 USC 6316). See the accompanying Board policy and administrative regulation.

### PARENT/GUARDIAN SELECTION OF SUPPLEMENTAL EDUCATIONAL SERVICES

**Instructions:** To select supplemental educational services for your child, please complete the following form and mail, fax, or deliver it to the principal of your child's school or to the district office by [date].

Student's Name: \_\_\_\_\_ School: \_\_\_\_\_

Parent/Guardian's Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Note: The district should insert the name of each available service provider in the spaces below and add or delete spaces depending on the number of available providers.

Please write numbers in the boxes below to indicate your top [number] choices of service providers:

[ ] \_\_\_\_\_ [name of service provider] \_\_\_\_\_

[ ] \_\_\_\_\_ [name of service provider] \_\_\_\_\_

[ ] \_\_\_\_\_ [name of service provider] \_\_\_\_\_

[ ] \_\_\_\_\_ [name of service provider] \_\_\_\_\_

Once a service provider has been determined for your child, the district will enter into a formal contract with the provider in accordance with law.

If you have any questions or need assistance selecting a provider, please contact [name] at [phone number].

(3/03) 3/09

Policy Reference UPDATE Service

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# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.3(a)

### TITLE I PROGRAM IMPROVEMENT DISTRICTS

Note: The following **optional** policy is for use by districts that receive federal Title I funds. Pursuant to the No Child Left Behind Act of 2001 (20 USC 6316), districts receiving Title I funds are identified for "program improvement" (PI) if they fail to make "adequate yearly progress" (AYP), as defined by the State Board of Education (SBE), for two or more consecutive school years. According to the criteria, a district is identified for PI if, for each of two consecutive years, it either (1) does not make AYP in the same content area (English-language arts or mathematics) and does not meet annual measurable objectives in the same content area in each grade span (grades 2-5, 6-8, and 10), or (2) does not make AYP on the same indicator (Academic Performance Index or graduation rate) districtwide. Certain districts may be exempt for one year based on "safe harbor" criteria developed by the SBE. If the district believes that the identification is in error, it may appeal to the California Department of Education (CDE).

For further information about the identification of PI districts, see the CDE's [2007 Adequate Yearly Progress Report Information Guide](#). See BP/AR 0520.2 - Title I Program Improvement Schools for requirements pertaining to individual schools identified for PI or for single school districts.

The Governing Board shall annually review and analyze the district's performance in making adequate yearly progress (AYP) toward student achievement standards, in accordance with criteria established by the State Board of Education (SBE). The Board's review shall include an evaluation of whether district improvement efforts are aligned and adequately focused on increasing achievement levels for all students. As necessary, the Board and the Superintendent or designee shall take steps to improve district operations and programs to enable students to achieve proficiency.

*(cf. 0500 - Accountability)*

*(cf. 6011 - Academic Standards)*

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

### Early Warning Program

Note: Education Code 52055.57 establishes the voluntary Early Warning Program described below, which is applicable to districts at risk of being identified for PI within two years.

In the event that the district is provided notice by the California Department of Education (CDE) that it is in danger of being identified for program improvement (PI) within two years under the federal No Child Left Behind Act, the Board shall determine whether to participate in the voluntary Early Warning Program. If the Board elects to have the district participate in the program, the district shall conduct a voluntary self-assessment using research-based criteria provided by the CDE and may revise its Title I local educational agency (LEA) plan based on the results of that assessment. (Education Code 52055.57)

*(cf. 6171 - Title I Programs)*

## **TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)**

### **Year 1-2 PI: Revision and Implementation of LEA Plan**

Note: 20 USC 6316 and Education Code 52055.57 establish requirements for districts that are identified as PI districts. See the accompanying administrative regulation for related requirements.

In the event that the district is identified for PI by the CDE, the Superintendent or designee shall, in accordance with law and administrative regulation, notify parents/guardians, administer a district self-assessment process, and revise the LEA plan. (20 USC 6316; Education Code 52055.57)

Note: The CDE recommends that districts develop an addendum to the LEA plan rather than revising the entire plan and has developed a template for this purpose; see the accompanying administrative regulation. The template indicates that the addendum must be approved by the Board and sent to the CDE.

