

**COTTONWOOD UNION SCHOOL DISTRICT**  
**20512 West First Street**  
**Cottonwood, CA 96022**

**AGENDA FOR Tuesday, February 11, 2025 6:30 P.M.**

Regular Board Meeting, West Cottonwood Library

**Rules and Procedures**

The Cottonwood Union School District Board desires that its meetings be conducted in an open fashion and encourages public participation. Persons attending a meeting who wish to speak concerning an agenda item should notify the Board Chairperson of their desire to speak prior to the start of the meeting and should come forward during the time set aside for public comment and communication. It may be necessary, at times, for the Chairperson to limit discussions due to time considerations.

Arrangements to place an item on the agenda and make a presentation concerning said item must be established with the Superintendent, or any Board Member, at least ten calendar days in advance of the meeting. The request to address the Board shall be submitted in writing and the proposed stated in, or with, the request.

**1.0 Call Regular Meeting to Order**

**2.0 Pledge of Allegiance**

**3.0 Approval of Agenda**

**4.0 Recognition (Students, Staff, Curriculum)**

North Star Students

**5.0 Public Forum/Hearing of Person Wishing to Address the Board**

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures: At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code [35145.5](#), Government Code [54954.2](#)) Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own active

Mities. (Government Code

[54954.2](#)) Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. Comments shall be limited to 3 minutes per person and 20 minutes for all comments, unless different time limits are set by the Chairman subject to the approval of the Board.

**6.0 Consent Agenda**

**6.1 Review of Consent Agenda**

**6.1.1 Approval of Board Meeting Minutes for:**

**Regular Board Minutes Meeting Held: January 21, 2025(pgs.4-8)**

**Special Board Meeting Minutes Held: January 27, 2025(pgs.9-10)**

**6.1.2 Approval to Hire: Tera Gregston, Aide, North**

**6.1.3 Accept letter of Resignation from: Allison Brogoitti Curriculum Coach, North**

**6.1.4 Consider Approval of the following contracts:**

**MOU between Simpson University and CWUSD Internship  
Agreement(pgs.11-16)**

**MOU between Practi-Cal and CWUSD for school based billing(MEDI-CAL)  
(pgs.17-24)**

**MOU between MVJPA and CWUSD for 2025-2026 Special Ed Service Agreement  
(pgs.25-28)**

**MOU between SCOE and CWUSD for the 2024-2025 SARB Contract(pgs29-30)**

**MOU between AUHSD and CWUSD 2024-25 Shared Services Agreement  
Technology Services(page 31)**

**MOU between CUED and CWUSD for 2024-25 Fiscal Year Nutrition  
Services (page 32)**

## **6.2 Approval of Consent Agenda**

## **7.0 Discussion /Action Items**

- 7.1 Consider Approval of Commercial Warrant Report(pgs.33-35)**
- 7.2 Consider Approval of the 2025-2026 Transportation Plan(page 36)**
- 7.3 Consider/Approve Resolution # 2025-2 Reducing/Laying Off Certificated Employee Services for the 2025-2026 School Year(pgs.37-39)**
- 7.4 Consider/Approve Resolution # 2025-3 Reducing/Laying Off Classified Employee Services for the 2025-2026 School Year Due to Lack of Work and/or Lack of Funds(pgs. 40-41)**
- 7.5 Board Members to complete State of Economic Interest Forms. (Due to the District Office by April 1). The form and Reference Pamphlet available at <http://www.fppc.ca.gov/Form700.html>**
- 7.6 Consider Approval of the 2024-2025 North Cottonwood School Safety Plan**
- 7.7 Consider Approval of the 2024-2025 West Cottonwood School Safety Plan**
- 7.8 Consider Approval of Board Policies/Administrative Regulations(pgs.42-150)**

**BP 5148.2 Before/After School Programs Option 1 or 2**

**AR 5148.2 Before/After School Programs Option 1 or 2**

**BP 5148.3 Preschool/Early Childhood Education**

**AR 5148.3 Preschool/Early Childhood Education**

**BP 6158 Independent Study**

**AR 6158 Independent Study**

**BP 6170.1 Transitional Kindergarten**

**BP 6174 Education for English Learners**

**AR 6174 Education for English Learners**

**BB 9240 Board Training**

**BB 9270 Conflict of Interest**

**E(1) 9270 Conflict of Interest**

## **8.0 Informational Items:**

- 8.1 CTA Report**
- 8.2 Superintendent's Report**
- 8.3 Principal's Report**

## **9.0 Information/Communication Items**

- 9.1 Enrollment Report(page 151)**

**9.2 Cottonwood Creek Charter 2024 Audit Report(pgs.152-184)****9.3 Childhood Sexual Assault: Fiscal Implications for California Public Agencies  
(pgs.184-228)****9.4 FCMT Report on Fiscal Impacts of Childhood Sexual Assault Claims(pgs.229-230)****9.5 First Interim Budget Positive Certification Letter from SCOE(pags.231-232)****Board Discussion and Suggested Agenda Items****10.0****Future Meetings:**

**10.1** Regular Board Meeting, **March 11, 2025 6:30 p.m.** in the West Cottonwood School Library, 20512 First Street, Cottonwood, CA 96022

**11.0 Closed Session: Adjournment to Closed Session during this meeting to consider and/or take action upon the following items:**

**12.1** Pursuant to Government Code Section 54957  
Public Employee / Discipline / Dismissal / Release

**Public Notice of Action Taken in Closed Session****12.0 Adjournment****AMERICAN WITH DISABILITIES ACT NOTICE**

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**DOCUMENT AVAILABILITY**

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**Cottonwood Union School District**  
**Tuesday, January 21, 2025**  
**Regular Board Meeting Minutes, West Cottonwood School Library**

Members Present: Mr. O'Brien, Mr. Iles, Mr. Kamisky, Mr. Shriner and Mrs. Sulzer  
Members Absent: all present  
Others Present: Superintendent: Doug Geren  
Principal: Rebekah Cole and Lupe Cordova  
Vice Principal: Daneka Barber  
Jennifer Kiff, CBO, Raechelle Gilliss, Admin Assistant, Approximately 30 Staff  
Members and 50 Community Members and 15 Students

**1.0 Call Regular Meeting to Order at 6:30 pm by Mr. Kamisky**

**2.0 Pledge of Allegiance led by Mr. Kamisky**

**3.0 Approval of Agenda**

**ACTION:** Mrs. Sulzer made a motion, seconded by Mr. O'Brien to approve the Agenda as noted. Table Board Policy BP 5148 and AR 5148. Item 4.0 in the December Board Meeting Minutes needs to be changed to Measure E not B

**VOTE:** Unanimous in Favor

**4.0 Recognitions (Student, Staff, Curriculum) Curriculum Review-**

15 Students were recognized by Ms. Cole and Ms. Barber as Star Students

**5.0 Public Forum/Hearing of Persons Wishing to Address the Board**

Mr. Puentas a parent and community member voiced his concern about the timing of the Board resignation and the process of appointing a new Board Member. He also had concerns on how the solar project materials are being stored. Mr. Barnett addressed the Certificated Staff Salary Schedule. He shared some comparisons with the Board. Mrs. Ballard has some concerns with a teacher and wanted the Board to be aware. Mrs. Van Ert also a parent and community member wanted an explanation on the rumors going around concerning immunizations of all students.

**6.0 Consent Agenda**

**6.1 Review of Consent Agenda**

**6.1.1 Approval of Board Meeting Minutes for:**

**Regular Board Minutes Meeting Held: December 10, 2024**

**6.1.2 Approval to Hire: Ruby Calhoun, Bus Driver, Shaun Sanford, Skilled Maintenance**

**6.1.3 Accept Letter of Resignation from: Sarah Hill, North Sped Aide**

**6.1.4 Consider Approval of the following contracts:**

**Assurance Statements and Partnership Agreements for Teacher Residency  
Implementation and Expansion Grant between CWUSD and Teacher's College of**

**San Joaquin  
Assurance Statements and Partnership Agreements for Teacher Residency  
Implementation and Expansion Grant between CWUSD and CSU Chico  
Education Specialist Caseload Agreement and Waiver between CWUSD and Azra  
Lewis  
Contract between CWUSD and Orrick, Herrington & Sutcliffe to serve as bond  
and disclosure counsel  
District Advocates Group (DAG) Bond Management Contract  
First Amendment To Paid Internship Agreement Between CSU and  
CWUSD**

## **6.2 Approval of Consent Agenda**

**ACTION:** Mrs. Sulzer made a motion, seconded by Mr. O'Brien to approve the consent agenda

**VOTE:** Unanimous in Favor

## **7.0 Discussion/Action Items**

### **7.1 Consider Approval of Commercial Warrants**

**ACTION:** Mrs. Sulzer made a motion, seconded by Mr. O'Brien to approve Commercial Warrants

**VOTE:** Unanimous in favor

### **7.2 Consider appointment of new board member.**

**A. Administer Oath of Office**

**B. Board Members to sign new Signature Card (in board folder)**

**VOTE:** Mrs. Sulzer made a motion, seconded by Mr. Iles to approve the appointment of Mr. Shriner as the newest Board Member. Mr. Geren Gave the Oath of Office

**ACTION:** Unanimous in favor

### **7.3 Consider Approval of Revised ELOP Plan**

**ACTION:** Mr. O'Brien made a motion, seconded by Mr. Iles to approve Revised ELOP Plan

**VOTE:** Unanimous in favor

### **7.4 Consider Approval of the 2023-24 Audit Report and Board Communication letter**

**Action:** Mrs. Sulzer made a motion, seconded by Mr. Iles to approve the 2023/24 Audit Report

**VOTE:** Unanimous in favor

**7.5 Consider Approval of the Consider Approval of the Resolution # 2025-1  
Confirming Certification of Election Results**

**ACTION:** Mrs. Sulzer made a motion, seconded by Mr. Iles to approve Resolution #2025-1 Confirming Certification of Election Results

**VOTE:** Unanimous in Favor

**7.6 Consider Approval of the 2025-2026 School Calendar**

**ACTION:** Mrs. Sulzer made a motion, seconded by Mr. O'Brien to approve The 2025-2026 School Calendar

**Vote:** Unanimous in favor

**7.7 Consider Approval of the 24-25 ESY Waiver**

**ACTION:** Mr. O'Brien made a motion, seconded by Mrs. Sulzer to approve the 24-25 ESY Waiver

**VOTE:** Unanimous in favor

**7.8 Consider Approval Of the 2024 SARC Report for North Cottonwood Elementary School**

**ACTION:** Mrs. Sulzer made motion, seconded by Mr. Iles to approve The North Cottonwood 2024 SARC Report

**VOTE:** Unanimous in favor

**7.9 Consider Approval of the 2024 SARC Report for West Cottonwood Junior High**

**ACTION:** Mr. O'Brien made a motion, seconded by Mrs. Sulzer to approve the 2024 SARC Report for West Cottonwood Junior High

**7.10 Consider Approval of Board Policies/ Administrative Regulations**

**BP 0460 Local Control and Accountability Plan**

**AR 0460 Local Control and Accountability Plan**

**BP 1250 Visitors/Outsiders**

**AR 1250 Visitors/Outsiders**

**BP 3100 Budget Option 1,2 or 3**

**AR 3100 Budget**

**BP 3280 Sale or Lease of District-Owned Real Property**

**AR 3280 Sale or Lease of District-Owned Real Property**

**BP 3320 Claims and Actions Against the District**

**AR 3320 Claims and Actions Against the District Delete**

**BP 3515.5 Sex Offender Notification**

**AR 3515.5 Sex Offender Notification**

**BP 3540 Transportation**

**BP 5113.1 Chronic Absence and Truancy**

**AR 5113.1 Chronic Absence and Truancy**

**BP 5148 Child Care and Development**

**AR 5148 Child Care and Development**

**ACTION:** Mrs. Sulzer made a motion, seconded by Mr. O'Brien to approve Board Policies as follows BP 3100 - Option 2 AR3320 Delete Table – BP 5148 & AR5148

**VOTE:** Unanimous in favor

## **8.0 Informational Items:**

**8.1 CTA Report** The CTA President along with a large group of teachers and staff presented a survey that they done among the Certified staff. They read a summary of the results. They have questions regarding the budget, maintenance and immunizations.

**8.2 Superintendent's Report-** Mr. Geren talked about the progress on the Solar Project and items hoping to get fixed this coming summer including the cafeteria at West and the sewer system.

**8.3 Principal's Report:**

**North-** The Santa Breakfast was another big success. January 6<sup>th</sup> was a productive day of professional development. Kindness week is taking place this week. Read Across America is March 3-7, 2025 and Dr. Seuss theme dress up week.

It is also the annual Green Eggs and Ham Breakfast on the 7<sup>th</sup>. Current Enrollment is 498.

**West-** Boys basketball is in full swing. The Attendance Challenge starts Friday the 24<sup>th</sup> and goes until April 11<sup>th</sup>.

Mr. Stevens class won the Can Food Drive with a total of 224 cans. The school wide total was 693 cans. The 5 Peaks started today January 21<sup>st</sup> and Math Counts was Friday the 17<sup>th</sup>. Thirty-seven kids signed up and 10 students won and will move forward to the next competition TBD. Current Enrollment is 410 including ERICS students.

## **9.0 Information/Communication Items:**

**9.1 Enrollment Report**

**9.2 Pooled Investment Report November & December 2024**

**9.3 Williams Report January 2025**

**9.4 Mid-Year LCAP Report**

**9.5 Consolidated Application 2024**

**9.6 School Services of California Fiscal Report**

**Governing Board Discussion and Suggested Agenda Items:** None at this time

## **10.0 Future Meetings:**

**10.1** Regular Board Meeting, **February 11, 2025** in the West Cottonwood School Library, 20512 First Street, Cottonwood, CA 96022.

**Meeting adjourned to close session at 8:07 pm**

**11.0 Closed Session: Adjournment to Closed Session during this meeting to consider and/or take action upon the following items:**

12.1 Pursuant to Government Code Section 54957  
Public Employee / Discipline / Dismissal / Release  
**Public Notice of Action Taken in Closed Session**

**12.0 Adjournment**

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ACT NOTICE

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Troy Kamisky, President

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Matt Iles, Clerk

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Heather Sulzer, Member

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Brandt Shriner, Member

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James O'Brien, Member

**COTTONWOOD UNION SCHOOL DISTRICT**  
**20512 West First Street**  
**Cottonwood, California CA 96022**

**SPECIAL BOARD MEETING**  
**MINUTES FOR Monday, January 27, 2025 5:00 PM**  
**Cottonwood School District**  
**West Library**  
**20512 First St. Cottonwood CA, 96022**

Members Present: Mr. Shriner, Mrs. Sulzer, Mr. O'Brien and Mr. Kamisky

Members Absent: Mr. O'Brien

Others Present: Doug Geren, Superintendent

Lupe Cordova, West Principal - Rebekah Cole, North Principal

Raechelle Gilliss, Admin Assistant

Jennifer Kiff, CBO

**1.0 Call Meeting to Order** at 5:01 PM by Mr. Kamisky

**2.0 Pledge of Allegiance** led by Mr. Kamisky

**3.0 Approval of Agenda**

**ACTION:** Mrs. Sulzer made a motion, seconded by Mr. Shriner to approve agenda

**VOTE:** Unanimous all in Favor

**4.0 Public Forum/Hearing of Persons Wishing to Address the Board regarding any matter on this agenda. (Govt. Code Section 54954.3)**

Mrs. Vanderley teacher/parent concerned with the budget and if the Board is making decisions that are in the best for students and staff.

Mrs. Barnett CTA/Teacher disappointed the agenda was changed and heard rumors we might have broken a law in the Brown Act. She also feels the district was in better shape prior to Covid.

Mrs. Barker a teacher and parent feels she was reprimanded for sharing the Agenda. When making cuts please keep the students in mind and do not cut the valuable teachers and staff.

**5.0 Discussion/Action Items**

**6.0 Meeting Adjourned** 5:08 pm by Mr. Kamisky

**7.0 Closed Session: Adjournment to Closed Session during the meeting to consider and/or take action upon the following items:**

**7.1** Government Code Section 54957.6: CONFERENCE WITH LABOR  
NEGOTIATORS

Agency designated representatives: Superintendent Geren Employee Organization: CTA

**7.2 Pursuant to Government Code Section 54957**  
**Public Employee / Discipline / Dismissal / Release**

**Public Notice of Action Taken in Closed Session**

**Meeting Reopened:** 6:20 pm

No Action Taken

**Meeting Adjourned:** 6:24 pm by Mr. Kamisky

Directions were given to Mr. Geren to go ahead and meet with CTA to discuss a potential retirement incentive for Certificated employees.

Mr. Geren was given the task of coming up with three options for reduction of staff to be presented at the next meeting. He was also asked to set up a meeting with CTA and 2 board members as soon as possible.

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Troy Kamisky, President

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Matt Iles, Clerk

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James O'Brien, Member

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Brandt Shriner, Member

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Heather Sulzer, Member



## **Simpson University and Cottonwood Union School District Internship Agreement – Memorandum of Understanding**

This agreement is between Cottonwood Union School District (“District”) and Simpson University (“University”), who may be referred to collectively as the parties. The District is authorized under Education Code 44320 et seq., to cooperate with institutions of higher education in providing training and experience to credential candidates who hold an intern credential, while employed in a paid internship position (“Paid Intern”). This Agreement describes and confirms the expectations and responsibilities of the Parties regarding the Intern Pathway Program through which University students who hold an intern credential from the California Commission on Teacher Credentialing while employed in a paid internship position (“Paid Interns”).

### **I. TERM OF THE AGREEMENT**

- A. This Agreement shall commence as of the date hereof and shall continue until such time as either party gives the other party 30 days’ written notice of its intent to terminate the Agreement. The termination of the Agreement shall be effective upon the date specified in such written notice. Provided, however, all students participating in the University Intern Pathway Program while employed by the District as a Paid Intern as of the date of such notice shall be permitted to complete their Intern Assignment so long as said student is not the cause of the termination of the Agreement.

### **II. RECITALS**

- A. University operates a program for the education and training of candidates pursuing a Preliminary Multiple Subject Teaching Credential or Preliminary Single Subject Teaching Credential with English Learner Authorization (ELA) and is accredited by the California Commission on Teacher Credentialing (CTC) with approval to offer intern options in these programs.

### **III. CTC REQUIREMENTS FOR SUPPORT AND SUPERVISION OF INTERN TEACHERS**

- A. In 2013, the California Commission on Teacher Credentialing (CTC) adopted policies that specify the number of hours of general support and supervision, as well as additional specific English Learner support and supervision, which must be provided to Paid Interns. The regulations (California Education Code §44321; 5 Cal. Code Reg. §80033) were approved and made part of law effective 2014.
- B. Under the approved regulations, the University and District must:
  1. Identify a Peer Support Provider or other designated individual who meet the CTC’s specified criteria prior to a Paid Intern’s start date.
  2. Provide a minimum of 144 hours per year (72 hours per semester) of support/mentoring and supervision must be provided to each Paid Intern including coaching, modeling, and demonstrating within the classroom, assistance with course planning and problem-solving regarding students, curriculum, and development of effective teaching methodologies.
    - a. A minimum of five hours of support/mentoring and supervision must be provided to an intern teacher every five instructional days.
  3. Provide an additional 45 hours per year (23 hours per semester) of support/mentoring and supervision specific to meeting the needs of English Learners is required for a Paid Intern who enters the program without a valid English learner authorization listed on a previously issued Multiple Subject, Single Subject, or Education Specialist Teaching Credential or a valid English Learner Authorization or Cross-Cultural, Language and Academic Development (CLAD) Certificate. The additional hours of

support can be provided by the credential program and/or the district employed Peer Support Provider. The individual(s) providing this support must hold a valid California Teaching Credential with a valid English Learner Authorization or Cross-Cultural Language and Academic Development (CLAD) Certificate.

- A. A minimum of one hour of support/mentoring and supervision specific to English Learners must be provided to the Paid Intern every five instructional days.
- B. More information regarding the types of activities that count towards these support hours may be found on the Intern Eligibility Checklist.

4. As per California Education Code section 44462, the site must meet the minimum salary specifications for an intern and may reduce the intern's salary by up to one-eighth to offset intern support.
5. The California Commission on Teacher Credentialing mandates that all Intern Candidates are provided with comprehensive support to develop skills for effective literacy instruction for all students. As appropriate to the credential, and as identified in the TPEs and standards, participating districts must ensure the following:
  - a. Site administrators and Peer Support Provider(s) stay current with changing program requirements, including program alignment to the Literacy Standards, TPEs and the California Guidelines for Dyslexia.
  - b. Provide opportunities for the Intern Candidate to practice a strong literature, language, and comprehension components with a balance of oral and written language. Specifically, in the literacy areas of meaning making, language development, and effective expression.
  - c. Provide opportunities for Intern Candidates to practice and implement screening and diagnostic techniques crucial for informing teaching, assessment, and early intervention strategies.
  - d. Receive guidance from Peer Support Providers to prepare for passing a commission-approved literacy performance assessment that includes a focus on foundational literacy skills and cross-cutting themes in literacy; refining oral and written language skills, emphasizing meaning-making, language development, and effective expression; and guidance in developing skills tailored to support students with dyslexia.
6. The California Commission on Teacher Credentialing mandates all candidates to engage in the CalTPA and the Literacy Performance Assessment (LPA), requiring them to record classroom lessons with visible students. Candidates can use either the District's recording policy or the University's Video Recording Release Form to obtain permission for recording students.
7. Clinical practice sites are required to have a fully qualified site administrator.

#### **IV. DISTRICT AND/OR SCHOOL ADMINISTRATOR RESPONSIBILITIES:**

- A. District will submit to University's School of Education a School District Letter of Intent to Hire (see attached).
- B. District will provide each Paid Intern with a certified, experienced district-employed Peer Support Provider who will work collaboratively with the University Supervisor to support the Paid Intern in achieving competency in the teaching performance expectations prior to the Paid Intern's first day as a teacher of record. District will provide documentation to the University of appropriate credentialing of district-employed Peer Support Provider as needed. The Peer Support Provider must:
  1. hold valid clear or life California teaching credential and valid English Learner Authorization that authorizes them for the subject and services they are providing (credential subject area must align with the subject area being pursued by the intern; teachers with preliminary credentials are ineligible),
  2. have a minimum of three years of successful K-12 teaching experience,

3. be recognized and recommended by the site administrator as a qualified and effective teacher that demonstrate exemplary teaching practices,
4. be an effective communicator and collaborator with other professional teachers, and
5. commit to creating a diverse, democratic, and socially responsible society in which every student is valued.