The revised LEA plan or plan addendum shall be approved by the Board and submitted to the CDE. The Superintendent or designee shall regularly report to the Board regarding the implementation of the plan during Years 1 and 2 of the program.

The Superintendent or designee shall utilize available state and local resources to identify specific problems contributing to low student achievement and provide technical assistance and support to resolve those problems. He/she also shall work closely with individual school sites to raise student achievement in accordance with school plans.

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

### **Year 3 PI: Corrective Action**

Note: Education Code 52055.57 specifies actions that may be taken by the SBE, upon recommendation by the Superintendent of Public Instruction, if a district fails to make AYP by the end of the second year of PI; see the accompanying administrative regulation.

If the district does not make AYP after two years of receiving program funding, the Board shall cooperate with the Superintendent of Public Instruction (SPI) and the SBE in the identification and implementation of appropriate corrective actions.

Note: Pursuant to Education Code 52055.57, one of the possible state actions is to require the district to contract with a district assistance and intervention team (DAIT) with the duties specified in Education Code 52059. As amended by AB 519 (Ch. 757, Statutes of 2008), Education Code 52059 requires the district to reserve funding from its program grant to cover the entire cost of the team before using that funding for other reform activities. Education Code 52059, as amended, also requires the DAIT to complete a needs assessment and a report of recommendations not later than 120 days after being assigned to the district or by the next regularly scheduled SBE meeting after the expiration of the 120 days.

**TITLE I PROGRAM IMPROVEMENT DISTRICTS** (continued)

The Board shall enter into a contract with a district assistance and intervention team (DAIT) whenever the SPI and SBE determine this to be the most appropriate corrective action. Upon receiving a report of recommendations from the DAIT: (Education Code 52055.57, 52059)

1. The Board may, not later than 30 days after completion of the report, appeal to the SPI to be exempted from implementing one or more of the report's recommendations.
2. Not later than 60 days after completion of the report, the Board shall, at a regularly scheduled meeting, adopt the report recommendations, as modified by any exemptions granted by the SPI.

Note: The CDE's <u>Blueprint for District Assistance and Intervention</u> provides information about the DAIT process, including the role of DAIT team members and the district's leadership team.
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The Superintendent or designee shall establish a district leadership team to collaborate with the DAIT in the development and implementation of an action plan to address high-priority needs. This team may include site and district administrators, teacher leaders, special education teachers, English learner experts, fiscal officers, and other key personnel, as appropriate.

The Board and the Superintendent or designee shall monitor the district's progress in implementing the DAIT's recommendations and shall continually use student performance data to determine whether additional district or school site changes are necessary to improve student achievement.

*Legal Reference: (see next page)*

**TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)**

*Legal Reference:*

EDUCATION CODE

52055.57-52055.59 *Districts identified or at risk of identification for program improvement*

52059 *Statewide system of school support*

UNITED STATES CODE, TITLE 20

6301 *Title I program purpose*

6311 *Adequate yearly progress*

6312 *Local educational agency plan*

6316 *School and district improvement*

6321 *Fiscal responsibilities*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.13-200.20 *Adequate yearly progress*

200.30-200.35 *Identification of program improvement schools*

200.36-200.38 *Notification requirements*

200.52-200.53 *District improvement*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Blueprint for District Assistance and Intervention, 2008*

*2007 Adequate Yearly Progress Report Information Guide, August 2007*

*A Training Guide for Local Educational Agencies and Schools: Program Improvement, September 2006*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

*LEA and School Improvement Non-Regulatory Guidance, rev. July 21, 2006*

WEB SITES

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

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

(11/04 11/05) 11/08

# CSBA Sample Administrative Regulation

**Philosophy, Goals, Objectives, and Comprehensive Plans**

AR 0520.3(a)

## **TITLE I PROGRAM IMPROVEMENT DISTRICTS**

Note: The following **optional** administrative regulation is for use by districts that receive federal Title I funds. The No Child Left Behind Act of 2001 (20 USC 6316) and Education Code 52055.57 establish requirements for districts receiving Title I funds that are identified for program improvement (PI) after failing to make "adequate yearly progress" (AYP), as defined by the State Board of Education (SBE), for two or more consecutive years.

### **Year 1-2 Program Improvement (PI): Revision and Implementation of LEA Plan**

Whenever the district is notified that it has been identified for PI under the federal No Child Left Behind Act, the district shall complete all of the following actions:

Note: Pursuant to 20 USC 6316, the California Department of Education (CDE) must work with districts to arrange for the notification of the parents/guardians of students enrolled in a PI district. The CDE has developed a template that may be used by districts to develop the parent notification required in item #1 below, and encourages districts to include additional information regarding student achievement in the district and the steps that will be taken to improve student achievement. CDE correspondence dated August 31, 2007, indicates that the parent notification should be sent within 30 days of the district's identification. Both the CDE and the U.S. Department of Education's (USDOE) non-regulatory guidance (LEA and School Improvement Non-Regulatory Guidance, July 21, 2006) indicate that the notice should be provided directly through regular mail or electronic mail and indirectly using the Internet, the media, or public agencies.

1. Promptly notify parents/guardians of each district student regarding the district's PI status, the reasons for the identification, and how parents/guardians can participate in upgrading the quality of the district's programs. The notification shall be in a format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316)

*(cf. 5145.6 - Parental Notifications)*

Note: Education Code 52055.57 requires PI districts to conduct a self-assessment using materials and criteria provided by the CDE. Among the tools required by the CDE is the District Assistance Survey, which assesses how the district supports its schools in the areas of standards-based curriculum, instruction, and assessment; professional development; human resources; data systems, data analysis, and ongoing monitoring; parent and community involvement; fiscal operations; and governance and leadership. PI districts are also required to complete the English Learner Subgroup Self Assessment and Least Restrictive Environment Self Assessment to analyze the needs of English learners and students with disabilities.

2. Conduct a self-assessment using materials and criteria based on current research and provided by the California Department of Education. (Education Code 52055.57)

Note: AB 519 (Ch. 757, Statutes of 2008) amended Education Code 52055.57 to provide that districts are required to complete the actions in item #3 below only when funding is provided in the state Budget Act or other statutes.

**TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)**

3. Contingent upon state funding, contract with a county office of education or another external entity, no later than 90 days after the district is identified for PI and after working with the County Superintendent of Schools, for both of the following purposes: (Education Code 52055.57)
  - a. Verifying the fundamental teaching and learning needs in district schools as determined by the self-assessment and identifying the specific academic problems of low-achieving students, including a determination as to why the prior Title I local educational agency (LEA) plan failed to increase student academic achievement
  - b. Ensuring that the district receives intensive support and expertise to implement reform initiatives in the LEA plan

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

*(cf. 6171 - Title I Programs)*

Note: The CDE recommends that districts develop an addendum to the LEA plan, rather than a complete revision, to accomplish the goals specified in item #4 below.
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4. Within three months after the district's identification for PI, develop or revise the LEA plan in consultation with parents/guardians, school staff, and others. This plan shall reflect the findings of the self-assessment and shall: (20 USC 6316; 34 CFR 200.52; Education Code 52055.57)
  - a. Incorporate scientifically based research strategies that will strengthen the core academic program in district schools
  - b. Identify actions that have the greatest likelihood of improving student achievement in meeting the state's academic achievement standards

Note: Pursuant to 20 USC 6316, a PI district must reserve at least 10 percent of its Title I funds for professional development, as provided in item #4c below. This reserve may include the 10 percent of Title I funds that individual PI schools reserve for professional development; see BP 0520.2 - Title I Program Improvement Schools. However, the district may not include the amount reserved by the district to help teachers meet the definition of "highly qualified teachers"; see BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act.
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- c. Address the professional development needs of the instructional staff by committing to spending at least 10 percent of the district's allocation of Title I, Part A, funds for professional development