C. District will identify a district-employed Peer Support Provider and will complete the Peer Support Provider Information Form. Form will be submitted to University's School of Education prior to the Paid Intern's start date.

D. District will provide new teacher orientation, on-going support and other clinical/professional experiences for Paid Interns teaching within the District under the supervision of a district employed Peer Support Provider.

E. District will provide release time and compensation for the Paid Intern and Peer Support Provider for participation in District group/regional group meetings and professional development activities including time to observe other exemplar teachers teaching in their classrooms as per section III.B.

F. District will pay University a sum of \$1,500 per semester per Paid Intern.

G. District will immediately notify University if the District has knowledge of or suspects any professional or ethical violations by a Paid Intern. University will cooperate with District in any investigation concerning the reported violation.

H. District will instruct Paid Intern in school policies and will instruct Paid Interns in California Department of Education Child Abuse Identification & Reporting Guidelines, sexual harassment, and professional conduct.

I. District, in conjunction with University's School of Education, and in compliance with CTC requirements, shall develop and implement an appropriate professional development plan for the Paid Intern. District will advise the Paid Intern in developing an individual academic program plan for completion of the credential program within two years, as determined by the issuance date of the Intern Credential and meet the requirements for the preliminary credential being sought.

J. Support the completion of the Intern Eligibility Checklist, and in consultation with the School of Education, develop and implement an appropriate Professional Development Plan for the intern, in compliance with CTC requirements.

K. District will notify the University of any changes in employment during the internship;

L. Release the intern from employment if the School of Education determines that the terms of the internship are not being met.

M. District will review details and pre-requisite requirements for becoming a Paid Intern and verify that the proposed teaching position:

- i. is in a public school district or public charter school;
- ii. is a regular teaching position authorized by the standard credential which the credential candidate is pursuing;
- iii. does not displace any certificated employees in the school district;
- iv. is at least 75% of a full-time position;
- v. is appropriate for the subject matter competence of the credential candidate;
- vi. is supported by the local bargaining unit representing district teachers;
- vii. is assigned a reasonable teaching load for a teacher- in-training and protected from extracurricular and case-overload demands.

## **V. UNIVERSITY DUTIES**

- A. University will work collaboratively with the District's Human Resource Department, School Site Administration, and staff in the assignment of the Paid Intern placement.
- B. Where required, University will guarantee that Paid Interns have met California Commission for Teacher Credentialing (CTC) requirements for an Intern Credential (Certificate of Clearance, Basic Skills Subject Matter Competence, U.S. Constitution) and University requirements (satisfactory completion of course work that meets the CTC pre-service requirement, a copy of the district offer of employment) prior to recommending the candidate for an Intern Credential.
- C. University will provide a description of the courses to be completed within two years by the Paid Intern, a plan for the completion of the pre-service or other clinical training including clinical practice, and guidance regarding the completion of other requirements necessary for the preliminary credential, if applicable.
- D. University will assign a University Supervisor who will observe the Paid Intern's on-site teaching a minimum of six times during the semester(s), submit written observations, review lesson plans, and write a final evaluation.
- E. In conjunction with the District, provide support and supervision assistance with 72 hours of support/mentoring, and, if necessary, 23 hours of additional English Learner training (required if intern does not already hold an English Learner Authorization) each semester.
- F. University Supervisor will confer regularly with District and site administration and district employed Peer Support Provider through meetings, telephone calls, and/or e-mail.
- G. University will immediately notify appropriate District and site administration if University administration has knowledge of or suspects any professional or ethical violations by a Paid Intern. District will cooperate with University in any investigation concerning the reported violation.
- H. University will guarantee that the Paid Intern has appropriate finger printing and background check clearance.
- I. University will instruct Paid Interns in California Department of Education Child Abuse Identification & Reporting Guidelines.
- J. For each Paid Intern District employs, University will invoice District in December, for the fall semester, and May, for the spring semester. District will pay University within 30 days of receipt of invoice.

## **VI. DISTRICT DISCRETION**

- A. It is at the sole discretion of the District to hire a University candidate for a Paid Intern position and to terminate the assignment in accordance with District policies and procedures. The District will notify the University of any review that could result in termination. The University will notify the CTC to withdraw the intern credential of a Paid Intern who is terminated by the District.

## **VII. LIABILITY INSURANCE & WORKERS' COMPENSATION**

- A. The District will obtain and maintain a broad form commercial general liability insurance policy with coverage of at least \$1,000,000 (one million) for each occurrence and \$2,000,000 (two million) in the aggregate, with no exclusion for molestation or abuse. The District will provide the University with proof of such insurance upon execution of this Agreement For purposes of this Agreement, each the District and the University will provide workers' compensation insurance coverage for their own employees of the District or the University. District shall maintain workers' compensation coverage applicable to its employees, including Paid Interns.
- B. The University will obtain and maintain a broad form commercial general liability insurance policy with coverage of at least \$1,000,000 (one million) for each occurrence and \$2,000,000 (two million) in the

aggregate, with no exclusion for molestation or abuse. The University will provide the District with proof of such insurance upon execution of this Agreement For purposes of this Agreement, each the District and the University will provide workers' compensation insurance coverage for their own employees of the District or the University.

C. Upon registration, Simpson University students pay for student liability coverage which provides legal defense and protection of assets (up to \$2,000,000) when faced with a lawsuit related to incidents that may occur while assigned to a school for their coursework.

### **VIII. MUTUAL TERMS AND CONDITIONS**

A. Indemnification. The parties shall defend, indemnify, and hold one another, their officers, employees, and agents, harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injury or damages arising out of or in connection with this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorney's fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the indemnifying party, its officers, agents or employees.

B. Use of Other Party's Name. Neither party will use the name or mark of the other party in any form or manner in advertisements, reports, or other information released to the public without the prior written approval of the other party.

C. Nondiscrimination. The parties agree to continue their respective policies of nondiscrimination based on Title VI of the Civil Rights Act of 1964 in regard to sex, age, race, color, creed, national origin, Title IX of the Education Amendments of 1972 and other applicable laws, as well as the provisions of the Americans with Disabilities Act.

D. Interpretation of the Agreement. The laws of the State of California shall govern this Agreement.

E. Modification of Agreement. This Agreement shall only be modified in signed writing with the same formality as the original Agreement.

F. Relationship of Parties. The relationship between the parties to this Agreement to each other is that of independent contractors. The relationship of the parties to this contract to each other shall not be construed to constitute a partnership, joint venture or any other relationship, other than that of independent contractors. Neither of the parties shall assume any liabilities to each other. As to liability to each other or death to persons or damages to property, the parties do not waive any defenses as a result of entering into this contract.

G. Notices. Notices shall be directed to the appropriate parties at the following addresses:

For the University:	For the School District:
Simpson University President, Dr. Norman Hall 2211 College View Drive, Redding, CA 96003	Cottonwood Union School District Superintendent, Mr. Doug Geren 20512 1 <sup>st</sup> Street Cottonwood, CA 96022

H. Entire Agreement. This Agreement represents the entire understanding between the parties. No other prior or contemporaneous oral or written understandings or promises to exist in regard to this relationship.

I. Execution in Counterparts. This Agreement may be executed in counterparts and transmitted by facsimile or by electronic mail with scan attachment or by any other electronic means intended to preserve the original graphic and pictorial appearance of a party's signature, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, the authorized representatives of the parties have executed this Agreement as of the date previously indicated.

**IN WITNESS WHEREOF**, this Agreement has been executed by and on behalf of the parties hereto, the day and year first above written.

**FOR: Simpson University**

BY: \_\_\_\_\_

Dr. Norman Hall,  
President

DATE: \_\_\_\_\_

*10/23/2f*

**FOR: Cottonwood Union School District**

BY: \_\_\_\_\_

Mr. Doug Geren,  
Superintendent

DATE: \_\_\_\_\_



**SCHOOL-BASED MEDICAL BILLING & DOCUMENTATION  
AGREEMENT BETWEEN THE  
COTTONWOOD UNION ELEMENTARY SCHOOL DISTRICT  
AND  
PRACTI-CAL, INC.**

Whereas the DISTRICT (hereinafter referred to as "DISTRICT") desires to contract for School-Based billing services, and/or documentation services; and Practi-Cal, Incorporated (hereinafter referred to as PRACTI-CAL) is willing to provide such services.

Now, therefore in consideration of the mutual Agreements and definitions contained herein, the parties hereto agree as follows:

**1. Definitions** The parties agree to this agreement and mutually accept the following definitions of the enumerated terms:

- 1.1 PRACTI-CAL means Practi-Cal, Incorporated. When used in the context of the performance of tasks, this is extended to include its subcontractors when performing duties in connection with this contract.
- 1.2 DISTRICT means an independent public school district, county office of education, Office of the County Superintendent of Schools, Special Education Local Plan Area or community college district in the State of California.
- 1.3 AGREEMENT means this contract between the DISTRICT and PRACTI-CAL, along with exhibits A and B.

**2. Commencement, Amendment, and Termination**

- 2.1 The parties hereby enter into this agreement for the period of three years beginning on 01/01/25 and remaining in full force and affect, except as amended or terminated as hereinafter provided.
- 2.2 This agreement shall become subject to amendment in the event any legislative, executive or regulatory action or any court decision which, in the judgment of PRACTI-CAL, prohibits or modifies any services or actions contemplated by this AGREEMENT.
- 2.3 This AGREEMENT comprises the entire AGREEMENT between the DISTRICT and PRACTI-CAL and may be amended only in writing and by mutual consent of both parties.
- 2.4 This AGREEMENT may be terminated at any time by either party giving not less than 180 days written notice before the end of the term or the automatic renewal date.
- 2.5 This AGREEMENT shall become subject to termination in the event of any legislative, executive or regulatory action or any court decision which, in the judgment of PRACTI-CAL, prohibits the expenditure of federal and/or state funds for the services or actions contemplated by this AGREEMENT.

**3. PRACTI-CAL Responsibilities:** PRACTI-CAL is responsible for the duties specified in Exhibit A, whether provided by internal staff or by its subcontractor or its designee.

**4. DISTRICT Responsibilities:** The DISTRICT is responsible for performing the duties specified in Exhibit B.

## **5. Fees for Services**

5.1 In consideration for all services rendered pursuant to this AGREEMENT the DISTRICT shall pay PRACTI-CAL an annual license fee for access to our online documentation and billing software, program related support, resources, and electronic claims processing. The fee listed below is for the first annual period. LEA's are now eligible for program reimbursement, based on eligible participation. Practi-Cal will use the most recent year's CRCS report for determining the next year reimbursement, in compliance with federal requirements. The fee listed below will be adjusted annually to reflect changes in DISTRICT annual Program Valuation determined by the *Cost Reimbursement and Comparison Schedule (CRCS) report, Worksheet A Summary, Total Medi-Cal Maximum Reimbursable Cost row*, and/or cost of providing services.

**The DISTRICT can choose to pay this fee using one of the following methods:**

When Paid Annually = \$5,732

When Paid Quarterly = \$1,548 (\$6,191 annually)

When Paid Monthly = \$516 (\$6,191 annually)

5.1a Claims administration services related to the Children Youth and Behavioral Health Initiative (CYBHI) program or any direct insurance billing program, not related to the LEA Medi-Cal Billing Option Program, will be billed at N/A of amounts received through claims adjudication with managed and commercial insurance plans. Please see Exhibit A and B for PRACTI-CAL and DISTRICT responsibilities.

5.2 PRACTI-CAL reserves the right to collect all fees that are due for any period preceding notice of termination or actual termination whichever occurs last. The DISTRICT shall pay PRACTI-CAL according to the following schedule:

A) If the DISTRICT check is dated less than forty five (45) days after the date on the PRACTI-CAL invoice, the DISTRICT shall pay the amount of the PRACTI-CAL invoice.

B) If the DISTRICT check is dated more than forty four (44) days after the date on the PRACTI-CAL invoice, a late payment fee of two percent (2%) shall be added on the forty fifth (45th) day and another two percent (2%) shall be added on each thirty day anniversary of the forty fifth (45th) day until payment is made.

**6. Events of Default:** Upon the occurrence of an event of default by either party to this AGREEMENT, the non-defaulting party may terminate this AGREEMENT after giving the appropriate written notice to the defaulting party. Each of the following events constitutes an event of default:

6.1 If DISTRICT fails to make any payment on or before the due date and fails to cure this delinquency within thirty days of such delinquency.

6.2 If DISTRICT commits any breach of any covenant, warranty or agreement herein contained, and fails to remedy any such breach and such failure shall continue for fifteen days after written notice thereof from PRACTI-CAL to the DISTRICT, then PRACTI-CAL may, at its option, and in addition to any other remedies to which it may be entitled, cancel and terminate this AGREEMENT by thirty days notice in writing to such effect.

6.3 If PRACTI-CAL commits any breach of any covenant, warranty or agreement herein contained, and fails to remedy any such breach and such failure shall continue for fifteen days after written notice thereof from the DISTRICT to PRACTI-CAL, then the DISTRICT may, at its option, and in addition to any other remedies to which it may be entitled, cancel and terminate this AGREEMENT by thirty day's notice in writing to such effect.

**7. Errors and Omissions:**

7.1 No accidental errors or omissions upon the part of either party shall relieve the other party of its responsibilities under the AGREEMENT, provided such errors and omissions are reported as soon after discovery as possible. Both parties agree to carry such errors and omissions insurance as will protect the other party from injury not the fault of the injured party.

**8. Confidentiality:**

This section establishes the business associate relationship between DISTRICT and PRACTI-CAL and outlines the obligations, responsibilities, and expectations of the business associate in handling PHI in compliance with HIPAA regulations.

8.1 Except to the extent permitted under federal or state law, regulation or standards; and to the extent required to qualify students as clients or beneficiaries of services for benefits for which they are, or may be, entitled under State, local or federal entitlement or laws, under policies, contracts or insurance payments contemplated within the scope of this AGREEMENT, PRACTI-CAL shall not during or after the period of this AGREEMENT, without authorization from the DISTRICT, disclose or use for the benefit of any person, corporation or other entity or itself, any files or any other confidential or personally identifiable information concerning students and/or their families. Confidential or personally identifiable information shall mean information not generally known to the public which is disclosed to PRACTI-CAL, its agents or employees, or known by them as a consequence of this AGREEMENT, whether or not pursuant to this AGREEMENT.

8.2 The DISTRICT shall not, except to the extent permitted or required by law, disclose any proprietary information it may learn as a consequence of this AGREEMENT, to anyone other than an employee of the DISTRICT, who requires such information to perform hereunder, or an employee of PRACTI-CAL or its designee.

8.3 PRACTI-CAL acknowledges and agrees to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy, Security, and Breach Notification Rules, as applicable. PRACTI-CAL represents and warrants that its software has been designed and developed to meet the requirements of HIPAA, including but not limited to the technical, administrative, and physical safeguards required to protect the confidentiality, integrity, and availability of protected health information (PHI). PRACTI-CAL further agrees to implement and maintain appropriate policies, procedures, and controls to ensure the ongoing compliance of its software with HIPAA requirements.

**9. Warrantees:** The DISTRICT represents and warrants that:

9.1 This instrument is executed with the full knowledge of and understanding of its term and meanings by the DISTRICT and is executed by a person who has the authority of the governing board to do so.

9.2 This instrument is being executed in multiple counterparts, each of which are the same AGREEMENT and any of which shall be considered an original instrument.

9.3 All information provided or otherwise supplied to PRACTI-CAL or its designee shall, to the best of its knowledge and belief, be true, accurate and complete and that the DISTRICT has the right to file

such CLAIMS as documented.

- 9.4 That the filing of claims through PRACTI-CAL pursuant to this AGREEMENT will not be knowingly in violation of any law or contract to which the DISTRICT is a party.
- 9.5 That neither the DISTRICT nor its employees shall submit claims except through PRACTI-CAL during the term of this AGREEMENT.

**10. Ownership of Products of AGREEMENT:** The parties hereto agree that all forms, materials, software and other documents including, but not limited to, criteria, policies and procedures developed by PRACTI-CAL as a direct result of, or instrumental to, this AGREEMENT shall, at all times, remain the property of PRACTI-CAL and may not be distributed, published or sold to third parties, persons or entities without the express, written consent of PRACTI-CAL.

## **11. Remedies of the Parties**

- 11.1 The parties hereto acknowledge that, notwithstanding the fact that this AGREEMENT is terminable upon notice, the restrictions contained in this AGREEMENT are reasonable and necessary protection of the legitimate interests of the parties, that any violation of the terms of this agreement might cause substantial injury to the parties and that the parties hereto would not have entered into this AGREEMENT without receiving the additional consideration offered by each party in binding itself, its agents and its employees to these restrictions. In the event of violation of any of these restrictions, each party shall be entitled to preliminary and permanent injunctive relief in addition to any other remedy.
- 11.2 Disputes with respect to this AGREEMENT shall be discussed and resolved, if possible, by authorized representatives of PRACTI-CAL and the DISTRICT. The parties hereby agree to use their best efforts to promptly resolve any such dispute. If, however, the parties are not successful in resolving such dispute within thirty days from the date such dispute arises, then either party shall be free to exercise any rights it might have under paragraphs 2.3, 2.4, 2.5 of this AGREEMENT or under the law without the necessity of seeking judicial cancellation of this AGREEMENT and without the necessity of a formal placing in default.
- 11.3 All notices required by or relating to this AGREEMENT shall be in writing and shall be sent to the parties to this AGREEMENT at their addresses set below unless changed from time to time, in which event each party shall notify the other in writing of such change. All such notice shall be deemed duly given if deposited, registered or certified mail, in the United States mail to: Practi-Cal, Inc. PO Box 981000 West Sacramento, CA 95798-1000

## **12. Liability and Insurance**

- 12.1 The parties agree to maintain in force errors and omissions insurance as may reasonably be required by the other party.
- 12.2 PRACTI-CAL agrees to hold harmless and indemnify the DISTRICT from any claim arising out of any act of omission or commission which is deemed to be caused by gross negligence and/or willful reckless conduct by PRACTI-CAL.
- 12.3 DISTRICT agrees to hold harmless and indemnify PRACTI-CAL from any claim arising out of any act of omission or commission which is deemed to be caused by gross negligence and/or willful reckless conduct by DISTRICT.

## **13. Miscellaneous Provisions**

- 13.1 The headings, titles and sub-titles in this AGREEMENT have been inserted solely for convenient reference and shall be ignored in its construction.
- 13.2 This AGREEMENT has been negotiated and executed in the state of California and the laws of that state shall govern its construction and validity.
- 13.3 This AGREEMENT shall inure to and shall be binding upon the parties hereto, the successors and assigns of the DISTRICT and PRACTI-CAL.
- 13.4 The purpose of this AGREEMENT is not to be defeated by a narrow, technical construction of its provisions. This AGREEMENT shall be considered as an honorable undertaking and shall be subject to a liberal construction for the purpose of giving effect to the intentions of the parties hereof.
- 13.5 The waiver by either party of any breach or violation of any provision of this AGREEMENT shall not operate or be construed as a waiver of any subsequent breach or violation hereof.
- 13.6 If any provision of this AGREEMENT shall be held invalid or unenforceable, the remainder of this AGREEMENT shall nevertheless remain in full force and effect. If any provision is held invalid or unenforceable with respect to particular circumstances, it shall remain in full force and effect with respect to all other circumstances.

#### **14. California AB 1584 Compliance (Parties agree as follows)**

- 14.1 Pupil records<sup>1</sup> obtained by PRACTI-CAL from DISTRICT continue to be the property of and under the control of the DISTRICT.  
<sup>1</sup> Pupil records include any information directly related to a pupil that is maintained by the DISTRICT or acquired directly from the pupil through the use of instructional software or applications assigned to the pupil by a teacher or other DISTRICT employees. Pupil records does not include de-identified information (information that cannot be used to identify an individual pupil) used by PRACTI-CAL, (1) to improve educational products for adaptive learning purposes and for customized pupil learning; (2) to demonstrate the effectiveness of the operator's products in the marketing of those products; or (3) for the development and improvement of educational sites, services, or applications
- 14.2 The procedures by which pupils may retain possession and control of their own pupil-generated content are outlined as follows: **Provide a written request to the District's Program Coordinator. The District's Chief Technology Officer will also consider the request with PRACTI-CAL to retain possession and control of the content where feasible.**<sup>2</sup>  
<sup>2</sup> Procedure provided will likely depend on the capability of the technology, provided by PRACTI-CAL. The information will likely have to be provided by PRACTI-CAL to demonstrate product compliance.
- 14.3 The options by which a pupil may transfer pupil-generated content to a personal account include: **A written request will be provided to the District's Program Coordinator and reviewed by the District's Chief Technology Officer detailing the content requested and the destination personal account information.**
- 14.4 Parents, legal guardians, or eligible pupils may review personally identifiable information in the pupil's records and correct erroneous information by the following protocol: **Parent or legal guardian will contact district to make a records request. District program coordinator will pull records from SpEdCare and provide to the parent. PRACTI-CAL will not provide records to parents.**
- 14.5 In the event of an unauthorized disclosure of a pupil's records, PRACTI-CAL shall report to an affected parent, legal guardian, or eligible pupil pursuant to the following procedure: **PRACTI-CAL will inform District's Chief Technology Officer and Program Coordinator of unauthorized disclosure.**

14.6 PRACTI-CAL shall not use any information in a pupil record for any purpose other than those required or specifically permitted by this AGREEMENT .