*(cf. 4131 - Staff Development)*

*(cf. 4331 - Staff Development)*

**TITLE I PROGRAM IMPROVEMENT DISTRICTS** (continued)

- d. Include specific measurable achievement goals and targets for each of the student subgroups identified pursuant to 20 USC 6311, especially those that did not make adequate yearly progress (AYP)
- e. Address the fundamental teaching and learning needs in the district's schools and the specific academic problems of low-achieving students, including a determination of why the district's prior plan failed to bring about increased student academic achievement
- f. Incorporate, as appropriate, student learning activities before school, after school, during the summer, and during any extension of the school year

*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6176 - Weekend/Saturday Classes)*  
*(cf. 6177 - Summer School)*  
*(cf. 6179 - Supplemental Instruction)*

- g. Specify the responsibilities of the district and the state under the plan, including the district's fiscal responsibilities under 20 USC 6321 and the technical assistance to be provided by the state
- h. Include strategies to promote effective parent/guardian involvement in district schools

*(cf. 6020 - Parent Involvement)*

Note: AB 519 (Ch. 757, Statutes of 2008) amended Education Code 52055.57 to require districts to complete the action in item #5 below only if funding is provided in the state Budget Act or other statutes.

- 5. Contingent upon state funding, after working with the County Superintendent or an external verifier, contract with an external provider to provide support and implement recommendations to assist the district in resolving shortcomings identified in the verified self-assessment (Education Code 52055.57)

Note: USDOE non-regulatory guidance ([LEA and School Improvement Non-Regulatory Guidance](#), July 21, 2006) clarifies that the revised LEA plan should be implemented immediately in the current school year following plan development.

- 6. Implement the LEA plan expeditiously, but not later than the beginning of the next school year after the school year in which the district administered the assessments that resulted in its PI identification (20 USC 6316; 34 CFR 200.52; Education Code 52055.57)

**TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)**

The district shall exit PI status when it makes AYP for two consecutive years. (20 USC 6316; 34 CFR 200.53; Education Code 52055.57)

**Year 3 PI: Corrective Action**

Note: If the district fails to make AYP by the end of the second year in PI, it is subject to corrective action pursuant to 20 USC 6316 and Education Code 52055.57. The SBE must take at least one of the following sanctions upon the recommendation of the Superintendent of Public Instruction: (1) replacement of district staff who are relevant to the district's inability to make adequate progress; (2) removal of individual schools from the district's jurisdiction; (3) appointment of a trustee to administer the district; (4) abolishment or restructuring of the district; (5) implementation of a new curriculum based on state content and achievement standards, including provision of research-based professional development for all relevant staff; (6) deferment of programmatic funds or reduction of administrative funds; and (7) in conjunction with any of items #1-6, authorization for students to transfer to a higher performing school in another district and to be provided transportation. In addition, the SBE may require the district to contract with a district assistance and intervention team (DAIT).

AB 519 (Ch. 757, Statutes of 2008) amended Education Code 52055.57 to require the SBE to approve objective criteria by which a district identified for corrective action will be evaluated to determine the pervasiveness and severity of its performance problems and the sanction to be imposed. These criteria will be used to determine the amount of the one-year nonrenewable grant of federal improvement funding that may be given to the district to assist in its improvement process, with the highest grants going to districts with more pervasive and severe problems.

If the district fails to make AYP by the end of the second year in PI, it shall be subject to corrective actions determined by the State Board of Education (SBE). (20 USC 6316; 34 CFR 200.53; Education Code 52055.57)

Note: Pursuant to Education Code 52055.57, a district that has received one of the sanctions listed in items #1-7 above, and has not exited the program, shall appear before the SBE within three years to review its progress. The district, DAIT, or County Superintendent may provide testimony and written data, and the SBE may approve an alternative sanction or other appropriate action.

If the SBE takes any corrective action other than, or in addition to, the appointment of a district assistance and intervention team (DAIT), the Superintendent or designee shall appear before the SBE within Year 3 of PI to review the district's progress. The Superintendent or designee, the DAIT, and/or the County Superintendent shall provide testimony and written data sufficient for the SBE to determine whether an alternative corrective action is needed. (Education Code 52055.57)

(11/04 11/05) 11/08

# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.4(a)

### QUALITY EDUCATION INVESTMENT SCHOOLS

Note: Education Code 52055.700-52055.770, as added by SB 1133 (Ch. 751, Statutes of 2006), enacts the Quality Education Investment Act, which authorizes school districts to apply for state funding to implement specified measures to improve academic instruction and student achievement in schools (including charter schools) ranked in either decile 1 or 2 on the 2005 Academic Performance Index (API) (released March 2006). Participating districts and schools must meet interim and program requirements pertaining to class size, student-counselor ratios, teacher qualifications, and more; see the accompanying administrative regulation.

The following **optional** policy may be revised to reflect district practice.

The Governing Board believes that schools demonstrating the lowest performance on state indicators of student achievement should be assisted with additional resources and support focused on instructional improvement and student services. Such schools also need working conditions and learning environments that will attract and retain well-qualified teachers, administrators, and other staff. The Board desires to help such schools address their complex educational needs and achieve their annual growth targets.

Note: As added by SB 1133 (Ch. 751, Statutes of 2006), Education Code 52055.760 authorizes a district to apply for authority from the SPI to use alternative program requirements if the district can demonstrate that compliance with these alternative program requirements would provide a higher level of academic achievement among students than compliance with the program's interim and final program requirements. The district's alternative requirements must be based on reliable data and be consistent with sound, scientifically based research and the effective practices in Education Code 44757.5(j).

Education Code 52055.760 authorizes the SPI to approve alternative requirements for up to 15 percent of the total number of students funded statewide under this program and priority will be given to any school serving grades 9-12 that can demonstrate to the SPI and Secretary of Education that the school cannot decrease class sizes due to extraordinary issues related to facilities or because of the adverse impact the requirements of the program would have on the eligibility of the district for state school facility funding.

Education Code 52055.760 specifies that schools funded under the alternative requirements must exceed the API growth target for the school averaged over the first three fully funded years and annually thereafter. Alternative program schools are subject to the same funding termination requirements as those schools funded under the program, but are exempt from the other program requirements, including those pertaining to class size and student-counselor ratios. See the accompanying administrative regulation.

Whenever the Superintendent of Public Instruction identifies a district school as ranking in decile 1 or 2 on the Academic Performance Index (API) and notifies the district that the school is eligible to participate in the state's Quality Education Investment program, the Board shall determine whether applying for this funding will help improve academic achievement at that school. The Superintendent or designee shall review the program requirements and recommend to the Board if it would be in the district's best interest to apply to use alternative program requirements that would provide for a higher level of academic

**QUALITY EDUCATION INVESTMENT SCHOOLS** (continued)

achievement. Based on this determination, the Board may submit an application, including an application for an alternative program, on behalf of the school in order to obtain additional state funding for school improvement.

The Superintendent or designee shall ensure that each participating school uses program funds for the purposes expressed in law and administrative regulation. Activities carried out under this program shall be aligned with other school improvement efforts.

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

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

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

<p>Note: Pursuant to Education Code 52055.750, as added by SB 1133 (Ch. 751, Statutes of 2006), participating schools will be expected to meet or exceed their growth targets, increase student attendance, and increase graduation rates. Education Code 52055.740 requires the County Superintendent of Schools to monitor the implementation of the interim and program requirements, or any approved alternative requirements, each year and schools that have not met these requirements within specified timelines will be subject to loss of program funding; see the accompanying administrative regulation.</p>
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The Board shall monitor the progress of participating schools to evaluate the effectiveness of school efforts in increasing student achievement, as measured by the API and other indicators, increasing student attendance, and, for secondary schools, increasing graduation rates. If the Board determines that sufficient progress is not being made at a particular school, the Board and Superintendent or designee shall determine what types of additional district resources and support should be provided to the school so that progress in increasing student achievement can be made.