14.7 PRACTI-CAL certifies that a pupil's records shall not be retained or available upon completion of the terms of this AGREEMENT, except for a case where a pupil chooses to establish or maintain an account with PRACTI-CAL, for the purpose of storing pupil-generated content, either by retaining possession and control of their own pupil-generated content, or by transferring pupil-generated content to a personal account. Such certification will be enforced through the following procedure: **PRACTI-CAL will archive pupil data and deactivate active district logins. Since pupil data is contains medical records that are auditable by state and federal agencies, records must be stored by PRACTI-CAL to present for potential audits. Upon termination, only PRACTI-CAL Administrators will have access to these records. When records are destroyed, at the direction of the DISTRICT, PRACTI-CAL will provide written notice that pupil records have been destroyed and are not in PRACTI-CAL's possession upon completion of AGREEMENT.**

14.8 DISTRICT agrees to work with PRACTI-CAL to ensure compliance with FERPA and the parties will ensure compliance through the following procedure: **When presented, PRACTI-CAL will review, complete and agree to the Districts Statement of Compliance Form for Third Party Organizations and/or vendors.**

References: AB 1584; Cal. Educ. Code § 49073.1; 20 U.S.C. § 1232g

In WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be duly executed as of the date set forth herein.

For the DISTRICT

By: 

Name: Doug Geren

Title: Superintendent

Date: 1/28/2025

For PRACTI-CAL

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Exhibit A

### Practi-Cal Responsibility

- Provide access to our web-based HIPPA and FERPA compliant Electronic Health Records (EHR) claiming and special education service documentation system SpEdCare, including:
  - Health care plan writer
  - HIPPA compliant Telehealth module
  - Video IEP meeting module
  - CDE & Plan Implementation tracking and management for Medi-Cal & Non-Medi-Cal staff
  - Clinical documentation
- Cost Reimbursement and Comparison Schedule preparation & submission
- Provide access to our data and task management system
- Provide financial and provider submission reports
- Assign an experienced consultant and administrative assistant for remote program support who will be available via: Phone, email, and/or live webinars
- Access to monthly newsletter with program updates
- Provide Program Check-Up virtual meetings
- Automated submission reminders for mandated reports
- Practitioner Trainings
  - Live customized webinar trainings (PC, Mobile device)
  - Recorded Trainings (PC, Mobile device)
- Live webinar annual planning and compliance meeting
- Live coordinator and business webinars to assist with program processes and Compliance
- Process and transmit claims resulting from services entered in SpEdCare
- Process the following uploaded paper claims:
  - Contracted providers
  - Transportation logs
  - Vision & Hearing Screens
- Process student data for the purposes of Medi-Cal eligibility
- Follow-up on denied Medi-Cal claims and re-file claims when appropriate
- Maintain secure digital copies of district submitted claims, forms, documents, progress/case notes, etc. for the purposes of audit support.
- Provide periodic visual program performance reports to district leadership
- Children and Youth Behavioral Health Initiative (CYBHI) (In addition to the services listed above)
  - Provide webinar and/or video training and support related to participation
  - Provide access to Practi-Cal's HIPAA compliant Electronic Health Records (EHR) system
  - Transmit CYBHI eligible claims for adjudication
  - Provide financial and provider submission reports
  - Assist with compliance monitoring

## **Exhibit B**

### **District Responsibility**

- Assign a district coordinator, with enough staff hours to:
  - Ensure maximum program participation.
  - Complete Practi-Cal's annual Compliance Certification
  - Attend monthly Program Check-in meetings with Practi-Cal
  - Review all released announcements in SpEdCare.
  - Provide RMTS coding results and TSP lists for the purposes of completing CRCS
  - Respond timely to data or information requests by DHCS, Conduent and Practi-Cal
  - Maintain RMTS Code 2A documentation as required by DHCS
  - Encourage practitioners to timely record services using Practi-Cal's online software
  - Timely provide Practi-Cal with the required data elements to complete the following:
    - Cost Reimbursement and Comparison Schedule (Refer to section 5.1)
    - Annual Report
    - Provider Participation Agreement (new provider or evergreen year)
    - Data Use Agreement
  - Complete Practi-Cal's LEA Billing Coordinator training program, to ensure coordinators understand the responsibilities of the role of coordinator, compliance requirements and using SpEdCare.
- Maintain service documentation related to reimbursed services and RMTS moments
- Enter all services related to medical billing and plan implementation, into SpEdCare.
- Ensure DHCS, CMS, and Managed Care Plan compliance standards are met
- Provide to Practi-Cal
  - Quarterly Certified TSP list from Cost Pool 1
  - Periodic student database and special education service files
  - Copy of signed Physician-Based Standards for Speech-Pathology
- Maintain active and approved LEA Billing Option provider status with DHCS
- Maintain active participation in the Random Moment Time Sampling (RMTS) program
- Provide Practi-Cal OHC / TPL providers when needed for the purposes of submitting reimbursable claims
- Update SpEdCare for students who Parental Consent has been denied



# **MOUNTAIN VALLEY SPECIAL EDUCATION JPA**

10140 Old Oregon Trail, Redding, CA 96003  
Business Office 530-223-1915, FAX 530-223-4168

## **2025/2026 SERVICE AGREEMENT**

This agreement is entered into by Cottonwood Union Elementary School District with respect to sharing of special education services by individuals employed by Mountain Valley Special Education JPA (JPA). The District and JPA agree as follows:

1. Term: the term of this agreement shall commence July 1, 2025 and terminate on June 30, 2026. The term of this agreement may be extended. Any extension of this agreement shall be prepared and signed by the Districts who are parties thereto.
2. The JPA shall employ an appropriately credentialed/certificated individual. In the event the employee is no longer employed by the JPA during the term of this agreement then the JPA shall, after consultation with each of the Districts hereto, employ another qualified person. The JPA shall have the final decision regarding the selection and employment of the individual.
3. The district agrees to purchase the following services and FTE amount of time:

Service	Number of Hours/Days	FTE
Psychologist		
Counseling		
Speech Services	40 hrs/week	1.0 06
OT Services		
Behaviorist		
Resource Specialist		
SDC teacher	80 hours/week	2.0
LVN		
School Nursing Services		

The district is responsible for the costs associated with JPA service provider absences/leaves, including costs of a substitute, as set forth in JPA Board Policies and Administrative Regulations.

4. As of the date of this MOU, the district has the following number of students who need placement in the following types of classes, if the JPA is able to employ staff and acquire a location:

SDC Mod/Sev SDC Preschool	
SDC Mod/Sev SDC K-3	
SDC Mod/Sev SDC 4-8	
Medically Fragile SDC K-8	
ERICS K-4	
ERICS 5-8	

5. In the event that the JPA is unable to employ a qualified individual in the service area requested by the District, this contract will be amended to reflect available services. Cottonwood Union Elementary School District will be responsible for providing said service outside of this contract.
6. District will be responsible for any agreed-upon support costs for direct services outside of the above mentioned selected services and core educational program provided by the JPA (such as and including attending IEP, 504 plan, behavior plan, Speech, OT, APE, and any other determined needs).
7. If District chooses to provide their own direct service providers then District will need to collaborate, communicate with the JPA staff and arrange for appropriate times for said service to be delivered.
8. District will be invited to attend any and all IEP meetings held during the time period specified in this agreement. Sending District is responsible for all triennial assessments, timeline management and offer of FAPE. District will be billed for any requested assessments agreed to and completed by the JPA administered to determine qualification for additional Special Education services.
9. For the term of this agreement District accepts full responsibility for all legal aspects of implementation of the student's IEP including all legal costs associated with Due Process, or other legal proceedings including mediation or arbitration, brought against District or the JPA, named as defendant or co-defendant, in regards to student placed by District to attend the JPA. District will be accountable for any statewide assessment results.
10. The total cost will increase annually based on the board approved JPA Salary Schedules for all classifications including any approved adjustments during the year. In addition to the daily rate, the District shall reimburse the JPA a prorated share of supplies, materials, indirect costs and conference expenses based on contract days. Such costs shall be billed by the JPA monthly to the District.
11. As applicable, the employee will be compensated by the JPA at the IRS reimbursement rate per mile for all travel to the undersigned Districts based upon mileage from the JPA and the JPA shall be reimbursed for such mileage as appropriate based on actual mileage to each District from the JPA. The employee will submit appropriate documentation to the JPA for such reimbursement.

12. If a JPA employee works for District full time, District will supply technology and materials directly.
13. Cottonwood Union Elementary School District will notify JPA if they feel that the services provided by the JPA are not satisfactory, and allow JPA to take corrective action.
14. During the term of this agreement, and any extension hereof, and for a period of one (1) year following the termination of this Agreement, Cottonwood Union Elementary School District shall not, without written consent from JPA, attempt to cause any JPA employee to terminate its relationship with JPA. In addition, during the term of this agreement, and any extension hereof, and for a period of one (1) year following the termination of this Agreement, JPA employees shall not without written consent from JPA, terminate its relationship with JPA with the sole purpose of seeking employment at Cottonwood Union Elementary School District.
15. **Modification of Agreement:** This agreement may be modified at any time during the school year with mutual consent of both parties.
16. **Unilateral Modification:** Either party may choose to permanently change the agreement for the following academic year by providing written notice to the other party by **February 1<sup>st</sup> of the current academic year.**
17. **Mutual Termination of Agreement:** This agreement may be terminated at any time during the final school year of this agreement upon written mutual consent of both parties.
18. **Termination of Agreement For Cause:** Either party may terminate this Agreement upon fourteen (14) days prior written notice to the other party of a material breach of this agreement, and a failure to cure within that time period. A written notice of termination shall be delivered to the breaching party following the fourteen (14) day notice period unless otherwise agreed to by written mutual consent of both parties.
19. **Notices:** Any notices required to be given pursuant to the terms and provisions of this agreement shall be submitted in writing and sent to:  
Mountain Valley Special Education JPA  
Ray Witte, Director  
14140 Old Oregon Trail  
Redding, CA 96003
20. **Indemnification:** Both parties shall defend, indemnify, and hold harmless the other party and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the “District Parties”), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the “Claims”) directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of either party, their respective agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees in the performance of or failure to perform the party’s obligations under this Agreement, including, but not limited to the party’s use of the site, the party’s performance of the Services, the party’s breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of

indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph.

21. **Governing Law; Venue:** This Agreement shall be governed by the laws of the State of California. The venue for all litigation relative to this Agreement shall be the County of Shasta, State of California.
22. **Severability:** In the event any term or provision of this Agreement is declared to be invalid or illegal for any reason, this Agreement will remain in full force and effect and will be interpreted as though such invalid or illegal provision were not a part of this Agreement. The remaining provisions will be construed to preserve the intent and purpose of this Agreement and the parties will negotiate in good faith to modify any invalidated provisions to preserve each party's anticipated benefits.
23. **Entire Agreement:** This Agreement contains the entire Agreement between the Parties and supersedes all other oral or written provisions.
24. **Execution in Counterparts:** This Agreement may be executed in counterparts such that the signatures may appear on separate signature pages. A copy or an original, with all signatures appended together, shall be deemed a fully executed Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement:



Ray Witte, Director  
Mountain Valley Special Education JPA



Date



Superintendent  
Cottonwood Union Elementary School District



Date

AGREEMENT BETWEEN THE  
SHASTA COUNTY OFFICE OF EDUCATION  
AND  
THE **Cottonwood Union** SCHOOL DISTRICT  
FOR  
Attendance, Behavior and Mental Health SUPPORT SERVICES

This Agreement, made and entered into this 1st day of July 2024, by and between the **Cottonwood Union School District** of Shasta County, with **principal offices at 20512 West First St., Cottonwood, CA 96022**, hereafter referred to as "DISTRICT," and the SHASTA COUNTY OFFICE OF EDUCATION, with principal offices at 1644 Magnolia Avenue, Redding, California, 96001, hereinafter referred to as "SCOE."

It is the mutual desire of SCOE and the DISTRICT that SCOE provides services related to Chronic Absenteeism Prevention, Truancy Prevention, SARB and prosecution of truant students and their parents as well as Behavior and Mental Health Support Services to the **Cottonwood Union School District**. These services are identified in the subsections of this Agreement.

This Agreement shall be in effect for the period of July 1, 2024, through June 30, 2025, and include all services contained herein.

Attendance, Behavior and Mental Health SUPPORT SERVICES

In consideration of the service as outlined below, the DISTRICT will pay SCOE the following fee:

**\$1.80** per 2023-2024 P2 ADA of 842.81 = **\$1,517.06**

**The above fee will be paid by SCOE in January 2025, leaving the DISTRICT with a zero balance.**

1. The DISTRICT is entitled to access CommunityConnect to refer families for connections to community agencies through their School Site Teams to receive support for challenges beyond the school sites sphere of influence to improve quality of life and encourage positive school engagement.
2. The DISTRICT is entitled to access CommunityConnect to refer students and their families for connections to community based services and support. Referrals can include care coordination services provided by mental health clinicians. Targeted Case Management and additional social emotional mental health services may be provided when necessary by Community Connect.
3. The DISTRICT is asked to support the School Attendance Review Team and site level behavior/mental health team (SST's, TST's, BLT's, etc.) to attend quarterly networking sessions.
4. The DISTRICT is asked to evaluate their level of knowledge and support related to Tiers 1 and 2 for attendance and behavior to determine professional learning to access as offered by SCOE at no additional cost.

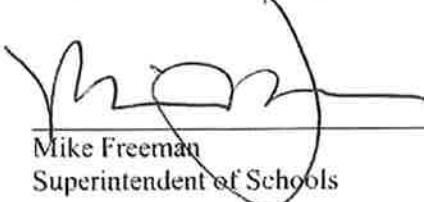
5. The DISTRICT is entitled to access SCOE Supporting Student Attendance Support at no additional cost.
6. The DISTRICT is entitled to the support of the County SARB Specialist progress monitoring of students on SARB Contracts through accessing view only of DISTRICT SIS Attendance.
7. SCOE will employ qualified persons and maintain the necessary materials and equipment to provide truancy prevention and intervention services within the scope of the current SARB and Prosecution programs.
8. The DISTRICT is entitled to access the SCOE Truancy Prosecution Specialist and services provided by the District Attorney's Office through the Shasta County SARB program. Prosecution services include the review of cases prior to court, representation in court, and follow-up services in monitoring cases for compliance with court and probation orders.
9. The DISTRICT site level administrator will attend court hearings when a student from the DISTRICT is referred to court through the District Attorney referral process.
10. The DISTRICT will sign and return to SCOE the attached Data Sharing MOU between the DISTRICT and SCOE. (If MOU is not attached, that means the current MOU is signed and on file to be renewed in 2025 as per agreement).

#### GENERAL CONDITIONS

Both DISTRICT and SCOE agree to indemnify, defend, and hold harmless its officers, agents and employees from any and all claims or losses accruing or resulting in connection with this Agreement, and from any and all claims and losses accruing or resulting to any person, firm and legal entity who may be injured or damaged in the performance of this Agreement.

In witness thereof, parties hereto have set their hands on the date first written above.

#### Shasta County Office of Education



Mike Freeman  
Superintendent of Schools

1/16/28  
Date

#### Cottonwood Union School District

---

Doug Geren  
Superintendent

Date



# *Anderson Union High School District*

1469 Ferry St., Anderson, CA 96007 ~ (530) 378-0568 ~ FAX (530) 378-0834

Brian Parker, Interim Superintendent

## **Memorandum of Understanding**

### **Cottonwood Union School District Shared Services Agreement - Technology Services**

The Anderson Union High School District ("AUHSD") and Cottonwood Union School District ("CUSD") enter into this Memorandum of Understanding (MOU) to establish the terms and conditions outlined below regarding the access provided by AUHSD to software owned by the AUHSD Technology Services Department. Both parties agree that the provisions listed herein constitute the full agreement and may not be modified or separated without mutual consent from AUHSD and CUSD.

- 1) AUHSD agrees to provide CUSD access to the Sysaid Helpdesk Software for use by CUSD for the use of support ticket management and resolution of IT and operational support requests.

By signing below, CUSD agrees to pay AUHSD for the services listed in section 1) above at a flat rate of \$1,092 for the period from July 1, 2024 through June 30, 2025.

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Anderson Union High School District

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Date

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Cottonwood Union School District

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Date

**MEMORANDUM OF UNDERSTANDING  
BETWEEN CASCADE UNION ELEMENTARY SCHOOL DISTRICT  
AND COTTONWOOD UNION SCHOOL DISTRICT  
NUTRITION SERVICES  
2024/25 FISCAL YEAR**

Cascade Union Elementary School District (CUESD) agrees to provide cafeteria management services to Cottonwood Union School District (CUSD) for the 2024/25 Fiscal Year. CUESD will assess an annual fee equivalent to 20% of the cost of its cafeteria manager and the requisite management support staff plus a 5.94% indirect cost rate, which is the allowed rate by CDE for food service in 2024/25.

CUESD will provide CUSD with an estimate of annual billing at the beginning of the 2024/25 fiscal year. Actual costs will be invoiced twice annually, with the first approximate 50% payment due in January and the remainder upon the close of the fiscal year.

Services to be provided include but are not limited to the following:

- Deposit processing
- CNIPS claim processing
- Site visits for training, communication with staff
- Compliance management, including audits
- Food and supply ordering
- Menu planning
- Training on POS systems
- Payroll review and processing, including timecards
- Working with district HR departments for staff hiring and performance reports
- Participation in district administration meetings
- Provide kitchen subs contracted with CUESD and bill CUSD for their labor hours. Subs will be provided to CUSD if available – CUESD reserves priority for its own school sites for subs under its own payroll.

Termination or modification of this agreement by one party will require written notification to the other party no later than January 24, 2025. If no notification is received, this agreement will automatically renew for the following fiscal year.

This agreement can be modified or terminated at any time during the school year by written mutual consent of both parties 90 days in advance.

**CASCADE UNION ELEMENTARY  
SCHOOL DISTRICT**

**COTTONWOOD UNION  
SCHOOL DISTRICT**

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Checks Dated 01/23/2025 through 02/07/2025

Check Number	Check Date	Pay to the Order of	Fnd-Obj	Expensed Amount	Check Amount
9011027005	01/23/2025	ACSA	01-5210		4,750.00
9011027006	01/23/2025	ANDERSON-COTTONWOOD DISP SRVCE	01-5510		3,930.20
9011027007	01/23/2025	BRESLIN OCCUPATIONAL THERAPY	01-5101		19,607.30
9011027008	01/23/2025	BROWN PLUMBING	01-5630		2,067.50
9011027009	01/23/2025	CAPITOL PUBLIC FINANCE GROUP	01-5801		375.00
9011027010	01/23/2025	CASCADE UNION ELEM SCHOOL DIST	01-5630		6,962.37
9011027011	01/23/2025	CDW-G	01-4310		238.10
9011027012	01/23/2025	CENTRAL RESTAURANT PRODUCTS	01-4410	607.04	
			13-4510	439.45-	167.59
9011027013	01/23/2025	COPY CATS	01-4510		517.20
9011027014	01/23/2025	CSM CONSULTING INC	01-5801		750.00
9011027015	01/23/2025	CSU, CHICO CAREER CENTER	01-5210		3,000.00
9011027016	01/23/2025	DS SERVICES OF AMERICA	01-4510		45.73
9011027017	01/23/2025	ESTRADA, KELLY	01-4310		118.27
9011027018	01/23/2025	FIRST NATIONAL BANK OMAHA MASTERCARD	01-5210	15.99	
			01-5801	979.98	
			01-5811	10.19	1,006.16
9011027019	01/23/2025	FIRST NATIONAL BANK OMAHA VISA	01-4310	1,162.50	
			01-4510	46.48	
			01-5801	525.00	
			01-5811	56.24	
			01-5814	183.65	1,973.87
9011027020	01/23/2025	FRANZ FAMILY BAKERIES	13-4710		597.93
9011027021	01/23/2025	GOLD STAR FOODS, INC.	13-4710		2,865.92
9011027022	01/23/2025	GOPHER	01-4310		657.55
9011027023	01/23/2025	KENDALL, SARAH W	01-3402		350.00
9011027024	01/23/2025	LAUNDRY WORLD	01-4510	2,621.35	
			01-5510	398.13	
			01-5801	10.00	
			13-5801	274.10	3,303.58
9011027025	01/23/2025	MCKINLEY ELEVATOR CORPORATION	01-5801		300.00
9011027026	01/23/2025	MTN VALLEY SP ED JPA	01-5101		66,572.43
9011027027	01/23/2025	OFFICE DEPOT, INC	01-4310	1,978.26	
			01-4510	338.61	2,316.87
9011027028	01/23/2025	PACIFIC GAS AND ELECTRIC CO	01-5510		23,409.49
9011027029	01/23/2025	PEARSON ASSESSMENTS	01-4310		367.22
9011027030	01/23/2025	PERN LAUGHLIN	01-5801		4,000.00
9011027031	01/23/2025	PRODUCERS DAIRY	13-4710		3,015.74
9011027032	01/23/2025	PROPACIFIC FRESH	13-4710		3,378.99
9011027033	01/23/2025	PROVENCE, TERESA	01-4310		350.00
9011027034	01/23/2025	SHASTA CO OFFICE OF EDUCATION	01-5101	93,897.14	
			01-5805	12,500.00	106,397.14

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

ERP for California

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## Checks Dated 01/23/2025 through 02/07/2025

Check Number	Check Date	Pay to the Order of	Fnd-Obj	Expensed Amount	Check Amount
9011027035	01/23/2025	STATE OF CALIFORNIA DEPARTMENT OF JUSTICE	01-5801		326.00
9011027036	01/23/2025	SYSCO FOOD SVCS OF SACRAMENTO	13-4710		885.18
9011027037	01/23/2025	THE DANIELSON COMPANY	13-4710	3,240.83	
			13-4790	340.89	3,581.72
9011027038	01/23/2025	TRI-COUNTIES BANK	01-4310	199.53	
			01-4510	13.55	
			01-5811	13.55	226.63
9011027039	01/23/2025	US BANK EQUIPMENT FINANCE	01-5610		9,213.93
9011027040	01/23/2025	VALLEY PACIFIC PETROLEUM	01-4601	1,878.17	
			13-4790	261.45	2,139.62
9011027041	01/23/2025	WALKER, LAURA	01-4310		350.00
9011028004	01/30/2025	TSA CONSULTING	01-9560	15,619.18	
			01-9561	2,584.00	18,203.18
9011028005	01/30/2025	ANDERSON UNION HIGH SCHOOL DST	01-5801		14,109.37
9011028006	01/30/2025	CA DEPT OF TAX/FEE ADMIN	08-5801	648.00	
			13-8634	37.00	685.00
9011028007	01/30/2025	MTN VALLEY SP ED JPA	01-5811		4.98
9011028008	01/30/2025	AMAZON CAPITAL SERVICES INC	13-4510		2,019.23
9011028009	01/30/2025	BARKER, SHANA M	01-4310		348.36
9011028010	01/30/2025	BOUND TO STAY BOUND BOOKS INC	01-4210		1,339.50
9011028011	01/30/2025	BUSH, AMANDA J	01-4310		350.00
9011028012	01/30/2025	CALIFORNIA DEPT TAX AND FEE ADMINISTRATION	01-9503		18.00
9011028013	01/30/2025	CAMPBELL, WILLIAM C	01-4310		51.23
9011028014	01/30/2025	CASCADE UNION ELEM SCHOOL DIST	13-4510	1,890.00	
			13-5801	26,994.01	28,884.01
9011028015	01/30/2025	CDW-G	01-4310		929.60
9011028016	01/30/2025	CHEM MARK ENTERPRISES	13-4510		383.96
9011028017	01/30/2025	JENNIFER O'KEEFE	01-5801		4,955.00
9011028018	01/30/2025	JRD FOOD SERVICES	13-4710		1,169.75
9011028019	01/30/2025	PERFECT POOL & SPA	01-5630		13,633.00
9011028020	01/30/2025	PRODUCERS DAIRY	13-4710		642.98
9011028021	01/30/2025	PROFESSIONAL EXTERMINATORS	01-5801		50.00
9011028022	01/30/2025	SEMPER FI CHEF	13-4710		5,326.05
9011028023	01/30/2025	SHASTA-TRINITY SCHOOLS INS GRP DENTAL	01-3701	371.40	
			01-3702	371.40	
			01-9550	9,408.80	
			01-9559	3,095.00	13,246.60
9011028024	01/30/2025	SHASTA-TRINITY SCHOOLS INS GRP MEDICAL	01-9550	79,185.00	
			01-9559	5,886.00	85,071.00

The preceding Checks have been issued in accordance with the District's Policy and authorization  
of the Board of Trustees. It is recommended that the preceding Checks be approved.

ERP for California

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Checks Dated 01/23/2025 through 02/07/2025

Check Number	Check Date	Pay to the Order of	Fnd-Obj	Expensed Amount	Check Amount
9011028025	01/30/2025	SHASTA-TRINITY SCHOOLS INS GRP VISION	01-3701	67.50	
			01-3702	67.50	
			01-9550	1,710.00	
			01-9559	652.50	2,497.50
9011028026	01/30/2025	SHELP, TIFFANY D	01-4310		350.00
9011028027	01/30/2025	THRIVE MUSIC LLC	01-5805		2,870.00
9011028028	01/30/2025	TOTAL COMPENSATION SYSTEMS INC	01-5801		1,147.50
9011028029	01/30/2025	VANDERLEY, HEATHER	01-4310		350.00
Total Number of Checks			63		<u><b>478,751.03</b></u>

**Fund Recap**

Fund	Description	Check Count	Expensed Amount
01	General	50	425,218.47
08	Student Body Fund Unorganized	1	648.00
13	CafeFoodSvc	16	52,884.56
Total Number of Checks			478,751.03
Less Unpaid Tax Liability			.00
<b>Net (Check Amount)</b>			<u><b>478,751.03</b></u>

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

ERP for California

Page 3 of 3

**Cottonwood School District**  
**Transportation Plan**  
**2025-2026**

**Transportation Services:**

*1. Enter description of transportation services offered to pupils, and how it will prioritize planned transportation services for pupils in transitional kindergarten, kindergarten, and any of grades 1 - 6 inclusive and pupils who are low income. Plan may provide for the LEA to partner with municipally owned transit system to provide services to middle and high school students. An LEA may provide no-cost transit passes to students.*

The Transportation Department is responsible for the safe passage of approximately 905 students per day to and from Cottonwood School District's elementary school and middle school. Transportation services are also provided for field trips and other representational activities. Services are provided to all students in grades TK-8th grade. Students in TK-6 and low income students are prioritized for transportation services throughout the school year and during summer school. Additionally, we provide no-cost transit passes to students, if needed.

*2. Enter description of LEA's transportation services that would be accessible to pupils with disabilities, and homeless children and youth.*

All students with disabilities and homeless children/youth are able to access available home-to-school transportation at no-cost to the students during their regular scheduled bus stop. Students with disabilities are provided with transportation as per their Individual Education Plan (IEP). Homeless children/youth are provided transportation at their designated bus stop. The school office personnel work with our transportation department to arrange transportation for our homeless youth and our students with disabilities. Additionally, if RABA is available in the student's home area and the district is unable to provide services in that area of the county, students may access RABA using a preloaded bus pass. Finally, if Cottonwood Transportation Department is unable to offer a solution for transporting students with disabilities or homeless children/youth, the parent/guardian may access the transportation reimbursement program. This program is provided on a case-by-case basis.

*3. Enter description of how unduplicated pupils, would be able to access available home-to-school transportation at no-cost to the pupils.*

All unduplicated students, living in the Cottonwood School District boundaries, are able to access home-to-school transportation at no-cost to their families. Students can access transportation at their designated, regular scheduled bus stop. Transportation schedules are posted before school starts and are provided to families upon enrollment. The school office staff coordinates transportation for students that are new to our school. The school office staff coordinates transportation for students that are new to our school. Communication about transportation is provided through AppTegy, Aeries, email and phone call based on the families preference. RABA also believes that there is an opportunity for partnerships to transport unduplicated students outside of the Cottonwood School District boundaries. RABA is willing to provide monthly preloaded bus passes to low income students to access. RABA is able to transport low income students, free of charge, to the Redding Transit Center at 1530 Yuba Street for the Cottonwood School District transportation department to pick up, if needed.

**Consultations:**

*Enter description of the required plan consultation with classified staff, teachers, school administrators, regional local transit authorities, local air pollution control districts and air quality management districts, parents, pupils and other stakeholders.*

The Transportation Plan was presented to the School Site Council which includes classified staff, teachers, school administrators, parents, students, and community members for feedback. Additionally, on December 13, 2022, the Assistant Superintendent of the Mountain Valley Education Consortium met with staff members from the Redding Area Bus Authority (RABA) and the Shasta County Air Quality Management District.

**Board Approval Date:** February 11, 2025

The Transportation plan and revenue calculations were developed in accordance with Education Code Sections 39800.1 and 41850.1.

**BEFORE THE BOARD OF TRUSTEES OF  
THE COTTONWOOD UNION SCHOOL DISTRICT**

**RESOLUTION OF INTENTION TO TERMINATE  
CERTIFICATED EMPLOYEES DUE TO A REDUCTION  
OF PARTICULAR KINDS OF SERVICES  
RESOLUTION #2025-2**

WHEREAS, the Board of Trustees of the Cottonwood Union School District has determined that it shall be necessary to reduce or discontinue the following particular kind of services of the District no later than the beginning of the 2025-2026 school year and the following certificated positions be reduced or discontinued for the 2025-2026 school year.

WHEREAS, the following particular services are to be reduced or discontinued not later than the beginning of the following school year:

1. See Exhibit A

WHEREAS, the Board has determined that the foregoing services constitute a particular kind of service (PKS) within the meaning of Education Code 44955;

WHEREAS, it is the opinion of this Board that it is in the best interest of this District that 4.0 FTE certificated employees of the District be reduced pursuant to the adopted order of employment;

WHEREAS, the Board has further determined that, as between employees who first rendered paid service to the District on the same date, the order of termination listed on the seniority list has been based solely on the needs of the District and the students thereof;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Cottonwood Union School District as follows:

That due to a reduction or discontinuance of particular kinds of services pursuant to California Education Code 44955, the maximum legally permitted number of certificated employees of the District not be reemployed for the 2025-2026 school year as provided herein.

That the Superintendent, or designee, is directed to give Notices of Recommendation not to Reemploy in accordance with the provisions of the California Education Code 44949 and 44955 to the appropriate certificated employees pursuant to Section 44955.

BE IT FURTHER RESOLVED that the action of the Board shall not, in any way be considered to prejudice the rights of the certificated employees to whom notice will be given as to the Board's consideration of the administrative law judge's proposed decision in the event a hearing is requested by any employee.

PASSED AND ADOPTED this 11<sup>th</sup> day of February 2025, by the following vote:

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

Attest:

---

Troy Kamisky, President of the Governing Board  
Cottonwood Union School District  
Shasta, County

---

Matt Iles, Clerk of the Governing Board  
Cottonwood Union School District  
Shasta County, California

## EXHIBIT A

### Recommended Reduction in 2025-2026 Programs and Services for the COTTONWOOD UNION SCHOOL DISTRICT.

The Superintendent recommends that the Board of Trustees adopt a resolution to reduce the programs and services for 2025-2026 as follows:

<u>Services</u>	<u>Number of Full-Time Equivalent Positions</u>
A. Elementary / Multiple Subject Teaching Services	2.0 FTE
B. Reading Intervention Teaching Services	1.0 FTE
C. Curriculum Coach	1.0 FTE
<b>Total Full Time Equivalent Reduction</b>	<b>4.0 FTE</b>

# **BEFORE THE BOARD OF TRUSTEES OF THE COTTONWOOD UNION SCHOOL DISTRICT**

WHEREAS, Education Code sections 45101, 45114, 45117, 45298 and 45308 authorize the Cottonwood Union School District (“District”) to layoff or reduce classified employees for lack of work or lack of funds; and

WHEREAS due to a lack of work or a lack of funds, certain services now being provided by classified employees must be reduced for the upcoming school year;

NOW, THEREFORE, BE IT RESOLVED that as of June 30, 2025, the following positions be eliminated or reduced:

1. See Exhibit B

BE IT FURTHER RESOLVED that the Superintendent or designee is authorized and directed to give notice of reduction of services to the affected employee(s) of this District pursuant to District rules and regulations and applicable provisions of the Education Code not later than March 15, 2025.

BE IT FURTHER RESOLVED that the Superintendent or designee is authorized and directed to take any other actions necessary to carry out this resolution.

The foregoing Resolution was adopted by the Governing Board of the Cottonwood Union School District on February 11, 2025.

**AYES:**

## NOES:

**ABSENT:**

---

Troy Kamisky, President of Governing Board  
Cottonwood Union School District  
Shasta County, California

ATTEST:

Matt Iles, Clerk of Governing Board  
Cottonwood Union School District  
Shasta County, California

## EXHIBIT B

Recommended Classified Reduction for the 2025-2026 school year.

The Superintendent recommends that the Governing Board adopt a resolution to reduce the classified services for 2025-2026 as follows:

<u>Services</u>	<u>Number of Full-Time Equivalent Positions/Hours</u>
A. Preschool Aide	1 position- 0.625 FTE/ 5 hrs
B. Instructional Aide	2 positions- 0.46875 FTE/ 3.75 hrs
C. Instructional Aide	2 positions- 0.71875 FTE/ 5 hrs
D. Instructional Aide	2 positions- 1.0 FTE/ 8 hrs
E. Special Education Instructional Aide	3 positions- 0.71875 FTE/ 5.75 hrs
F. Behavior Technician I	1 position- 0.71875 FTE/ 5.75 hrs
G. Reading Intervention Instructional Aide	1 position- 0.71875 FTE/ 5.75 hrs
H. Bus Driver	1 position- 1.0 FTE/ 8 hrs
I. Reading Intervention Instructional Aide	1 position- 0.71875 FTE/ 5.75 hrs
J. Reading Intervention Instructional Aide	1 position- 0.46875 FTE/ 3.75 hrs
K. Custodial/Maintenance	1 position- 1.0 FTE/ 8 hrs
L. Librarian	1 position- 1.0 FTE/ 8 hrs
M. Site Admin Assistant	1 position- Reduce work days from 240 to 225
N. Site Admin Assistant	1 position- Reduce work days from 230 to 225
O. Site Clerical	2 position- Reduce work days from 211 to 206
P. Custodial/Maintenance	5 positions- Reduce work days from 255 to 250
Q. Skilled Maintenance	1 position- Reduce work days from 255 to 250
R. CBO	1 position- Reduce work days from 255 to 250
S. District Office Admin Assistant	1 position- Reduce work days from 255 to 250
T. Data Management	1 position- Reduce work days from 211 to 206
U. Payroll/ HR Specialist	1 position -Reduce work days from 255 to 250
V. Tech Coordinator	1 position -Reduce work days from 255 to 250
<hr/>	
<b>Total Full Time Equivalent/Hours reduction</b>	<b>12.78125 FTE/Hours</b>

**Policy 5148.2: Before/After School Programs**

**Status:** ADOPTED

**Original Adopted Date:** 11/01/2006 | **Last Revised Date:** 12/01/2024 | **Last Reviewed Date:** 12/01/2024

The Governing Board desires to provide learning opportunities for students beyond the regular school day that support the regular education program in a supervised environment. The content of such programs shall be coordinated with the district's vision and goals for student learning, local control and accountability plan, curriculum, and academic standards.

Each program offered by the district shall be planned through a collaborative process as required by law. (Education Code 8422, 8482.5, 8484.75, 46120)

The district shall prioritize offering Expanded Learning Opportunities Programs (ELO) at school sites in the lowest income communities, as determined by prior year percentages of students eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with ELOs across their attendance area. (Education Code 46120)

To the extent feasible, the district shall give priority to establishing expanded learning opportunities beyond the regular school day in low-performing schools and/or programs that serve low-income and other at-risk students.

Any expanded learning opportunities, including but not limited to After School Education and Safety (ASES), 21st Century Community Learning Center (21st CCLC), 21st Century High School After School Safety and Enrichment for Teens (ASSETs), ELO, or any other program to be established pursuant to Education Code 8421, 8482.3, 8484.75, or 46120, shall be approved by the Board. Additionally, the Board shall declare its operational intent to run an ELO to the Superintendent of Public Instruction as specified in Education Code 46120.

The Superintendent or designee shall ensure that all staff who directly supervise students in any expanded learning opportunities possess appropriate knowledge and experience. As needed, staff and volunteers shall receive ongoing training related to their job responsibilities.

Each before-school, after-school, summer, vacation or intersessional expanded learning opportunity shall include academic and enrichment elements in accordance with law and administrative regulation, and may be used in conjunction with attendance recovery programs. Additionally, each program may include support services that reinforce the educational component and promote student health and well-being.

**OPTION 1: (For districts that do not charge family fees)**

No fee shall be charged for participation in the program.

**OPTION 1 ENDS HERE**

**OPTION 2: (For districts that charge permissible family fees)**

A family fee may be charged to participating families based on the actual cost of services.

However, for the ASSETs program, a family fee shall be waived or reduced for families with students who are eligible for free or reduced-price meals. (Education Code 8422)

For ASES, 21st CCLC, and/or ELO, no fee shall be charged for a student who is eligible for free or reduced-price meals, or a student experiencing homelessness, or in foster care. Family fees shall be calculated on a sliding scale that considers family income and ability to pay. (Education Code 8482.6, 46120)

**OPTION 2 ENDS HERE**

Eligible students who are 11 or 12 years of age shall be placed in a before-school or after-school program, if and when available, rather than subsidized child-care and development services. During the time that the before-school or after-school program does not operate, such students may be provided the option of enrolling in child-care and development services in accordance with the enrollment priorities established in Administrative Regulation 5148 - Child Care and Development. (Welfare and Institutions Code 10273)

The Board and the Superintendent or designee shall monitor student participation rates and shall identify multiple measures that shall be used to evaluate program effectiveness. Such measures may include, but are not limited to, student outcome data; program self-assessments; feedback from staff, participating students, and parents/guardians; and observations of program activities.

Every three years, the Superintendent or designee shall review the after-school program plan, including, but not limited to, program goals, program content, and outcome measures. Documentation of the program plan shall be maintained for a minimum of five years in accordance with law and as specified in Board Policy/Administrative Record 3580 - District Records and Board Policy/Administrative Record 5125 - Student Records. (Education Code 8482.3, 46120)

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

<b>State</b>	<b>Description</b>
Ed. Code 17260-17268	<a href="#">Plans and specifications for school facilities</a>
Ed. Code 17264	<a href="#">New construction; accommodation of before- and after-school programs</a>
Ed. Code 35021.3	<a href="#">After-school physical recreation instructors</a>
Ed. Code 41422	<a href="#">Emergency conditions</a>
Ed. Code 45125	<a href="#">Criminal record check</a>
Ed. Code 45330	<a href="#">Paraprofessionals; instructional aides</a>
Ed. Code 45340-45349	<a href="#">Paraprofessionals; instructional aides</a>
Ed. Code 46120	<a href="#">Expanded learning opportunities</a>
Ed. Code 48850	<a href="#">Intersession program; priority access to student experiencing homelessness</a>
Ed. Code 48853.5	<a href="#">Intersession program; priority access to foster youth</a>
Ed. Code 49024	<a href="#">Activity Supervisor Clearance Certificate</a>
Ed. Code 49430-49434	<a href="#">Nutrition standards</a>
Ed. Code 49540-49546	<a href="#">Child care food program</a>
Ed. Code 49553	<a href="#">Free or reduced-price meals</a>
Ed. Code 69430-69460	<a href="#">Cal Grant program</a>
Ed. Code 8263	<a href="#">Eligibility and priorities for subsidized child development services</a>
Ed. Code 8273.1	<a href="#">Family fees; exemptions</a>
Ed. Code 8281.5	<a href="#">California Prekindergarten Planning and Implementation Grant Program</a>
Ed. Code 8295-8305	<a href="#">Child development program; personnel qualifications</a>
Ed. Code 8350-8359.1	<a href="#">Programs for CalWORKS recipients</a>
Ed. Code 8360-8370	<a href="#">Personnel qualifications</a>
Ed. Code 8420-8428	<a href="#">21st Century High School After School Safety and Enrichment Program for Teens</a>
Ed. Code 8482-8484.65	<a href="#">After School Education and Safety Program</a>

<b>State</b>	<b>Description</b>
Ed. Code 8484.7-8484.9	<a href="#">21st Century Community Learning Centers</a>
Ed. Code 8490-8490.7	Distinguished After School Health Recognition Program
W&I Code 10207-10492.2	<a href="#">Child Care and Development Services Act</a>
W&I Code 10273	<a href="#">Preferred placement for otherwise eligible children ages 11 or 12</a>
<b>Federal</b>	<b>Description</b>
20 USC 6311	<a href="#">State plan</a>
20 USC 6314	<a href="#">Title I schoolwide program</a>
20 USC 7171-7176	21st Century Community Learning Centers
42 USC 11434a	<a href="#">Education for homeless children and youths</a>
42 USC 1766-1766a	Child and Adult Care Food Program
7 CFR 226.17	<a href="#">Child care center nutrition standards</a>
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	<a href="#">Expanded Learning Funding Opportunities</a>
California Department of Education Publication	<a href="#">Expanded Learning Programs Federal Program Monitoring</a>
California Department of Education Publication	<a href="#">Early Release and Late Arrival Guidance, rev. December 2021</a>
California Department of Education Publication	<a href="#">Quality Program Improvement Plan Instructions: Instructions for Completing a Quality Program Improvement Plan for Expanded Learning Programs in California, January 2022</a>
California Department of Education Publication	<a href="#">After School Education and Safety, 21st Century Community Learning Centers, 21st Century High School After School Safety Enrichment for Teens Grant Programs, Frequently Asked Questions, November 2022</a>
California Department of Education Publication	<a href="#">Expanded Learning Opportunities Program FAQs, May 2024</a>
California Department of Education Publication	<a href="#">Quality Standards and 2014CQI, December 2023</a>
California Department of Education Publication	<a href="#">2014 Guidance for a Quality Improvement Process, March 2024</a>
California Department of Education Publication	<a href="#">California After School Physical Activity Guidelines, 2009</a>
U.S. Department of Education Publication	<a href="#">Nita M. Lowey 21st Century Community Learning Centers Program, Title IV, Part B of the Elementary and Secondary Act of 1965, Nonregulatory Guidance, September 2024</a>
Website	<a href="#">California Afterschool Network</a>
Website	<a href="#">California Child and Adult Care Food Program</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education, Expanded Learning</a>
Website	<a href="#">U.S. Department of Agriculture</a>
Website	<a href="#">California School-Age Consortium</a>
Website	<a href="#">Partnership for Children and Youth</a>
Website	<a href="#">California Healthy Kids Survey</a>
Website	<a href="#">Commission on Teacher Credentialing</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>
<b>Cross References</b>	<b>Description</b>
0000	<a href="#">Vision</a>

<b>Cross References</b>	<b>Description</b>
0200	<a href="#">Goals For The School District</a>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0500	<a href="#">Accountability</a>
1240	<a href="#">Volunteer Assistance</a>
1240	<a href="#">Volunteer Assistance</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
1330	<a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a>
1330.1	<a href="#">Joint Use Agreements</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
1700	<a href="#">Relations Between Private Industry And The Schools</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3516.5	<a href="#">Emergency Schedules</a>
3540	<a href="#">Transportation</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3552	<a href="#">Summer Meal Program</a>
3552	<a href="#">Summer Meal Program</a>
3553	<a href="#">Free And Reduced Price Meals</a>
3553	<a href="#">Free And Reduced Price Meals</a>
3554	<a href="#">Other Food Sales</a>
3554	<a href="#">Other Food Sales</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112.4	<a href="#">Health Examinations</a>
4112.5	<a href="#">Criminal Record Check</a>
4112.5-E(1)	<a href="#">Criminal Record Check</a>
4131	<a href="#">Staff Development</a>
4212.4	<a href="#">Health Examinations</a>
4212.5	<a href="#">Criminal Record Check</a>