*(cf. 0500 - Accountability)*

*(cf. 9000 - Role of the Board)*

*Legal Reference: (see next page)*

**QUALITY EDUCATION INVESTMENT SCHOOLS (continued)**

*Legal Reference:*

EDUCATION CODE

35186 *Williams uniform complaint procedures*

44510-44517 *Administrator training program*

44757.5 *Reading instruction definitions*

52050-52059 *Public Schools Accountability Act, including:*

52055.700-52055.770 *Quality Education Investment Act*

52120-52128.5 *Class Size Reduction Program*

60640 *Standardized Testing and Reporting Program*

60642.5 *California standards tests*

64001 *Single plan for student achievement*

99230-99242 *Mathematics and Reading Professional Development Program*

UNITED STATES CODE, TITLE 20

6301-6578 *Academic achievement of the disadvantaged, including:*

6316 *Program improvement*

6319 *Qualifications of highly qualified teachers*

6511-6518 *Comprehensive School Reform Program*

*Management Resources:*

WEB SITES

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

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

# CSBA Sample Administrative Regulation

**Philosophy, Goals, Objectives, and Comprehensive Plans**

AR 0520.4(a)

## **QUALITY EDUCATION INVESTMENT SCHOOLS**

### **School Requirements**

Any district school may expend funds received under the Quality Education Investment Act for any purpose identified in the school's single plan for student achievement established pursuant to Education Code 64001. (Education Code 52055.720)

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

Each participating school shall revise its single plan for student achievement to include funds from this program, describe the manner in which program requirements will be met, and focus on instructional improvement and on improving instructional conditions. (Education Code 52055.755)

Note: Pursuant to Education Code 52055.740, as added by SB 1133 (Ch. 751, Statutes of 2006), any school receiving funding under the Quality Education Investment Act must meet the program requirements listed in items #1-5 below by the end of the third full year of funding.

Participating schools are exempted under Education Code 52055.750 from all program requirements associated with programs in the consolidated application, except requirements regarding parent/guardian advisory committees, school site councils, and special education.

Education Code 52055.760 provides that the district may apply for authority from the Superintendent of Public Instruction (SPI) to use alternative program requirements if the district can demonstrate that compliance with the alternative program requirements would provide a higher level of academic achievement among students than compliance with the program requirements listed below; see the accompanying Board policy. The following section is for use by districts with schools receiving funding under the general program requirements.

Any school receiving funding under this program shall be expected to achieve the following program requirements by the end of the third full year of funding: (Education Code 52055.740)

1. Maintain class sizes as follows:
  - a. For grades K-3, no more than 20 students per class as set forth in the Class Size Reduction Program pursuant to Education Code 52120-52128.5
  - b. For self-contained classrooms in grades 4-8 and classes in English language arts, reading, mathematics, science, or history/social science in grades 4-12:
    - (1) An average class size, calculated pursuant to Education Code

**QUALITY EDUCATION INVESTMENT SCHOOLS** (continued)

52055.740, that is either at least five students fewer per classroom than was the average in 2006-07 or an average of 25 students per classroom, whichever is lower

- (2) No more than 27 students in any such classroom, regardless of the average class size
- c. For any other class, a class size that is no higher than the class size in the 2005-06 school year
- d. For a low-enrollment innovative class, a class size that does not exceed the schoolwide average, even if the number of students in the class is increased

*(cf. 6151 - Class Size)*

- 2. In a high school, have a student-to-counselor ratio of no more than 300 to 1 and ensure that each counselor hold a services credential with a specialization in pupil personnel services

*(cf. 6164.2 - Guidance/Counseling Services)*

- 3. Ensure that each teacher in the school, including interns, meets the qualifications of a "highly qualified" teacher in accordance with the federal No Child Left Behind Act pursuant to 20 USC 6319

*(cf. 4112.2 - Certification)*

*(cf. 4112.21 - Interns)*

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

Note: As specified in item #4 below, Education Code 52055.750, as added by SB 1133 (Ch. 751, Statutes of 2006), provides that the school must demonstrate that the average level of experience of its teachers is equal to the average for the district as a whole. However, Education Code 52055.740 requires the County Superintendent of Schools to measure whether the experience level of teachers exceeds the district average for "this type of school" instead of the district as a whole. It is likely that clean-up legislation will be pursued to correct this inconsistency. Education Code 52055.730 requires the SPI to develop, by June 30, 2007, a uniform process that can be used to calculate average teacher experience.