<b>Cross References</b>	<b>Description</b>
4212.5-E(1)	<a href="#">Criminal Record Check</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4231	<a href="#">Staff Development</a>
4312.4	<a href="#">Health Examinations</a>
4312.5	<a href="#">Criminal Record Check</a>
4312.5-E(1)	<a href="#">Criminal Record Check</a>
4331	<a href="#">Staff Development</a>
5030	<a href="#">Student Wellness</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.62	<a href="#">Tobacco</a>
5131.62	<a href="#">Tobacco</a>
5137	<a href="#">Positive School Climate</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.23	<a href="#">Asthma Management</a>
5141.23	<a href="#">Asthma Management</a>
5141.27	<a href="#">Food Allergies/Special Dietary Needs</a>
5141.27	<a href="#">Food Allergies/Special Dietary Needs</a>
5141.52	<a href="#">Suicide Prevention</a>
5141.52	<a href="#">Suicide Prevention</a>
5144	<a href="#">Discipline</a>
5144	<a href="#">Discipline</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
5147	<a href="#">Dropout Prevention</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
6011	<a href="#">Academic Standards</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6142.4	<a href="#">Service Learning/Community Service Classes</a>
6142.6	<a href="#">Visual And Performing Arts Education</a>
6142.7	<a href="#">Physical Education And Activity</a>

<b>Cross References</b>	<b>Description</b>
<b>6142.7</b>	<a href="#">Physical Education And Activity</a>
<b>6142.91</b>	<a href="#">Reading/Language Arts Instruction</a>
<b>6142.92</b>	<a href="#">Mathematics Instruction</a>
<b>6142.93</b>	<a href="#">Science Instruction</a>
<b>6145</b>	<a href="#">Extracurricular And Cocurricular Activities</a>
<b>6145</b>	<a href="#">Extracurricular And Cocurricular Activities</a>
<b>6154</b>	<a href="#">Homework/Makeup Work</a>
<b>6159</b>	<a href="#">Individualized Education Program</a>
<b>6159</b>	<a href="#">Individualized Education Program</a>
<b>6163.4</b>	<a href="#">Student Use Of Technology</a>
<b>6163.4-E(1)</b>	<a href="#">Student Use Of Technology</a>
<b>6170.1</b>	<a href="#">Transitional Kindergarten</a>
<b>6171</b>	<a href="#">Title I Programs</a>
<b>6171</b>	<a href="#">Title I Programs</a>
<b>6173</b>	<a href="#">Education For Homeless Children</a>
<b>6173</b>	<a href="#">Education For Homeless Children</a>
<b>6173-E(1)</b>	<a href="#">Education For Homeless Children</a>
<b>6173-E(2)</b>	<a href="#">Education For Homeless Children</a>
<b>6173.1</b>	<a href="#">Education For Foster Youth</a>
<b>6173.1</b>	<a href="#">Education For Foster Youth</a>
<b>6173.4</b>	<a href="#">Education For American Indian Students</a>
<b>6175</b>	<a href="#">Migrant Education Program</a>
<b>6175</b>	<a href="#">Migrant Education Program</a>
<b>6176</b>	<a href="#">Weekend/Saturday Classes</a>
<b>6177</b>	<a href="#">Summer Learning Programs</a>
<b>6178</b>	<a href="#">Career Technical Education</a>
<b>6178</b>	<a href="#">Career Technical Education</a>
<b>6179</b>	<a href="#">Supplemental Instruction</a>

**Regulation 5148.2: Before/After School Programs**

**Status: ADOPTED**

**Original Adopted Date:** 07/01/2015 | **Last Revised Date:** 12/01/2024 | **Last Reviewed Date:** 12/01/2024

**Definitions**

*Expanded learning opportunities* means before school, after school, summer, vacation, and/or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. Expanded learning opportunities does not mean an extension of instructional time, but rather, opportunities to engage students in enrichment, play, nutrition, and other developmentally appropriate activities. (Education Code 8482.1, 46120)

*Intersession program* means an expanded learning program offered by a district on non-school days, including, but not limited to, summer school. (Education Code 48853.5)

*Offer access*, with regard to an Expanded Learning Opportunities Program (ELO), means to recruit, advertise, publicize, or solicit through culturally and linguistically effective and appropriate communication channels. (Education Code 46120)

*Provide access*, with regard to an ELO, means to enroll a student in an ELO. If a parent/guardian has a signed an ELO registration form and that form is on file, the student shall be considered enrolled in the ELO. (Education Code 46120)

*Unduplicated student* means a student enrolled in a district who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth. (Education Code 42238.02, 46120)

**Grades Transitional Kindergarten-9**

The district's After School Education and Safety Program (ASES) or 21st Century Community Learning Center Program (21st CCLC) shall serve students in any of grades Transitional Kindergarten (TK)-9 as the district may determine based on local needs. (Education Code 8482.3, 8484.7, 8484.75, 8484.8)

The district's 21st CCLC program shall primarily serve students in Title I schoolwide programs. (Education Code 8484.8; 20 USC 7173)

The district's ELO shall serve students in grades TK-6. (Education Code 46120)

The district's programs shall be planned through a collaborative process that includes parents/guardians, students, representatives of participating schools, governmental agencies, including city and county parks and recreation departments, local law enforcement, community organizations, and the private sector. As appropriate, the Superintendent or designee may include other stakeholders in such collaborative process. (Education Code 8422, 8482.5, 8483.3, 8484.75, 46120)

The district shall offer access to ELO to all unduplicated students in grades TK-6 and provide access to such program to at least 50 percent of enrolled unduplicated students. (Education Code 46120)

**OPTION 1: (For districts with a prior fiscal year local control funding formula unduplicated pupil percentage of at least 75 percent)**

The district shall offer access to ELO to all classroom-based students in grades TK-6. The district shall provide access to any student whose parent/guardian requests placement in an ELO.

**OPTION 1 ENDS HERE**

**OPTION 2: (For districts with a prior fiscal year local control funding formula unduplicated pupil percentage of less than 75 percent)**

The district shall offer access to ELO to all classroom-based unduplicated students in grades TK-6. The district shall provide access to any unduplicated student whose parent/guardian requests placement in an ELO.

**OPTION 2 ENDS HERE**

The district shall provide transportation to any student who attends a school that is not operating an ELO so that the student may attend at a location that is providing an ELO and return to the original location or another location that is established by the district. (Education Code 46120)

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year before kindergarten addresses the needs of children and their families as specified in Board Policy 6170.1 - Transitional Kindergarten. (Education Code 8322)

The district's ASES, 21st CCLC, and ELO program(s) shall be operated in accordance with the following:

**1. Program Elements**

- a. The program shall include an educational and literacy element in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science (Education Code 8482.3, 8484.75, 46120)
- b. The program shall include an educational enrichment element which may include, but is not limited to, fine arts, career technical education, recreation, technology, physical fitness, and prevention activities (Education Code 8482.3, 8484.75, 46120)

**2. Nutrition**

- a. Snacks or meals made available in the program shall conform to nutrition standards specified in Education Code 49430-49434 or 42 USC 1766 as applicable (Education Code 8482.3, 8484.75, 46120; 42 USC 1766-1766a; 7 CFR 226.17)
- b. The district's before-school program shall offer a breakfast meal as described in Education Code 49553 for all program participants (Education Code 8483.1, 8484.75)

**3. Location of Program**

- a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility (Education Code 8482.3, 8484.75)
- b. When there is a significant barrier to student participation in either the before-school or after-school component of a program at the school of attendance, the Superintendent or designee may, with the approval of the Superintendent of Public Instruction, provide services at another school site

Such transfer of services shall occur only if the school to which the program will be transferred agrees to receive students from the transferring school and has an existing grant of the same type as the transferring school, or does not have a 10-percent lower percentage of students eligible for free or reduced-price meals than the transferring school. A significant barrier includes any of the following: (Education Code 8482.8, 8484.75)

- i. Fewer than 20 students participating in the program component
- ii. Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation
- iii. A reduction in the program grant of an existing school due to its merging into a new school opened by the district or the splitting of its students with a new school

In such cases, the district shall arrange for safe, supervised transportation between school sites;

ensure communication among staff in the regular school program, staff in the before-school or after-school program, and parents/guardians; and ensure alignment of the educational and literacy elements with the regular school program of participating students. (Education Code 8482.8, 8484.75)

#### 4. Staffing

- a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide (Education Code 8483.4, 8484.75, 45330, 45344, 45344.5)
- b. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in law and Board policy (Education Code 8483.4, 8484.75)
- c. The student-to-staff ratio shall be no more than 20 to 1, except that programs serving TK or kindergarten students shall maintain a student-to-staff member ratio of no more than 10 to 1 (Education Code 8483.4, 8484.75, 46120)

#### 5. Hours of Operation

- a. A before-school program shall not operate for less than one and one-half hours per regular school day (Education Code 8483.1, 8484.75)
- b. An after-school program shall begin immediately upon the conclusion of the regular school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every regular school day (Education Code 8483, 8484.75)
- c. An ELO shall provide in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, recess, and meals, shall not be less than nine hours of combined instructional time, recess, meals, and expanded learning opportunities per instructional day (Education Code 46120)

#### 6. Admissions

- a. Every student attending a school operating a program is eligible to participate in the program, subject to program capacity (Education Code 8482.6, 8484.75)
- b. If the number of students wishing to participate in the program exceeds program capacity, students shall be selected for enrollment based on the following guidelines:
  - i. First priority for enrollment shall be given to students who are identified as homeless youth, as defined by the McKinney-Vento Homeless Assistance Act (42 USC 11434a), at the time they apply for enrollment or at any time during the school year, to students who are identified by the program as being in foster care, and to students who are eligible for free or reduced-price meals (Education Code 8483, 8483.1, 8484.75)

The district is not required to disenroll a current student in order to secure the enrollment of a student who has priority for enrollment. (Education Code 8483, 8483.1)

The district shall inform the parent/guardian of a student experiencing homelessness or foster youth, or student eligible for free or reduced price meals, of the right of the child to receive priority enrollment and how to request priority enrollment. (Education Code 8483, 8484.75)

If a student experiencing homelessness or a foster youth will be moving during an intersession period, the student's educational rights holder, or in the case of an American Indian Student, Indian custodian, may determine which school the student attends for the intersession period. (Education Code 48850, 48853.5)

- ii. Second priority for enrollment of middle or junior high school students shall be given to students who attend daily (Education Code 8483, 8483.1, 8484.75)
- iii. Third priority for enrollment shall be given to students identified as in need of academic

remediation or support in accordance with Board policy or administrative regulation

- iv. Any remaining capacity shall be filled by students selected at random
- v. A waiting list shall be established to accommodate additional students if space becomes available

## 7. Attendance/Early Release

- a. Each student admitted into a district program shall be expected to attend the full number of hours that the program is in operation every day that the student participates

An ELO offered pursuant to Education Code 46120 does not have an attendance requirement, but the district may track student attendance for safety and continuous quality improvement purposes.

- b. When necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable late daily arrival for the before-school program or the reasonable early daily release from the after-school program

The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

## 8. Summer/Intersession/Vacation Programs

- a. ELOs shall offer no less than nine hours of in-person expanded learning opportunities per day for at least 30 non-school days, during extended school year or intersession periods (Education Code 46120)

- b. A before-school program operating during summer, intersession, and/or vacation days shall be offered for a minimum of two hours per day

An after-school program offered during summer, intersession, and/or vacation days may be operated for either three hours or six hours per day in accordance with Education Code 8483.76. When both before-school and after-school programs are offered for the same students on such days, they shall be operated for a minimum of four and one-half hours per day. (Education Code 8483, 8483.1, 8483.2, 8483.76)

- c. A program offered during summer, intersession, and/or vacation periods may open eligibility to every student attending a school in the district, with priority for enrollment given to students enrolled in the school that received the grant (Education Code 8483.76)

- d. To address the needs of students and school closures, the program may be conducted at an off-site location or an alternate school site

When a district is temporarily prevented from operating an ELO because of a school or program site closure due to emergency conditions specified in Education Code 8482.8 or 41422, the Superintendent or designee shall complete and submit to the California Department of Education (CDE) any necessary forms or records substantiating the need for closure, including a resolution adopted by the Governing Board. (Education Code 46120)

The program shall notify CDE of the change of location and shall include a plan to provide safe transportation pursuant to Education Code 8484.6. (Education Code 8483.76)

- e. Any program operating for six hours per day shall provide at least one nutritionally adequate free or reduced-price meal to each eligible student during each program day (Education Code 8483.76)

- f. For any program operating six hours per day, district procedures pertaining to student attendance and early release as specified in Item #7 above shall apply (Education Code 8483.76)

## Grades 9-12

The district's 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs) shall serve students in any of grades 9-12 as the district may determine based on local needs. (Education Code 8421)

The district's ASSETs program shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies including city and county parks and recreation departments, local law enforcement, community organizations, and, if appropriate, the private sector. (Education Code 8422)

The program shall be operated in accordance with the following guidelines:

1. Program Elements

- a. The program shall include an academic assistance element that is coordinated with the regular academic program and includes, but is not limited to, at least one of the following: (Education Code 8421)
  - i. Tutoring
  - ii. Career exploration, including activities that help students develop the knowledge and skills that are relevant to their career interests and reinforce academic content
  - iii. Homework assistance
  - iv. College preparation, including information about the Cal Grant program pursuant to Education Code 69430-69460
- b. The program shall include an enrichment element that may include, but is not limited to: (Education Code 8421)
  - i. Community service
  - ii. Career and technical education
  - iii. Job readiness
  - iv. Opportunities for mentoring and tutoring younger students
  - v. Service learning
  - vi. Arts
  - vii. Computer and technology training
  - viii. Physical fitness
  - ix. Recreation activities
- c. The program shall include a nutritional snack and/or meal and a physical activity element (Education Code 8423)
- d. The program shall provide for access to, and availability of, computers and technology (Education Code 8423)
- e. The Superintendent or designee shall assess students' preferences for program activities (Education Code 8423)

2. Location of Program

- a. The district's program may operate on one or multiple school sites or at another location approved by CDE (Education Code 8421)
- b. If applying for a location off school grounds, the Superintendent or designee shall ensure that safe transportation is available for students, if necessary, and the program is at least as available and accessible as similar programs conducted on school sites (Education Code 8421)

### 3. Hours of Operation

- a. The district's program shall operate for a minimum of 15 hours per week (Education Code 8421)
- b. The district's program may be operated either after school only or for any combination of after school, before school, weekends, summer, intersession, and vacations (Education Code 8422)

### Volunteers

The Superintendent or designee may establish a registry of volunteer after-school physical recreation instructors and other before-school and after-school program volunteers. (Education Code 35021.3)

To be included in the registry, a volunteer shall submit to a criminal background check pursuant to Education Code 45125. The volunteer shall also submit current contact information to the district and shall update that information whenever the information changes. (Education Code 35021.3)

The Superintendent or designee may use a volunteer registered with the district or may select another person to provide physical recreation to students after school hours or to provide other services. (Education Code 35021.3)

### Reports

The Superintendent or designee shall annually submit to CDE outcome-based data, including, but not limited to: (Education Code 8427, 8482.3, 8484)

1. For participating students, school day attendance on an annual basis and program attendance on a semi-annual basis
2. Evidence of a program quality improvement process that is data driven and based on CDE program quality standards

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<b>State</b>	<b>Description</b>
Ed. Code 17260-17268	<a href="#">Plans and specifications for school facilities</a>
Ed. Code 17264	<a href="#">New construction; accommodation of before- and after-school programs</a>
Ed. Code 35021.3	<a href="#">After-school physical recreation instructors</a>
Ed. Code 41422	<a href="#">Emergency conditions</a>
Ed. Code 45125	<a href="#">Criminal record check</a>
Ed. Code 45330	<a href="#">Paraprofessionals; instructional aides</a>
Ed. Code 45340-45349	<a href="#">Paraprofessionals; instructional aides</a>
Ed. Code 46120	<a href="#">Expanded learning opportunities</a>
Ed. Code 48850	<a href="#">Intersession program; priority access to student experiencing homelessness</a>
Ed. Code 48853.5	<a href="#">Intersession program; priority access to foster youth</a>
Ed. Code 49024	<a href="#">Activity Supervisor Clearance Certificate</a>
Ed. Code 49430-49434	<a href="#">Nutrition standards</a>
Ed. Code 49540-49546	<a href="#">Child care food program</a>
Ed. Code 49553	<a href="#">Free or reduced-price meals</a>
Ed. Code 69430-69460	<a href="#">Cal Grant program</a>
Ed. Code 8263	<a href="#">Eligibility and priorities for subsidized child development services</a>

<b>State</b>	<b>Description</b>
Ed. Code 8273.1	Family fees; exemptions
Ed. Code 8281.5	California Prekindergarten Planning and Implementation Grant Program
Ed. Code 8295-8305	<a href="#">Child development program; personnel qualifications</a>
Ed. Code 8350-8359.1	Programs for CalWORKS recipients
Ed. Code 8360-8370	Personnel qualifications
Ed. Code 8420-8428	<a href="#">21st Century High School After School Safety and Enrichment Program for Teens</a>
Ed. Code 8482-8484.65	<a href="#">After School Education and Safety Program</a>
Ed. Code 8484.7-8484.9	<a href="#">21st Century Community Learning Centers</a>
Ed. Code 8490-8490.7	Distinguished After School Health Recognition Program
W&I Code 10207-10492.2	<a href="#">Child Care and Development Services Act</a>
W&I Code 10273	<a href="#">Preferred placement for otherwise eligible children ages 11 or 12</a>
<b>Federal</b>	<b>Description</b>
20 USC 6311	<a href="#">State plan</a>
20 USC 6314	<a href="#">Title I schoolwide program</a>
20 USC 7171-7176	<a href="#">21st Century Community Learning Centers</a>
42 USC 11434a	<a href="#">Education for homeless children and youths</a>
42 USC 1766-1766a	Child and Adult Care Food Program
7 CFR 226.17	<a href="#">Child care center nutrition standards</a>
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	<a href="#">Expanded Learning Funding Opportunities</a>
California Department of Education Publication	<a href="#">Expanded Learning Programs Federal Program Monitoring</a>
California Department of Education Publication	<a href="#">Early Release and Late Arrival Guidance, rev. December 2021</a>
California Department of Education Publication	<a href="#">Quality Program Improvement Plan Instructions: Instructions for Completing a Quality Program Improvement Plan for Expanded Learning Programs in California, January 2022</a>
California Department of Education Publication	<a href="#">After School Education and Safety, 21st Century Community Learning Centers, 21st Century High School After School Safety Enrichment for Teens Grant Programs, Frequently Asked Questions, November 2022</a>
California Department of Education Publication	<a href="#">Expanded Learning Opportunities Program FAQs, May 2024</a>
California Department of Education Publication	<a href="#">Quality Standards and 2014CQI, December 2023</a>
California Department of Education Publication	<a href="#">2014 Guidance for a Quality Improvement Process, March 2024</a>
California Department of Education Publication	<a href="#">California After School Physical Activity Guidelines, 2009</a>
U.S. Department of Education Publication	<a href="#">Nita M. Lowey 21st Century Community Learning Centers Program, Title IV, Part B of the Elementary and Secondary Act of 1965, Nonregulatory Guidance, September 2024</a>
Website	<a href="#">California Afterschool Network</a>
Website	<a href="#">California Child and Adult Care Food Program</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education, Expanded Learning</a>
Website	<a href="#">U.S. Department of Agriculture</a>

<b>Management Resources</b>	<b>Description</b>
Website	<a href="#">California School-Age Consortium</a>
Website	<a href="#">Partnership for Children and Youth</a>
Website	<a href="#">California Healthy Kids Survey</a>
Website	<a href="#">Commission on Teacher Credentialing</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>
<b>Cross References</b>	<b>Description</b>
0000	<a href="#">Vision</a>
0200	<a href="#">Goals For The School District</a>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0500	<a href="#">Accountability</a>
1240	<a href="#">Volunteer Assistance</a>
1240	<a href="#">Volunteer Assistance</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
1330	<a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a>
1330.1	<a href="#">Joint Use Agreements</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
1700	<a href="#">Relations Between Private Industry And The Schools</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3516.5	<a href="#">Emergency Schedules</a>
3540	<a href="#">Transportation</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3552	<a href="#">Summer Meal Program</a>
3552	<a href="#">Summer Meal Program</a>
3553	<a href="#">Free And Reduced Price Meals</a>
3553	<a href="#">Free And Reduced Price Meals</a>
3554	<a href="#">Other Food Sales</a>

<b>Cross References</b>	<b>Description</b>
3554	<a href="#">Other Food Sales</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112.4	<a href="#">Health Examinations</a>
4112.5	<a href="#">Criminal Record Check</a>
4112.5-E(1)	<a href="#">Criminal Record Check</a>
4131	<a href="#">Staff Development</a>
4212.4	<a href="#">Health Examinations</a>
4212.5	<a href="#">Criminal Record Check</a>
4212.5-E(1)	<a href="#">Criminal Record Check</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4231	<a href="#">Staff Development</a>
4312.4	<a href="#">Health Examinations</a>
4312.5	<a href="#">Criminal Record Check</a>
4312.5-E(1)	<a href="#">Criminal Record Check</a>
4331	<a href="#">Staff Development</a>
5030	<a href="#">Student Wellness</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.62	<a href="#">Tobacco</a>
5131.62	<a href="#">Tobacco</a>
5137	<a href="#">Positive School Climate</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.23	<a href="#">Asthma Management</a>
5141.23	<a href="#">Asthma Management</a>
5141.27	<a href="#">Food Allergies/Special Dietary Needs</a>
5141.27	<a href="#">Food Allergies/Special Dietary Needs</a>
5141.52	<a href="#">Suicide Prevention</a>
5141.52	<a href="#">Suicide Prevention</a>
5144	<a href="#">Discipline</a>
5144	<a href="#">Discipline</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>

<b>Cross References</b>	<b>Description</b>
5147	<a href="#">Dropout Prevention</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
6011	<a href="#">Academic Standards</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6142.4	<a href="#">Service Learning/Community Service Classes</a>
6142.6	<a href="#">Visual And Performing Arts Education</a>
6142.7	<a href="#">Physical Education And Activity</a>
6142.7	<a href="#">Physical Education And Activity</a>
6142.91	<a href="#">Reading/Language Arts Instruction</a>
6142.92	<a href="#">Mathematics Instruction</a>
6142.93	<a href="#">Science Instruction</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6154	<a href="#">Homework/Makeup Work</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6163.4	<a href="#">Student Use Of Technology</a>
6163.4-E(1)	<a href="#">Student Use Of Technology</a>
6170.1	<a href="#">Transitional Kindergarten</a>
6171	<a href="#">Title I Programs</a>
6171	<a href="#">Title I Programs</a>
6173	<a href="#">Education For Homeless Children</a>
6173	<a href="#">Education For Homeless Children</a>
6173-E(1)	<a href="#">Education For Homeless Children</a>
6173-E(2)	<a href="#">Education For Homeless Children</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.4	<a href="#">Education For American Indian Students</a>
6175	<a href="#">Migrant Education Program</a>
6175	<a href="#">Migrant Education Program</a>
6176	<a href="#">Weekend/Saturday Classes</a>
6177	<a href="#">Summer Learning Programs</a>
6178	<a href="#">Career Technical Education</a>
6178	<a href="#">Career Technical Education</a>
6179	<a href="#">Supplemental Instruction</a>

**Policy 5148.3: Preschool/Early Childhood Education**

**Status: ADOPTED**

**Original Adopted Date:** 11/01/2012 | **Last Revised Date:** 12/01/2024 | **Last Reviewed Date:** 12/01/2024

The Governing Board recognizes the value of high-quality preschool experiences to enhance children's social-emotional development and acquisition of instructional knowledge, skills, and abilities. The Board desires to provide a supervised and cognitively rich learning environment designed to facilitate the transition to kindergarten for two-, three-, and four-year-old children.

The Superintendent or designee shall collaborate with the local child care and development planning council, the county office of education, other public agencies, organizations, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access to high-quality preschool programs.

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

**District Preschool Programs**

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools, either directly or through a subcontract with a public or private provider.

District preschool programs shall comply with all health and safety laws and regulations, including, when applicable, licensure requirements pursuant to 22 CCR 101156.

The Board shall approve, for the district's preschool program, a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 17701-17711 and the accompanying administrative regulation. (5 CCR 17701)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

Preschool classroom needs shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

The Superintendent or designee shall coordinate the district's preschool program, transitional kindergarten program (TK), and elementary education program to provide a developmental continuum that builds upon children's growing skills and knowledge. In order to provide families with the option of a full-day, high-quality instructional program, the district may enroll children who are in a TK or kindergarten program in a California State Preschool Program (CSPP) before and/or after the regular school day.

The Superintendent or designee shall recommend strategies to link the district's preschool program with other available child care and development programs in the district or community in order to assist families whose child care needs extend beyond the length of time that the district's preschool program is offered.

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year

before kindergarten addresses the needs of preschool children and their families as specified in Board Policy 6170.1 - Transitional Kindergarten. (Education Code 8281.5)

If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP, subject to available space. (Education Code 48000.15)

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or child care program. (Education Code 8205, 48000)

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills in the areas of language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The Superintendent or designee shall identify dual language learners in district preschool programs, and shall collect and report related data to CDE as required by Education Code 8241.5. The district's preschool program shall include activities and services that meet the needs of dual language learners for support in the development of their home language and English. (Education Code 8203)

The district's preschool program shall serve children with exceptional needs as required by Education Code 8208. Children with exceptional needs attending any CSPP shall be educated in the least restrictive environment in accordance with 20 USC 1412.

The district's preschool program shall provide appropriate services to support the needs of at-risk children.

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.

The district shall encourage volunteerism by families participating in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

### **Staffing**

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

### **Eligibility, Enrollment, and Disenrollment**

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (5 CCR 17743; 22 CCR 101218.1)

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8208, 8210, and 8211 and 5 CCR 17746-17748.

To receive preschool services, a child and the child's parent(s)/guardian(s) shall be required to provide evidence of residency in California, which may be established by providing evidence of a California street or post office address. However, any person identified as experiencing homelessness shall only be required to submit a declaration that the person resides in California. (5 CCR 17745)

Preschool eligibility determinations shall be made without regard to a child's immigration status or that of the child's parent(s)/guardian(s) unless the child or the child's parent(s)/guardian(s) are under a final order of deportation from the U.S. Department of Homeland Security. (5 CCR 17745)

The district's program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the expulsion or unenrollment is in accordance with the procedures specified in the accompanying administrative regulation.

When necessary due to a reduction in state reimbursements, families shall be disenrolled as specified in the accompanying administrative regulation.

### **Program Evaluation**

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 17709-17711)

The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

### **Complaints**

The district's uniform complaint procedures, with modifications as necessary, shall be used to investigate and resolve complaints alleging violation of applicable health or safety requirements for license-exempt programs operating under the CSPP. However, licensed programs shall refer complaints alleging health and safety violations to the California Department of Social Services. (Education Code 8212; 5 CCR 4610, 4611, 4690-4694, 17781)

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<b>State</b>	<b>Description</b>
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	<a href="#">Continuing requirements</a>
22 CCR 101237-101239.2	<a href="#">Facilities and equipment</a>
5 CCR 14001-14036	School housing
5 CCR 17700-17833	California State Preschool Program
5 CCR 17701-17711	<a href="#">General program requirements</a>
5 CCR 17745	Admission requirements; residency
5 CCR 17746-17748	<a href="#">Enrollment priorities</a>
5 CCR 18295	<a href="#">Waiver of qualifications for site supervisor</a>
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4690-4694	<a href="#">Complaints regarding health and safety issues in license-exempt preschool programs</a>
5 CCR 80067-80067.3	<a href="#">Prekindergarten-3 Early Childhood Education Specialist Instruction Credential</a>

<b>State</b>	<b>Description</b>
5 CCR 80105-80125	<a href="#">Commission on Teacher Credentialing: child care and development permits</a>
Ed. Code 17375	<a href="#">California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program</a>
Ed. Code 44065	<a href="#">Issuance of and functions requiring credentials</a>
Ed. Code 44256	<a href="#">Authorization for teaching credentials</a>
Ed. Code 48000-48003	<a href="#">Kindergartens</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 60910	<a href="#">Data for students enrolled in California State Preschool Program</a>
Ed. Code 69617	<a href="#">Golden State Teacher Grant Program</a>
Ed. Code 8200-8340	<a href="#">California State Preschool Program</a>
Ed. Code 8489-8489.1	<a href="#">Expulsion and suspension procedures</a>
H&S Code 120325-120380	<a href="#">Immunization against communicable diseases</a>
H&S Code 1596.70-1596.895	<a href="#">California Child Day Care Act</a>
H&S Code 1596.90-1597.21	<a href="#">Day care centers</a>
W&I Code 10207-10215	<a href="#">General provisions</a>
W&I Code 10207-10492.2	<a href="#">Child Care and Development Services Act</a>
W&I Code 10217-10224.5	<a href="#">Resource and referral programs</a>
W&I Code 10225-10234	<a href="#">Alternative payment programs</a>
W&I Code 10235-10238	<a href="#">Migrant child care and development programs</a>
W&I Code 10240-10243	<a href="#">General child care and development programs</a>
W&I Code 10250-10252	<a href="#">Family child care home education networks</a>
W&I Code 10260-10263	<a href="#">Child care and development services for children with special needs</a>
W&I Code 10480-10487	<a href="#">Local planning councils</a>

<b>Federal</b>	<b>Description</b>
20 USC 1400-1482	<a href="#">Individuals with Disabilities Education Act</a>
20 USC 6311-6322	<a href="#">Title I, relative to preschool</a>
20 USC 6391-6399	<a href="#">Education of migratory children</a>
42 USC 9831-9852c	<a href="#">Head Start programs</a>
42 USC 9857-9858r	<a href="#">Child Care and Development Block Grant</a>
45 CFR 1301.1-1305.2	<a href="#">Head Start</a>

<b>Management Resources</b>	<b>Description</b>
CA Commission on Teacher Credentialing Publication	<a href="#">Approval of Regulations Authorizing the New PK-3 Early Childhood Education Specialist Instruction Credential, Coded Correspondence 24-03, March 2024</a>
California Department of Education Publication	<a href="#">Assessment and Reporting of Family Fees for Fiscal Year (FY) 2024-25, Early Education Division Management Bulletin 24-06, June 2024</a>
California Department of Education Publication	<a href="#">California State Preschool Program Neighborhood School Eligibility Criteria to Enroll Three- and Four-Year-Old Children, Early Education Division Management Bulletin 24-01, January 2024</a>
California Department of Education Publication	<a href="#">Preschool/Transitional Kindergarten Learning Foundations, Early Education Division Management Bulletin 24-07, August 2024</a>

<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	<a href="#">Data Collection for California State Preschool Programs Operated by a Local Educational Agency, Early Education Division Management Bulletin 24-08, August 2024</a>
California Department of Education Publication	<a href="#">Early Childhood Division Federal Program Monitoring Instrument</a>
California Department of Education Publication	<a href="#">California State Preschool Program and Children with Disabilities (Exceptional Needs), Early Education Division Management Bulletin 23-02, February 2023</a>
California Department of Education Publication	<a href="#">Part-day California State Preschool Program as an Extended Learning and Care Option, Early Education Division Management Bulletin 23-05, April 2023</a>
California Department of Education Publication	<a href="#">Suspension and Expulsion in the California State Preschool Program, Early Education Division Management Bulletin 23-08, September 2023</a>
California Department of Education Publication	<a href="#">Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009</a>
California Department of Education Publication	<a href="#">Implementation of the Classroom Assessment Scoring System (CLASS) and CLASS Environment and Removal of the Environment Rating Scale for the California State Preschool Program (CSPP), Early Education Division Management Bulletin 23-10, December 2023</a>
California Department of Education Publication	<a href="#">California Preschool Learning Foundations</a>
California Department of Education Publication	<a href="#">First Class: A Guide for Early Primary Education, 1999</a>
CSBA Publication	<a href="#">The Importance of Early Childhood Education Programs, September 2019</a>
CSBA Publication	<a href="#">The Preschool Landscape in California and Strategies for Expansion, January 2020</a>
U.S. Department of Education Publication	<a href="#">Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016</a>
Website	<a href="#">Universal PreKindergarten, California's Great Start</a>
Website	<a href="#">California Office of Administrative Law</a>
Website	<a href="#">California County Superintendents Educational Services Association</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Commission on Teacher Credentialing</a>
Website	<a href="#">National Institute for Early Education Research</a>
Website	<a href="#">California Association for the Education of Young Children</a>
Website	<a href="#">California Head Start Association</a>
Website	<a href="#">California Preschool Instructional Network</a>
Website	<a href="#">Child Development Policy Institute</a>
Website	<a href="#">First 5 California</a>
Website	<a href="#">California Department of Social Services</a>
Website	<a href="#">Cities Counties and Schools Partnership</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">U.S. Department of Education</a>
<b>Cross References</b>	<b>Description</b>
0415	<a href="#">Equity</a>
0500	<a href="#">Accountability</a>

<b>Cross References</b>	<b>Description</b>
1240	<a href="#">Volunteer Assistance</a>
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1340	<a href="#">Access To District Records</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
1700	<a href="#">Relations Between Private Industry And The Schools</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3523	<a href="#">Electronic Signatures</a>
3523	<a href="#">Electronic Signatures</a>
3541	<a href="#">Transportation Routes And Services</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112	<a href="#">Appointment And Conditions Of Employment</a>
4112.2	<a href="#">Certification</a>
4112.2	<a href="#">Certification</a>
4112.4	<a href="#">Health Examinations</a>
4112.5	<a href="#">Criminal Record Check</a>
4112.5-E(1)	<a href="#">Criminal Record Check</a>
4112.6	<a href="#">Personnel Files</a>
4131	<a href="#">Staff Development</a>
4212.4	<a href="#">Health Examinations</a>
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4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4231	<a href="#">Staff Development</a>
4312.4	<a href="#">Health Examinations</a>

<b>Cross References</b>	<b>Description</b>
4312.5	<a href="#">Criminal Record Check</a>
4312.5-E(1)	<a href="#">Criminal Record Check</a>
4312.6	<a href="#">Personnel Files</a>
4331	<a href="#">Staff Development</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5030	<a href="#">Student Wellness</a>
5111	<a href="#">Admission</a>
5111	<a href="#">Admission</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5141.23	<a href="#">Asthma Management</a>
5141.23	<a href="#">Asthma Management</a>
5141.26	<a href="#">Tuberculosis Testing</a>
5141.31	<a href="#">Immunizations</a>
5141.31	<a href="#">Immunizations</a>
5141.32	<a href="#">Health Screening For School Entry</a>
5141.6	<a href="#">School Health Services</a>
5141.6	<a href="#">School Health Services</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
6011	<a href="#">Academic Standards</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6164.4	<a href="#">Identification And Evaluation Of Individuals For Special Education</a>
6164.4	<a href="#">Identification And Evaluation Of Individuals For Special Education</a>
6170.1	<a href="#">Transitional Kindergarten</a>
6171	<a href="#">Title I Programs</a>
6171	<a href="#">Title I Programs</a>
6173	<a href="#">Education For Homeless Children</a>
6173	<a href="#">Education For Homeless Children</a>
6173-E(1)	<a href="#">Education For Homeless Children</a>
6173-E(2)	<a href="#">Education For Homeless Children</a>
6173.1	<a href="#">Education For Foster Youth</a>

<b>Cross References</b>	<b>Description</b>
6173.1	<a href="#">Education For Foster Youth</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6174	<a href="#">Education For English Learners</a>
6174	<a href="#">Education For English Learners</a>
6175	<a href="#">Migrant Education Program</a>
6175	<a href="#">Migrant Education Program</a>
6200	<a href="#">Adult Education</a>
6200	<a href="#">Adult Education</a>
7110	<a href="#">Facilities Master Plan</a>
7210	<a href="#">Facilities Financing</a>

**Regulation 5148.3: Preschool/Early Childhood Education**

**Status: ADOPTED**

**Original Adopted Date:** 07/01/2015 | **Last Revised Date:** 12/01/2024 | **Last Reviewed Date:** 12/01/2024

**Attendance**, means the number of children present at a preschool facility, and for purposes of reimbursement, includes excused absences by children because of illness, quarantine, illness or quarantine of their parent, family emergency, or to spend time with a parent or other relative as required by a court of law or that is clearly in the best interest of the child. (Education Code 8205)

*Children with exceptional needs* means either of the following: (Education Code 8205)

1. Children under three years of age who have been determined to be eligible for early intervention services pursuant to the California Early Intervention Services Act (Government Code 95000-95029.5) and its implementing regulations, including an infant or toddler with a developmental delay or established risk condition, or a child who is at high risk of having a substantial developmental disability, as defined in Government Code 95014

Children with exceptional needs under the age of three shall have active individualized family service plans (IFSP) and shall be receiving early intervention services.

2. Children 3 to 21 years of age, inclusive, who have been determined to be eligible for special education and related services by an individualized education program (IEP) team according to the special education requirements contained in Education Code 56000-56865, and who meet eligibility criteria described in Education Code 56026 and 56333-56338 and 5 CCR 3030-3031

Children with exceptional needs between ages 3 to 21 shall have an active IEP and shall be receiving early intervention services or appropriate special education.

*Dual language learner children* means children whose first language is a language other than English or children who are developing two or more languages, one of which may be English. (Education Code 8205)

*Early enrollment child* means a child whose fourth birthday will be between June 3 and September 1 preceding the school year during which they are enrolled in a transitional kindergarten (TK) classroom. (Education Code 48000.15)

*Two-year-old children* means children who have had their second birthday and do not otherwise meet the definition of "three-year-old children." (Education Code 8205)

*Three-year-old children* means children who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a program approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP). Any child under four years of age shall be served in a California state preschool program facility, licensed in accordance with Title 22 of the California Code of Regulations (Education Code 8205)

*Four-year-old children* means children who will have their fourth birthday on or before December 1 of the fiscal year in which they are enrolled in a CSPP, or a child whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP and whose parent or guardian has opted to retain or enroll them in a CSPP. (Education Code 8205)

### **Program Components**

When approved by CDE under the CSPP, the district may operate one or more part- or full-day preschool programs in accordance with law and the terms of its contract with CDE.

The district's CSPP shall include all of the following: (Education Code 8207)

1. Age and developmentally appropriate activities for children
2. Supervision

3. Parenting education and parent engagement
4. Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies
5. Health services
6. Nutrition
7. Training and career ladder opportunities, documentation of which shall be provided to CDE
8. Physical activity to support children's health

The district's CSPP shall satisfy all the requirements described in 5 CCR 17701-17711, including, but not limited to, those related to the program philosophy, goals, and objectives, the educational program, the creation of a developmental profile for each child, staff development, family engagement and strengthening, community involvement, health and social services, nutrition, and program evaluation.

#### **Minimum Hours/Days of Operation**

The district's part-day CSPP shall operate a minimum of three hours, and up to three hours and 59 minutes, per day, excluding time for home-to-school transportation, and for at least 175 days per year unless otherwise specified in the contract with CDE. (Education Code 8207; 5 CCR 17727)

However, a part-day CSPP may also offer TK or kindergarten children whose families meet the requirements of Education Code 8208 less than four hours of wraparound childcare services, and a part-day preschool program operating on a school site may be allowed flexibility in the operational hours. (Education Code 48000)

The district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP, subject to available space. (Education Code 48000.15)

The district's full-day CSPP shall operate for a minimum of 246 days per year, unless the contract specifies a lower number of days of operation, and for the number of operational hours reasonably necessary to meet the preschool needs of the families in the community. (Education Code 8207; 5 CCR 17728)

#### **Staffing**

The CSPP shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. (Education Code 8241, 5 CCR 17713-17716)

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and Administrative Regulation 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

The district may require any volunteer who is to provide care and supervision to district preschool children to provide evidence that the volunteer is free of infectious tuberculosis.

## **Family Literacy Services**

When any district part-day CSPP receives funding for family literacy services pursuant to Education Code 8221, the Superintendent or designee shall coordinate the provision of: (Education Code 8220)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:
  - a. Providing support for the educational growth and success of their children
  - b. Improving parent-school communications and parental understanding of school structures and expectations
  - c. Becoming active partners with teachers in the education of their children
  - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians
4. Staff development for teachers in participating classrooms that includes, but is not limited to:
  - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies
  - b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
  - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
  - d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

## **Eligibility Criteria for Part-Day CSPP**

A child is eligible for a part-day CSPP if both of the following requirements are met: (Education Code 8208)

1. The child is one of the following:
  - a. A two-year-old child and the CSPP enrolls the two-year-old child in accordance with the guidance specified in Education Code 8207.1
  - b. A three-year-old child
  - c. A four-year-old child
  - d. Enrolled in kindergarten pursuant to Education Code 48000
2. The child's family is one of the following:
  - a. A current aid recipient
  - b. Income eligible

- c. Experiencing homelessness
- d. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected or exploited
- e. One who has children with exceptional needs, as defined in Education Code 8205
- f. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

After all eligible two-, three-, and four-year-old children have been enrolled as provided above, a part-day CSPP may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP shall be from families above the income eligibility threshold. (Education Code 8208)

In addition, after all otherwise eligible children have been enrolled as provided in the paragraphs above, a part-day CSPP may provide services to two-, three-, and four-year-old children in families whose income is above the income eligibility threshold if those children are children with exceptional needs. Such children with exceptional needs shall not count towards the 10-percent limit on enrollment of families with income above the income eligibility threshold described above. (Education Code 8208)

A CSPP operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals may enroll two-, three-, and four-year-old children after all otherwise eligible children have been enrolled as provided in the paragraphs above. (Education Code 8208, 8217)

The district shall certify eligibility and enroll families into the part-day CSPP within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to a child's enrollment, the child shall be deemed eligible for the part-day CSPP for the remainder of the program year and for the following program year, provided applicable age-eligibility requirements are met, as specified in Education Code 8205 and 48000. (Education Code 8208)

### **Enrollment Priorities for Part-Day CSPP**

The district shall give priority for part-day CSPP as follows: (Education Code 8210)

1. The first priority for services shall be given to three- or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency

To the extent the district offers services to two-year-old children, pursuant to Education Code 8207.1, then priority for services shall also be given to two-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency.

If the district is unable to enroll a child in this first priority category, the district shall refer the child's parent/guardian to local resources and referral services so that services for the child can be located.

2. When the number of three- or four-year-old children with exceptional needs required to be enrolled pursuant to Education Code 8208 have been enrolled and there are additional children with exceptional needs who are interested in enrolling, the second priority for services shall be given to all three- and four-year-old children with exceptional needs from families with incomes below the income eligibility threshold, as described in Education Code 8213

Within this priority category, children with exceptional needs from families with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent of Public Instruction (SPI) at the time of enrollment, shall be enrolled first.

3. The third priority shall be given to eligible three- or four-year-old children who are not enrolled in a state-funded TK program

This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(B)(v), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first.

If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child who is identified as a dual language learner shall be enrolled first. If there are no children identified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.

4. If the district offers services to two-year-old children pursuant to Education Code 8207.1, the fourth priority shall be given to eligible two-year-old children

This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(B)(v), if they are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Enrollment determinations within this priority category shall be made in the same way as for third priority in Item #3 above.

5. The fifth priority, after all otherwise eligible children have been enrolled, shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213

Within this priority category, priority shall be given to three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the five percent of funded enrollment set aside pursuant to Education Code 8208, then to three- and four-year old children without exceptional needs in income ranking order, with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, being enrolled first. If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, the child that has been on the waiting list for the longest time shall be admitted first

6. After all otherwise eligible children have been enrolled in the first through fifth priority categories, as described in Items #1-5 above, the district may enroll other children in the following order:

- a. A CSPP site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any three- or four-year-old children whose families reside within the attendance boundary of the qualified elementary school, followed by two-year-old children whose families reside within the attendance boundary of the qualified elementary school, if the district offers services to two-year-old children pursuant to Education Code 8207.1

These children shall, to the extent possible, be enrolled by lowest to highest income according to the most recent schedule of income ceiling eligibility table.