- 4. Have an average experience level of classroom teachers in the school equal to or exceeding the average for the district for this type of school, based on a uniform index established by the Superintendent of Public Instruction (SPI)

Note: Pursuant to Education Code 52055.740, as added by SB 1133 (Ch. 751, Statutes of 2006), participating schools must meet their Academic Performance Index (API) growth target averaged over the first three years as provided in item #5 below. Beginning in the fifth year of participation, schools must meet their annual API growth targets. If they fail to do so, they will continue to receive program funding but

**QUALITY EDUCATION INVESTMENT SCHOOLS** (continued)

will be subject to state review, assistance, and timeline requirements of the High Priority Schools Grant Program (HPSGP) pursuant to Education Code 52055.650.

5. Exceed the API growth target for the school averaged over the first three full years of funding and meet its annual API growth targets beginning in the fifth year of participation

Note: In addition to the requirements above that must be met by the end of the third full year of funding, Education Code 52055.740, as added by SB 1133 (Ch. 751, Statutes of 2006), requires participating schools to meet the interim requirements listed below in items #1-4. However, clean-up legislation will need to be pursued since some of the requirements cannot be measured as specified. For example, as detailed in item #5 above, Education Code 52055.740 requires a school to exceed the API growth target for the school averaged over the first three full years of funding. Because the average API score will not be calculated until year three, a school will not be able to show that it is "one-third" or "two-thirds" of the way towards meeting that requirement in years one and two, as detailed in items #1 and #2 below.

In addition, each participating school shall be expected to meet the following interim program requirements: (Education Code 52055.740)

1. Be at least one-third of the way toward meeting the program requirements in items #1-5 above by the end of the first full year of funding
2. Be at least two-thirds of the way toward meeting the program requirements in items #1-5 above by the end of the second full year of funding

Note: Education Code 52055.740, as added by SB 1133 (Ch. 751, Statutes of 2006), requires professional development to be made available by either the district or the site council. In order to ensure consistency with the district's professional development program, item #3a below requires that the professional development be made available by the district, not the site council. Districts that wish to allow the site council to provide the professional development should modify the following paragraph accordingly.

3. Annually provide professional development to at least one-third of teachers and instructional paraprofessionals in the school
  - a. For teachers in a subject-specific classroom or teaching covered subjects, each teacher shall participate in professional development that is made available by the district, is developed in a collaborative process with interested parties, and is articulated in an improvement plan. The professional development may include collaboration time for teachers to develop new instructional lessons or analyze student data, mentoring projects for new teachers, or extra support for teachers to improve practice. At a minimum, professional development shall be part of a coherent plan that combines school activities within the school, including, but not limited to, lesson study or co-teaching and external learning

**QUALITY EDUCATION INVESTMENT SCHOOLS** (continued)

opportunities that meet all of the following criteria: (Education Code 52055.750)

- (1) Are related to the academic subjects taught
- (2) Provide time to meet and work with other teachers
- (3) Support instruction and student learning to improve instruction in a manner that is consistent with academic content standards
- (4) Include an average of 40 hours per teacher per year

- b. For teachers teaching in a self-contained classroom, professional development shall include, at a minimum, content regarding mathematics, science, English language arts, reading, and English language development. Professional development for teachers teaching subject-specific courses shall include the specific subject and English language development. To the extent appropriate, the professional development shall be similar in quality and rigor to the training provided under the Mathematics and Reading Professional Development Program pursuant to Education Code 99230-99242. (Education Code 52055.750)

(cf. 4131 - Staff Development)  
(cf. 4222 - Teacher Aides/Paraprofessionals)  
(cf. 4231 - Staff Development)