- b. Children enrolling in a CSPP that provides expanded learning and care to TK or kindergarten students, pursuant to Education Code 48000

Regardless of the priorities listed above, until the district attains the five percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8210)

#### **Eligibility and Enrollment Priorities for Full-Day CSPP**

A child is eligible for a full-day CSPP if all of the following requirements are met: (Education Code 8208)

1. The child is one of the following:
  - a. A two-year-old child and the CSPP enrolls the two-year-old child in accordance with the guidance specified in Education Code 8207.1
  - b. A three-year-old child
  - c. A four-year-old child
2. The child's family is one of the following:
  - a. A current aid recipient
  - b. Income eligible
  - c. Experiencing homelessness
  - d. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited
  - e. One who has children with exceptional needs, as defined in Education Code 8205
  - f. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE
3. The child's family needs the childcare services because of either the following:
  - a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services; as being or at risk of being neglected, abused, or exploited; or as experiencing homelessness
  - b. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

After all eligible two-, three-, and four-year-old children have been enrolled as provided above, a full-day CSPP may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP shall be from families above the income eligibility threshold. (Education Code 8208)

After all families meeting the criteria specified in the paragraphs above have been enrolled, a full-day CSPP may provide services to two-, three-, and four-year-old children in families who do not meet at least one of the criteria in Item #2 above. (Education Code 8208)

After all otherwise eligible children have been enrolled as provided above, a full-day CSPP operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals may enroll any two-, three-, or four-year-old child. (Education Code 8208, 8217)

For full-day CSPP, the district shall use the same priority ranking specified in Items #1-5 of "Enrollment Priorities for Part-Day CSPP", above. (Education Code 8211)

After all otherwise eligible children based on Items #1-5 of "Enrollment Priorities for Part-Day CSPP" have been enrolled, the district may enroll other children in the following order: (Education Code 8211)

1. Two-, three-, and four-year-old children from families who do not meet at least one of the need requirements in Item #2 above

Within this priority, families shall be enrolled in income ranking order, lowest to highest. Within income ranking order, three-, and four-year old children shall be enrolled before two-year-old children, if the district offers services to two-year-old children pursuant to Education Code 8207.1.

2. A CSPP site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217, may enroll any three- and four-year-old children whose families reside within the attendance boundary of the qualified school without establishing eligibility or a need for services in accordance with Education Code 8208, followed by two-year-old children whose families reside within the attendance boundary of the qualified school without establishing eligibility or a need for services pursuant to Education Code 8208, if the district offers services to two-year-old children pursuant to Education Code 8207.1

Such children shall, to the extent possible, be enrolled in income ranking order, by lowest to highest income according to the most recent schedule of income ceiling eligibility table.

Regardless of the priorities listed above, until the district attains the five percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8211)

Upon establishing initial eligibility or ongoing eligibility for a full-day CSPP, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months. Such families shall receive those services for not less than 24 months before having eligibility or need recertified and shall not be required to report changes to income or other changes for at least 24 months. If the eligibility period ends before the end of a program year, eligibility shall be extended until the end of the program year, provided age-eligibility requirements are met, as specified in Education Code 8205. However, a family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility, as described in Education Code 8213, and the family's ongoing eligibility for services shall at that time be recertified. In addition, a family may, at any time, voluntarily report income or other changes. This information shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification. (Education Code 8208)

### **Waiting List**

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with applicable enrollment priorities. As vacancies occur, applicant families shall be contacted in order of priority on the waiting list. (5 CCR 17744)

### **Combined Preschool/Transitional Kindergarten Classroom**

When a child is eligible for both the CSPP and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000)

1. An observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS environment tool shall be completed for the classroom
2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272
3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256
4. The classroom shall comply with the adult-child ratio specified in Education Code 8241
5. Contractors of the district shall report the services, revenues, and expenditures for children in the CSPP in accordance with 5 CCR 18068

6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom

### **Fees and Charges**

Fees for participation in the district's full-day CSPP shall be assessed and collected in accordance with the fee schedule established by the SPI in conjunction with the California Department of Social Services. (Education Code 8252)

In addition, no fee shall be charged to an eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code 8253; 5 CCR 17735)

A family may be exempt from the fees for up to 12 months for any child enrolled in full-day preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused, exploited, or neglected. (Education Code 8253; 5 CCR 17735)

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8254)

### **Attendance**

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or the district's authorized representative if verification is made by telephone. (5 CCR 17818, 17819).

Absences shall be excused for the following reasons: (Education Code 8205; 5 CCR 17819)

1. Illness or quarantine of the child or of the parent/guardian
2. Family emergency

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 17819)

4. Time spent with a parent/guardian or other relative as required by a court of law

A child may not be disenrolled due to excessive absences, except in circumstances of abandonment of care, as described below. (5 CCR 17819, 17819.5)

When a child has been absent and the family has not been in communication with the program coordinator or site supervisor for seven consecutive calendar days, the district, using the contact information on file, shall attempt to contact the parent/guardian through a variety of communication methods, including one attempt in writing which may be through electronic means, informing the parent/guardian that failure to communicate with the district may result in termination of preschool services. The district shall keep documentation of all such communication attempts

in the family's data file, and, if there has been no communication for a total of 30 consecutive calendar days, issue a Notice of Action to disenroll the family on the basis of abandonment of care. (5 CCR 17819.5)

Parents/guardians shall be notified of the policies and procedures related to excused absences for child care and development services. (5 CCR 17819)

### **Disenrollment Based on Reduced Funding**

When necessary to disenroll families from subsidized preschool services, families shall be disenrolled in reverse order of the priority for services specified in Education Code 8210 and 8211 and as described above in the sections "Enrollment Priorities for Part-Day CSPP" and "Eligibility and Enrollment Priorities for Full-Day CSPP." (Education Code 8214; 5 CCR 17744)

### **Expulsion/Unenrollment and Suspension Based on Behavior**

**Suspension** means any removal of a child from all or part of the program day, or the prevention of a child from attending the program for one or more days, in response to the child's behavior.

*Removing the child from the program* means moving a child to an isolated or separate room. Programs may remove children from specific situations to allow the child to calm down or regain composure, such as taking the child for a walk or accompanying the child to an outdoor environment. However, the child must return to the classroom as soon as the child has calmed down and may not be removed for longer than 30 minutes.

**Expulsion** means the permanent dismissal of a child from a program in response to a child's behavior.

**Persistent and serious behaviors** means either repeated patterns of behavior that significantly interfere with the learning of other children, or interactions with peers and adults that are not responsive to the use of developmentally appropriate guidance, including, but not limited to, physical aggression, property destruction, and self-injury.

A district preschool program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 8489.1)

1. In writing, inform the parents/guardians of the child's persistent and serious behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program
2. If the child has an IFSP or IEP, contact, with written parent/guardian consent, the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child
3. If appropriate, consider completing a comprehensive screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program

If the district has taken the actions specified in Items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Education Code 8489.1)

A child shall not be suspended from a CSPP, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child.

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate.

When suspension is deemed necessary, the district shall help the child return to full participation in the program as

soon as possible while ensuring safety, by doing the following:

1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources
2. Developing a written plan to document the action and supports needed
3. Providing referrals to appropriate community resources
4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDE in the event of expulsion or suspension. If the district suspends or expels a child from any CSPP, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 17783, informing the parents/guardians of the right to file an appeal of the action directly with CDE no later than 14 calendar days after receiving the notice.

Children with exceptional needs may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

#### **Notice of Action**

Upon receiving a parent/guardian's application for services, the Superintendent or designee shall review the application and documentation and shall certify the eligibility of the family or child.

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 17782)

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 17783)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the parent/guardian no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 17758)

#### **Parent Hearing**

If a parent/guardian disagrees with any district action to deny the child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 17784)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 17784 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to CDE. (5 CCR 17785-17786)

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

<b>State</b>	<b>Description</b>
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	<a href="#">Continuing requirements</a>
22 CCR 101237-101239.2	<a href="#">Facilities and equipment</a>
5 CCR 14001-14036	School housing
5 CCR 17700-17833	California State Preschool Program
5 CCR 17701-17711	<a href="#">General program requirements</a>
5 CCR 17745	Admission requirements; residency
5 CCR 17746-17748	<a href="#">Enrollment priorities</a>
5 CCR 18295	<a href="#">Waiver of qualifications for site supervisor</a>
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4690-4694	<a href="#">Complaints regarding health and safety issues in license-exempt preschool programs</a>
5 CCR 80067-80067.3	<a href="#">Prekindergarten-3 Early Childhood Education Specialist Instruction Credential</a>
5 CCR 80105-80125	<a href="#">Commission on Teacher Credentialing; child care and development permits</a>
Ed. Code 17375	<a href="#">California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program</a>
Ed. Code 44065	<a href="#">Issuance of and functions requiring credentials</a>
Ed. Code 44256	<a href="#">Authorization for teaching credentials</a>
Ed. Code 48000-48003	<a href="#">Kindergartens</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 60910	<a href="#">Data for students enrolled in California State Preschool Program</a>
Ed. Code 69617	<a href="#">Golden State Teacher Grant Program</a>
Ed. Code 8200-8340	<a href="#">California State Preschool Program</a>
Ed. Code 8489-8489.1	<a href="#">Expulsion and suspension procedures</a>
H&S Code 120325-120380	<a href="#">Immunization against communicable diseases</a>
H&S Code 1596.70-1596.895	<a href="#">California Child Day Care Act</a>
H&S Code 1596.90-1597.21	<a href="#">Day care centers</a>
W&I Code 10207-10215	<a href="#">General provisions</a>

<b>State</b>	<b>Description</b>
W&I Code 10207-10492.2	<a href="#">Child Care and Development Services Act</a>
W&I Code 10217-10224.5	<a href="#">Resource and referral programs</a>
W&I Code 10225-10234	<a href="#">Alternative payment programs</a>
W&I Code 10235-10238	<a href="#">Migrant child care and development programs</a>
W&I Code 10240-10243	<a href="#">General child care and development programs</a>
W&I Code 10250-10252	<a href="#">Family child care home education networks</a>
W&I Code 10260-10263	<a href="#">Child care and development services for children with special needs</a>
W&I Code 10480-10487	<a href="#">Local planning councils</a>
<b>Federal</b>	<b>Description</b>
20 USC 1400-1482	<a href="#">Individuals with Disabilities Education Act</a>
20 USC 6311-6322	<a href="#">Title I, relative to preschool</a>
20 USC 6391-6399	<a href="#">Education of migratory children</a>
42 USC 9831-9852c	<a href="#">Head Start programs</a>
42 USC 9857-9858r	<a href="#">Child Care and Development Block Grant</a>
45 CFR 1301.1-1305.2	<a href="#">Head Start</a>
<b>Management Resources</b>	<b>Description</b>
CA Commission on Teacher Credentialing Publication	<a href="#">Approval of Regulations Authorizing the New PK-3 Early Childhood Education Specialist Instruction Credential, Coded Correspondence 24-03, March 2024</a>
California Department of Education Publication	<a href="#">Assessment and Reporting of Family Fees for Fiscal Year (FY) 2024-25, Early Education Division Management Bulletin 24-06, June 2024</a>
California Department of Education Publication	<a href="#">California State Preschool Program Neighborhood School Eligibility Criteria to Enroll Three- and Four-Year-Old Children, Early Education Division Management Bulletin 24-01, January 2024</a>
California Department of Education Publication	<a href="#">Preschool/Transitional Kindergarten Learning Foundations, Early Education Division Management Bulletin 24-07, August 2024</a>
California Department of Education Publication	<a href="#">Data Collection for California State Preschool Programs Operated by a Local Educational Agency, Early Education Division Management Bulletin 24-08, August 2024</a>
California Department of Education Publication	<a href="#">Early Childhood Division Federal Program Monitoring Instrument</a>
California Department of Education Publication	<a href="#">California State Preschool Program and Children with Disabilities (Exceptional Needs), Early Education Division Management Bulletin 23-02, February 2023</a>
California Department of Education Publication	<a href="#">Part-day California State Preschool Program as an Extended Learning and Care Option, Early Education Division Management Bulletin 23-05, April 2023</a>
California Department of Education Publication	<a href="#">Suspension and Expulsion in the California State Preschool Program, Early Education Division Management Bulletin 23-08, September 2023</a>
California Department of Education Publication	<a href="#">Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009</a>
California Department of Education Publication	<a href="#">Implementation of the Classroom Assessment Scoring System (CLASS) and CLASS Environment and Removal of the Environment Rating Scale for the California State Preschool Program (CSPP), Early Education Division Management Bulletin 23-10, December 2023</a>
California Department of Education Publication	<a href="#">California Preschool Learning Foundations</a>

<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	<a href="#">First Class: A Guide for Early Primary Education, 1999</a>
CSBA Publication	<a href="#">The Importance of Early Childhood Education Programs, September 2019</a>
CSBA Publication	The Preschool Landscape in California and Strategies for Expansion, January 2020
U.S. Department of Education Publication	<a href="#">Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016</a>
Website	<a href="#">Universal PreKindergarten, California's Great Start</a>
Website	<a href="#">California Office of Administrative Law</a>
Website	<a href="#">California County Superintendents Educational Services Association</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Commission on Teacher Credentialing</a>
Website	<a href="#">National Institute for Early Education Research</a>
Website	<a href="#">California Association for the Education of Young Children</a>
Website	<a href="#">California Head Start Association</a>
Website	<a href="#">California Preschool Instructional Network</a>
Website	<a href="#">Child Development Policy Institute</a>
Website	<a href="#">First 5 California</a>
Website	<a href="#">California Department of Social Services</a>
Website	<a href="#">Cities Counties and Schools Partnership</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">U.S. Department of Education</a>
<b>Cross References</b>	<b>Description</b>
0415	<a href="#">Equity</a>
0500	<a href="#">Accountability</a>
1240	<a href="#">Volunteer Assistance</a>
1240	<a href="#">Volunteer Assistance</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
1330	<a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a>
1330.1	<a href="#">Joint Use Agreements</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
1700	<a href="#">Relations Between Private Industry And The Schools</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>

<b>Cross References</b>	<b>Description</b>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3523	<a href="#">Electronic Signatures</a>
3523	<a href="#">Electronic Signatures</a>
3541	<a href="#">Transportation Routes And Services</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112	<a href="#">Appointment And Conditions Of Employment</a>
4112.2	<a href="#">Certification</a>
4112.2	<a href="#">Certification</a>
4112.4	<a href="#">Health Examinations</a>
4112.5	<a href="#">Criminal Record Check</a>
4112.5-E(1)	<a href="#">Criminal Record Check</a>
4112.6	<a href="#">Personnel Files</a>
4131	<a href="#">Staff Development</a>
4212.4	<a href="#">Health Examinations</a>
4212.5	<a href="#">Criminal Record Check</a>
4212.5-E(1)	<a href="#">Criminal Record Check</a>
4212.6	<a href="#">Personnel Files</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4231	<a href="#">Staff Development</a>
4312.4	<a href="#">Health Examinations</a>
4312.5	<a href="#">Criminal Record Check</a>
4312.5-E(1)	<a href="#">Criminal Record Check</a>
4312.6	<a href="#">Personnel Files</a>
4331	<a href="#">Staff Development</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5030	<a href="#">Student Wellness</a>
5111	<a href="#">Admission</a>
5111	<a href="#">Admission</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5141.23	<a href="#">Asthma Management</a>
5141.23	<a href="#">Asthma Management</a>
5141.26	<a href="#">Tuberculosis Testing</a>
5141.31	<a href="#">Immunizations</a>

<b>Cross References</b>	<b>Description</b>
5141.31	<a href="#">Immunizations</a>
5141.32	<a href="#">Health Screening For School Entry</a>
5141.6	<a href="#">School Health Services</a>
5141.6	<a href="#">School Health Services</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
6011	<a href="#">Academic Standards</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6164.4	<a href="#">Identification And Evaluation Of Individuals For Special Education</a>
6164.4	<a href="#">Identification And Evaluation Of Individuals For Special Education</a>
6170.1	<a href="#">Transitional Kindergarten</a>
6171	<a href="#">Title I Programs</a>
6171	<a href="#">Title I Programs</a>
6173	<a href="#">Education For Homeless Children</a>
6173	<a href="#">Education For Homeless Children</a>
6173-E(1)	<a href="#">Education For Homeless Children</a>
6173-E(2)	<a href="#">Education For Homeless Children</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6174	<a href="#">Education For English Learners</a>
6174	<a href="#">Education For English Learners</a>
6175	<a href="#">Migrant Education Program</a>
6175	<a href="#">Migrant Education Program</a>
6200	<a href="#">Adult Education</a>
6200	<a href="#">Adult Education</a>
7110	<a href="#">Facilities Master Plan</a>
7210	<a href="#">Facilities Financing</a>

**Regulation 5148.3: Preschool/Early Childhood Education**

**Status: ADOPTED**

**Original Adopted Date: 07/01/2015 | Last Revised Date: 12/01/2024 | Last Reviewed Date: 12/01/2024**

**Attendance**, means the number of children present at a preschool facility, and for purposes of reimbursement, includes excused absences by children because of illness, quarantine, illness or quarantine of their parent, family emergency, or to spend time with a parent or other relative as required by a court of law or that is clearly in the best interest of the child. (Education Code 8205)

*Children with exceptional needs* means either of the following: (Education Code 8205)

1. Children under three years of age who have been determined to be eligible for early intervention services pursuant to the California Early Intervention Services Act (Government Code 95000-95029.5) and its implementing regulations, including an infant or toddler with a developmental delay or established risk condition, or a child who is at high risk of having a substantial developmental disability, as defined in Government Code 95014

Children with exceptional needs under the age of three shall have active individualized family service plans (IFSP) and shall be receiving early intervention services.

2. Children 3 to 21 years of age, inclusive, who have been determined to be eligible for special education and related services by an individualized education program (IEP) team according to the special education requirements contained in Education Code 56000-56865, and who meet eligibility criteria described in Education Code 56026 and 56333-56338 and 5 CCR 3030-3031

Children with exceptional needs between ages 3 to 21 shall have an active IEP and shall be receiving early intervention services or appropriate special education.

*Dual language learner children* means children whose first language is a language other than English or children who are developing two or more languages, one of which may be English. (Education Code 8205)

*Early enrollment child* means a child whose fourth birthday will be between June 3 and September 1 preceding the school year during which they are enrolled in a transitional kindergarten (TK) classroom. (Education Code 48000.15)

*Two-year-old children* means children who have had their second birthday and do not otherwise meet the definition of "three-year-old children." (Education Code 8205)

*Three-year-old children* means children who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a program approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP). Any child under four years of age shall be served in a California state preschool program facility, licensed in accordance with Title 22 of the California Code of Regulations (Education Code 8205)

*Four-year-old children* means children who will have their fourth birthday on or before December 1 of the fiscal year in which they are enrolled in a CSPP, or a child whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP and whose parent or guardian has opted to retain or enroll them in a CSPP. (Education Code 8205)

### **Program Components**

When approved by CDE under the CSPP, the district may operate one or more part- or full-day preschool programs in accordance with law and the terms of its contract with CDE.

The district's CSPP shall include all of the following: (Education Code 8207)

1. Age and developmentally appropriate activities for children
2. Supervision

3. Parenting education and parent engagement
4. Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies
5. Health services
6. Nutrition
7. Training and career ladder opportunities, documentation of which shall be provided to CDE
8. Physical activity to support children's health

The district's CSPP shall satisfy all the requirements described in 5 CCR 17701-17711, including, but not limited to, those related to the program philosophy, goals, and objectives, the educational program, the creation of a developmental profile for each child, staff development, family engagement and strengthening, community involvement, health and social services, nutrition, and program evaluation.

#### **Minimum Hours/Days of Operation**

The district's part-day CSPP shall operate a minimum of three hours, and up to three hours and 59 minutes, per day, excluding time for home-to-school transportation, and for at least 175 days per year unless otherwise specified in the contract with CDE. (Education Code 8207; 5 CCR 17727)

However, a part-day CSPP may also offer TK or kindergarten children whose families meet the requirements of Education Code 8208 less than four hours of wraparound childcare services, and a part-day preschool program operating on a school site may be allowed flexibility in the operational hours. (Education Code 48000)

The district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP, subject to available space. (Education Code 48000.15)

The district's full-day CSPP shall operate for a minimum of 246 days per year, unless the contract specifies a lower number of days of operation, and for the number of operational hours reasonably necessary to meet the preschool needs of the families in the community. (Education Code 8207; 5 CCR 17728)

#### **Staffing**

The CSPP shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. (Education Code 8241, 5 CCR 17713-17716)

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and Administrative Regulation 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

The district may require any volunteer who is to provide care and supervision to district preschool children to provide evidence that the volunteer is free of infectious tuberculosis.

## **Family Literacy Services**

When any district part-day CSPP receives funding for family literacy services pursuant to Education Code 8221, the Superintendent or designee shall coordinate the provision of: (Education Code 8220)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:
  - a. Providing support for the educational growth and success of their children
  - b. Improving parent-school communications and parental understanding of school structures and expectations
  - c. Becoming active partners with teachers in the education of their children
  - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians
4. Staff development for teachers in participating classrooms that includes, but is not limited to:
  - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies
  - b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
  - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
  - d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

## **Eligibility Criteria for Part-Day CSPP**

A child is eligible for a part-day CSPP if both of the following requirements are met: (Education Code 8208)

1. The child is one of the following:
  - a. A two-year-old child and the CSPP enrolls the two-year-old child in accordance with the guidance specified in Education Code 8207.1
  - b. A three-year-old child
  - c. A four-year-old child
  - d. Enrolled in kindergarten pursuant to Education Code 48000
2. The child's family is one of the following:
  - a. A current aid recipient
  - b. Income eligible

- c. Experiencing homelessness
- d. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected or exploited
- e. One who has children with exceptional needs, as defined in Education Code 8205
- f. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

After all eligible two-, three-, and four-year-old children have been enrolled as provided above, a part-day CSPP may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP shall be from families above the income eligibility threshold. (Education Code 8208)

In addition, after all otherwise eligible children have been enrolled as provided in the paragraphs above, a part-day CSPP may provide services to two-, three-, and four-year-old children in families whose income is above the income eligibility threshold if those children are children with exceptional needs. Such children with exceptional needs shall not count towards the 10-percent limit on enrollment of families with income above the income eligibility threshold described above. (Education Code 8208)

A CSPP operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals may enroll two-, three-, and four-year-old children after all otherwise eligible children have been enrolled as provided in the paragraphs above. (Education Code 8208, 8217)

The district shall certify eligibility and enroll families into the part-day CSPP within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to a child's enrollment, the child shall be deemed eligible for the part-day CSPP for the remainder of the program year and for the following program year, provided applicable age-eligibility requirements are met, as specified in Education Code 8205 and 48000. (Education Code 8208)

#### **Enrollment Priorities for Part-Day CSPP**

The district shall give priority for part-day CSPP as follows: (Education Code 8210)

1. The first priority for services shall be given to three- or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency

To the extent the district offers services to two-year-old children, pursuant to Education Code 8207.1, then priority for services shall also be given to two-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency.