4. Meet all the requirements of the settlement agreement in *Williams v. State*, including, but not limited to, requirements regarding teachers, instructional materials, and school facilities, by the end of the first full year of funding and in each subsequent year

(cf. 1312.4 - Williams Uniform Complaint Procedures)  
(cf. 3517 - Facilities Inspection)  
(cf. 4113 - Assignment)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

<p>Note: The following paragraph is for use by districts with schools that have been approved by the SPI to receive funding under the alternative program requirements pursuant to Education Code 52055.760, as added by SB 1133 (Ch. 751, Statutes of 2006). Districts without schools receiving funding using alternative program requirements should delete this paragraph.</p>
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Any funded school that has received approval from the SPI to use alternative program requirements shall be expected to achieve all alternative requirements. By the end of the third full year of funding, the school shall also be expected to exceed the API growth target

**QUALITY EDUCATION INVESTMENT SCHOOLS** (continued)

for the school averaged over the first three full years of funding, and meet its annual API growth targets annually thereafter. (Education Code 52055.760)

Note: Pursuant to Education Code 52055.740, as added by SB 1133 (Ch. 751, Statutes of 2006), the County Superintendent must annually review the school and its data to determine if the school has met the interim and final third-year requirements listed above or any approved alternative program requirements. If he/she determines that a participating school has not substantially met the interim and final program requirements after the first or second full year of funding, he/she shall notify the SPI. If all of the interim requirements and final program requirements are not met by the end of any subsequent school year, the SPI shall terminate program funding for that school. The district will be notified in advance of the termination and has the right to appeal the decision to the State Board of Education. See AR 0420.4 - Charter Schools.

**District Requirements**

Note: The following sections lists requirements for districts that have schools participating in the program. Pursuant to Education Code 52055.750, as added by SB 1133 (Ch. 751, Statutes of 2006), a district may also apply for funds on behalf of an eligible charter school. In its role as chartering authority, the district will have the same oversight authority over participating charter schools as it does over other participating district schools and charter schools will need to provide the same assurances as other schools regarding program requirements. Because charter provisions may be affected and additional monitoring may be required, the district and charter school should enter into a Memorandum of Understanding so that appropriate assurances can be provided.

To provide support to participating schools, including participating charter schools, the Superintendent or designee shall: (Education Code 52055.750)

1. Comply with all program requirements and require that each participating school complete and meet the criteria of an academic review process that includes the elements of the school assistance and intervention team review process described in Education Code 52055.51.
2. Ensure that each participating school meets the program requirements.
3. Ensure that each school administrator in a participating school, by the end of the first full year of funding and in each subsequent year, has exemplary qualifications and experience as specified in Education Code 52055.750. The Superintendent or designee shall provide for high-quality professional development for each administrator through leadership training, coaching, and mentoring and shall take all reasonable steps to maintain stable school leadership in schools. To the extent appropriate, the professional development shall be similar in quality and rigor to that provided through the Administrator Training Program pursuant to Education Code 44510-44517.

*(cf. 4331 - Staff Development)*

**QUALITY EDUCATION INVESTMENT SCHOOLS** (continued)

4. Provide all fiscal and evaluation data requested by the SPI for initial approval, annual reviews, and reports.
5. Comply with Education Code 52055.630 regarding the process of approving a school action plan, including involvement of teachers and the exclusive representative of certificated employees and, in the same manner, consult with the exclusive representative of classified employees.

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

6. Assist eligible schools in developing and carrying out a plan to implement the program requirements to ensure that the district's plan supports the work of the school.
7. Agree to focus on conditions that improve instruction and achievement in participating schools.
8. Fully understand that not meeting annual and final program and academic achievement requirements will result in the termination of program funding.
9. Ensure that the funds received on behalf of participating schools are expended on those schools, except that during the first partial year of funding the district may use program funding for facilities necessary to meet the class size reduction requirements.
10. Use the uniform process recommended by the SPI to ensure that the average teaching experience of classroom teachers in participating schools is equal to or greater than the average teaching experience of classroom teachers in the school district as a whole.