If the district is unable to enroll a child in this first priority category, the district shall refer the child's parent/guardian to local resources and referral services so that services for the child can be located.

2. When the number of three- or four-year-old children with exceptional needs required to be enrolled pursuant to Education Code 8208 have been enrolled and there are additional children with exceptional needs who are interested in enrolling, the second priority for services shall be given to all three- and four-year-old children with exceptional needs from families with incomes below the income eligibility threshold, as described in Education Code 8213

Within this priority category, children with exceptional needs from families with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent of Public Instruction (SPI) at the time of enrollment, shall be enrolled first.

3. The third priority shall be given to eligible three- or four-year-old children who are not enrolled in a state-funded TK program

This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(B)(v), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first.

If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child who is identified as a dual language learner shall be enrolled first. If there are no children identified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.

4. If the district offers services to two-year-old children pursuant to Education Code 8207.1, the fourth priority shall be given to eligible two-year-old children

This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(B)(v), if they are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Enrollment determinations within this priority category shall be made in the same way as for third priority in Item #3 above.

5. The fifth priority, after all otherwise eligible children have been enrolled, shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213

Within this priority category, priority shall be given to three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the five percent of funded enrollment set aside pursuant to Education Code 8208, then to three- and four-year old children without exceptional needs in income ranking order, with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, being enrolled first. If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, the child that has been on the waiting list for the longest time shall be admitted first

6. After all otherwise eligible children have been enrolled in the first through fifth priority categories, as described in Items #1-5 above, the district may enroll other children in the following order:

- a. A CSPP site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any three- or four-year-old children whose families reside within the attendance boundary of the qualified elementary school, followed by two-year-old children whose families reside within the attendance boundary of the qualified elementary school, if the district offers services to two-year-old children pursuant to Education Code 8207.1

These children shall, to the extent possible, be enrolled by lowest to highest income according to the most recent schedule of income ceiling eligibility table.

- b. Children enrolling in a CSPP that provides expanded learning and care to TK or kindergarten students, pursuant to Education Code 48000

Regardless of the priorities listed above, until the district attains the five percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8210)

#### **Eligibility and Enrollment Priorities for Full-Day CSPP**

A child is eligible for a full-day CSPP if all of the following requirements are met: (Education Code 8208)

1. The child is one of the following:
  - a. A two-year-old child and the CSPP enrolls the two-year-old child in accordance with the guidance specified in Education Code 8207.1
  - b. A three-year-old child
  - c. A four-year-old child
2. The child's family is one of the following:
  - a. A current aid recipient
  - b. Income eligible
  - c. Experiencing homelessness
  - d. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited
  - e. One who has children with exceptional needs, as defined in Education Code 8205
  - f. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE
3. The child's family needs the childcare services because of either the following:
  - a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services; as being or at risk of being neglected, abused, or exploited; or as experiencing homelessness
  - b. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

After all eligible two-, three-, and four-year-old children have been enrolled as provided above, a full-day CSPP may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP shall be from families above the income eligibility threshold. (Education Code 8208)

After all families meeting the criteria specified in the paragraphs above have been enrolled, a full-day CSPP may provide services to two-, three-, and four-year-old children in families who do not meet at least one of the criteria in Item #2 above. (Education Code 8208)

After all otherwise eligible children have been enrolled as provided above, a full-day CSPP operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals may enroll any two-, three-, or four-year-old child. (Education Code 8208, 8217)

For full-day CSPP, the district shall use the same priority ranking specified in Items #1-5 of "Enrollment Priorities for Part-Day CSPP", above. (Education Code 8211)

After all otherwise eligible children based on Items #1-5 of "Enrollment Priorities for Part-Day CSPP" have been enrolled, the district may enroll other children in the following order: (Education Code 8211)

1. Two-, three-, and four-year-old children from families who do not meet at least one of the need requirements in Item #2 above

Within this priority, families shall be enrolled in income ranking order, lowest to highest. Within income ranking order, three-, and four-year old children shall be enrolled before two-year-old children, if the district offers services to two-year-old children pursuant to Education Code 8207.1.

2. A CSPP site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217, may enroll any three- and four-year-old children whose families reside within the attendance boundary of the qualified school without establishing eligibility or a need for services in accordance with Education Code 8208, followed by two-year-old children whose families reside within the attendance boundary of the qualified school without establishing eligibility or a need for services pursuant to Education Code 8208, if the district offers services to two-year-old children pursuant to Education Code 8207.1

Such children shall, to the extent possible, be enrolled in income ranking order, by lowest to highest income according to the most recent schedule of income ceiling eligibility table.

Regardless of the priorities listed above, until the district attains the five percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8211)

Upon establishing initial eligibility or ongoing eligibility for a full-day CSPP, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months. Such families shall receive those services for not less than 24 months before having eligibility or need recertified and shall not be required to report changes to income or other changes for at least 24 months. If the eligibility period ends before the end of a program year, eligibility shall be extended until the end of the program year, provided age-eligibility requirements are met, as specified in Education Code 8205. However, a family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility, as described in Education Code 8213, and the family's ongoing eligibility for services shall at that time be recertified. In addition, a family may, at any time, voluntarily report income or other changes. This information shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification. (Education Code 8208)

### **Waiting List**

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with applicable enrollment priorities. As vacancies occur, applicant families shall be contacted in order of priority on the waiting list. (5 CCR 17744)

### **Combined Preschool/Transitional Kindergarten Classroom**

When a child is eligible for both the CSPP and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000)

1. An observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS environment tool shall be completed for the classroom
2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272
3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256
4. The classroom shall comply with the adult-child ratio specified in Education Code 8241
5. Contractors of the district shall report the services, revenues, and expenditures for children in the CSPP in accordance with 5 CCR 18068

6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom

### **Fees and Charges**

Fees for participation in the district's full-day CSPP shall be assessed and collected in accordance with the fee schedule established by the SPI in conjunction with the California Department of Social Services. (Education Code 8252)

In addition, no fee shall be charged to an eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code 8253; 5 CCR 17735)

A family may be exempt from the fees for up to 12 months for any child enrolled in full-day preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused, exploited, or neglected. (Education Code 8253; 5 CCR 17735)

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8254)

### **Attendance**

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or the district's authorized representative if verification is made by telephone. (5 CCR 17818, 17819).

Absences shall be excused for the following reasons: (Education Code 8205; 5 CCR 17819)

1. Illness or quarantine of the child or of the parent/guardian
2. Family emergency

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 17819)

4. Time spent with a parent/guardian or other relative as required by a court of law

A child may not be disenrolled due to excessive absences, except in circumstances of abandonment of care, as described below. (5 CCR 17819, 17819.5)

When a child has been absent and the family has not been in communication with the program coordinator or site supervisor for seven consecutive calendar days, the district, using the contact information on file, shall attempt to contact the parent/guardian through a variety of communication methods, including one attempt in writing which may be through electronic means, informing the parent/guardian that failure to communicate with the district may result in termination of preschool services. The district shall keep documentation of all such communication attempts

in the family's data file, and, if there has been no communication for a total of 30 consecutive calendar days, issue a Notice of Action to disenroll the family on the basis of abandonment of care. (5 CCR 17819.5)

Parents/guardians shall be notified of the policies and procedures related to excused absences for child care and development services. (5 CCR 17819)

### **Disenrollment Based on Reduced Funding**

When necessary to disenroll families from subsidized preschool services, families shall be disenrolled in reverse order of the priority for services specified in Education Code 8210 and 8211 and as described above in the sections "Enrollment Priorities for Part-Day CSPP" and "Eligibility and Enrollment Priorities for Full-Day CSPP." (Education Code 8214; 5 CCR 17744)

### **Expulsion/Unenrollment and Suspension Based on Behavior**

**Suspension** means any removal of a child from all or part of the program day, or the prevention of a child from attending the program for one or more days, in response to the child's behavior.

*Removing the child from the program* means moving a child to an isolated or separate room. Programs may remove children from specific situations to allow the child to calm down or regain composure, such as taking the child for a walk or accompanying the child to an outdoor environment. However, the child must return to the classroom as soon as the child has calmed down and may not be removed for longer than 30 minutes.

**Expulsion** means the permanent dismissal of a child from a program in response to a child's behavior.

**Persistent and serious behaviors** means either repeated patterns of behavior that significantly interfere with the learning of other children, or interactions with peers and adults that are not responsive to the use of developmentally appropriate guidance, including, but not limited to, physical aggression, property destruction, and self-injury.

A district preschool program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 8489.1)

1. In writing, inform the parents/guardians of the child's persistent and serious behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program
2. If the child has an IFSP or IEP, contact, with written parent/guardian consent, the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child
3. If appropriate, consider completing a comprehensive screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program

If the district has taken the actions specified in Items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Education Code 8489.1)

A child shall not be suspended from a CSPP, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child.

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate.

When suspension is deemed necessary, the district shall help the child return to full participation in the program as

soon as possible while ensuring safety, by doing the following:

1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources
2. Developing a written plan to document the action and supports needed
3. Providing referrals to appropriate community resources
4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDE in the event of expulsion or suspension. If the district suspends or expels a child from any CSPP, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 17783, informing the parents/guardians of the right to file an appeal of the action directly with CDE no later than 14 calendar days after receiving the notice.

Children with exceptional needs may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

#### **Notice of Action**

Upon receiving a parent/guardian's application for services, the Superintendent or designee shall review the application and documentation and shall certify the eligibility of the family or child.

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 17782)

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 17783)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the parent/guardian no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 17758)

#### **Parent Hearing**

If a parent/guardian disagrees with any district action to deny the child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 17784)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 17784 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to CDE. (5 CCR 17785-17786)

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

<b>State</b>	<b>Description</b>
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	<a href="#">Continuing requirements</a>
22 CCR 101237-101239.2	<a href="#">Facilities and equipment</a>
5 CCR 14001-14036	School housing
5 CCR 17700-17833	California State Preschool Program
5 CCR 17701-17711	<a href="#">General program requirements</a>
5 CCR 17745	Admission requirements; residency
5 CCR 17746-17748	<a href="#">Enrollment priorities</a>
5 CCR 18295	<a href="#">Waiver of qualifications for site supervisor</a>
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4690-4694	<a href="#">Complaints regarding health and safety issues in license-exempt preschool programs</a>
5 CCR 80067-80067.3	<a href="#">Prekindergarten-3 Early Childhood Education Specialist Instruction Credential</a>
5 CCR 80105-80125	<a href="#">Commission on Teacher Credentialing; child care and development permits</a>
Ed. Code 17375	<a href="#">California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program</a>
Ed. Code 44065	<a href="#">Issuance of and functions requiring credentials</a>
Ed. Code 44256	<a href="#">Authorization for teaching credentials</a>
Ed. Code 48000-48003	<a href="#">Kindergartens</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 60910	<a href="#">Data for students enrolled in California State Preschool Program</a>
Ed. Code 69617	<a href="#">Golden State Teacher Grant Program</a>
Ed. Code 8200-8340	<a href="#">California State Preschool Program</a>
Ed. Code 8489-8489.1	<a href="#">Expulsion and suspension procedures</a>
H&S Code 120325-120380	<a href="#">Immunization against communicable diseases</a>
H&S Code 1596.70-1596.895	<a href="#">California Child Day Care Act</a>
H&S Code 1596.90-1597.21	<a href="#">Day care centers</a>
W&I Code 10207-10215	<a href="#">General provisions</a>

<b>State</b>	<b>Description</b>
W&I Code 10207-10492.2	<a href="#">Child Care and Development Services Act</a>
W&I Code 10217-10224.5	<a href="#">Resource and referral programs</a>
W&I Code 10225-10234	<a href="#">Alternative payment programs</a>
W&I Code 10235-10238	<a href="#">Migrant child care and development programs</a>
W&I Code 10240-10243	<a href="#">General child care and development programs</a>
W&I Code 10250-10252	<a href="#">Family child care home education networks</a>
W&I Code 10260-10263	<a href="#">Child care and development services for children with special needs</a>
W&I Code 10480-10487	<a href="#">Local planning councils</a>
<b>Federal</b>	<b>Description</b>
20 USC 1400-1482	<a href="#">Individuals with Disabilities Education Act</a>
20 USC 6311-6322	Title I, relative to preschool
20 USC 6391-6399	<a href="#">Education of migratory children</a>
42 USC 9831-9852c	<a href="#">Head Start programs</a>
42 USC 9857-9858r	<a href="#">Child Care and Development Block Grant</a>
45 CFR 1301.1-1305.2	<a href="#">Head Start</a>
<b>Management Resources</b>	<b>Description</b>
CA Commission on Teacher Credentialing Publication	<a href="#">Approval of Regulations Authorizing the New PK-3 Early Childhood Education Specialist Instruction Credential, Coded Correspondence 24-03, March 2024</a>
California Department of Education Publication	<a href="#">Assessment and Reporting of Family Fees for Fiscal Year (FY) 2024-25, Early Education Division Management Bulletin 24-06, June 2024</a>
California Department of Education Publication	<a href="#">California State Preschool Program Neighborhood School Eligibility Criteria to Enroll Three- and Four-Year-Old Children, Early Education Division Management Bulletin 24-01, January 2024</a>
California Department of Education Publication	<a href="#">Preschool/Transitional Kindergarten Learning Foundations, Early Education Division Management Bulletin 24-07, August 2024</a>
California Department of Education Publication	<a href="#">Data Collection for California State Preschool Programs Operated by a Local Educational Agency, Early Education Division Management Bulletin 24-08, August 2024</a>
California Department of Education Publication	<a href="#">Early Childhood Division Federal Program Monitoring Instrument</a>
California Department of Education Publication	<a href="#">California State Preschool Program and Children with Disabilities (Exceptional Needs), Early Education Division Management Bulletin 23-02, February 2023</a>
California Department of Education Publication	<a href="#">Part-day California State Preschool Program as an Extended Learning and Care Option, Early Education Division Management Bulletin 23-05, April 2023</a>
California Department of Education Publication	<a href="#">Suspension and Expulsion in the California State Preschool Program, Early Education Division Management Bulletin 23-08, September 2023</a>
California Department of Education Publication	<a href="#">Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009</a>
California Department of Education Publication	<a href="#">Implementation of the Classroom Assessment Scoring System (CLASS) and CLASS Environment and Removal of the Environment Rating Scale for the California State Preschool Program (CSPP), Early Education Division Management Bulletin 23-10, December 2023</a>
California Department of Education Publication	<a href="#">California Preschool Learning Foundations</a>

<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	<a href="#">First Class: A Guide for Early Primary Education, 1999</a>
CSBA Publication	<a href="#">The Importance of Early Childhood Education Programs, September 2019</a>
CSBA Publication	The Preschool Landscape in California and Strategies for Expansion, January 2020
U.S. Department of Education Publication	<a href="#">Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016</a>
Website	<a href="#">Universal PreKindergarten, California's Great Start</a>
Website	<a href="#">California Office of Administrative Law</a>
Website	<a href="#">California County Superintendents Educational Services Association</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Commission on Teacher Credentialing</a>
Website	<a href="#">National Institute for Early Education Research</a>
Website	<a href="#">California Association for the Education of Young Children</a>
Website	<a href="#">California Head Start Association</a>
Website	<a href="#">California Preschool Instructional Network</a>
Website	<a href="#">Child Development Policy Institute</a>
Website	<a href="#">First 5 California</a>
Website	<a href="#">California Department of Social Services</a>
Website	<a href="#">Cities Counties and Schools Partnership</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">U.S. Department of Education</a>
<b>Cross References</b>	<b>Description</b>
0415	<a href="#">Equity</a>
0500	<a href="#">Accountability</a>
1240	<a href="#">Volunteer Assistance</a>
1240	<a href="#">Volunteer Assistance</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
1330	<a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a>
1330.1	<a href="#">Joint Use Agreements</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
1700	<a href="#">Relations Between Private Industry And The Schools</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>

<b>Cross References</b>	<b>Description</b>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3523	<a href="#">Electronic Signatures</a>
3523	<a href="#">Electronic Signatures</a>
3541	<a href="#">Transportation Routes And Services</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112	<a href="#">Appointment And Conditions Of Employment</a>
4112.2	<a href="#">Certification</a>
4112.2	<a href="#">Certification</a>
4112.4	<a href="#">Health Examinations</a>
4112.5	<a href="#">Criminal Record Check</a>
4112.5-E(1)	<a href="#">Criminal Record Check</a>
4112.6	<a href="#">Personnel Files</a>
4131	<a href="#">Staff Development</a>
4212.4	<a href="#">Health Examinations</a>
4212.5	<a href="#">Criminal Record Check</a>
4212.5-E(1)	<a href="#">Criminal Record Check</a>
4212.6	<a href="#">Personnel Files</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4231	<a href="#">Staff Development</a>
4312.4	<a href="#">Health Examinations</a>
4312.5	<a href="#">Criminal Record Check</a>
4312.5-E(1)	<a href="#">Criminal Record Check</a>
4312.6	<a href="#">Personnel Files</a>
4331	<a href="#">Staff Development</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5030	<a href="#">Student Wellness</a>
5111	<a href="#">Admission</a>
5111	<a href="#">Admission</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5141.23	<a href="#">Asthma Management</a>
5141.23	<a href="#">Asthma Management</a>
5141.26	<a href="#">Tuberculosis Testing</a>
5141.31	<a href="#">Immunizations</a>

<b>Cross References</b>	<b>Description</b>
5141.31	<a href="#">Immunizations</a>
5141.32	<a href="#">Health Screening For School Entry</a>
5141.6	<a href="#">School Health Services</a>
5141.6	<a href="#">School Health Services</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
6011	<a href="#">Academic Standards</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6164.4	<a href="#">Identification And Evaluation Of Individuals For Special Education</a>
6164.4	<a href="#">Identification And Evaluation Of Individuals For Special Education</a>
6170.1	<a href="#">Transitional Kindergarten</a>
6171	<a href="#">Title I Programs</a>
6171	<a href="#">Title I Programs</a>
6173	<a href="#">Education For Homeless Children</a>
6173	<a href="#">Education For Homeless Children</a>
6173-E(1)	<a href="#">Education For Homeless Children</a>
6173-E(2)	<a href="#">Education For Homeless Children</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6174	<a href="#">Education For English Learners</a>
6174	<a href="#">Education For English Learners</a>
6175	<a href="#">Migrant Education Program</a>
6175	<a href="#">Migrant Education Program</a>
6200	<a href="#">Adult Education</a>
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7110	<a href="#">Facilities Master Plan</a>
7210	<a href="#">Facilities Financing</a>

**Policy 6158: Independent Study**

**Status: ADOPTED**

**Original Adopted Date: 03/01/2005 | Last Revised Date: 12/01/2024 | Last Reviewed Date: 12/01/2024**

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered for short- or long-term placements, on a full-time or part-time basis, and/or in conjunction with part- or full-time classroom study.

The Board shall hold a public hearing when considering the scope of its existing or prospective use of independent study as an instructional strategy, its purposes in authorizing independent study, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of students or adult education students. (Education Code 51747; 5 CCR 11701)

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, a charter school, an alternative school or program of choice, and/or an online course.

Student participation in independent study shall be voluntary and no student shall be required to participate. (Education Code 51747, 51749.5, 51749.6)

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

An independent study student shall not be credited with more than one day of attendance per calendar day. (Education Code 46300)

A nutritionally adequate breakfast and lunch shall be made available at no cost to any independent study student scheduled for educational activities lasting two or more hours at a school site, resource center, meeting space, or other satellite facility, who requests a meal. (Education Code 49501.5)

**General Independent Study Requirements**

The Superintendent or designee may offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for participation and is likely to succeed as well as or better than the student would in the regular classroom setting.

The minimum instructional minutes shall be the same for all students at each school including students participating in independent study, except as otherwise permitted by law. (Education Code 46100)

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of programs. When necessary, based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due. However, in no event shall the due date of an assignment be extended beyond the termination date specified in the student's written agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent

study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060
2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments
3. Learning of required concepts, as determined by the supervising teacher
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California (UC) or the California State University (CSU) as creditable under the A-G admissions criteria. (Education Code 51747)

The Superintendent or designee shall ensure that all students participating in independent study for 16 school days or more in a school year receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten (TK)-3, opportunities for daily synchronous instruction
2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction
3. For students in grades 9-12, opportunities for at least weekly synchronous instruction

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students participating in an independent study program for 16 school days or more in a school year who are: (Education Code 51747)

1. Not generating attendance for more than ten percent of required minimum instructional time over four continuous weeks of the district's approved instructional calendar
2. Not participating in synchronous instructional offerings pursuant to Education Code 51747.5 for more than 50 percent of the scheduled times of synchronous instruction in a school month as applicable by grade span
3. In violation of their written agreement

Tiered reengagement strategies procedures used in district independent study programs shall include local programs intended to address chronic absenteeism, as applicable, including but not limited to the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student
2. Notification to parents/guardians of lack of participation within one school day of the recording of a nonattendance day or lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary
4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

The Superintendent or designee shall, for students who participate in an independent study program for 16 school days or more in a school year, develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later than five instructional days. (Education Code 51747)

When any student enrolled in classroom-based instruction is participating in independent study due to necessary medical treatment or inpatient treatment for mental health or substance abuse under the care of appropriately licensed professionals, the student shall be exempt from the live interaction and/or synchronous instruction, tiered reengagement strategies, and transition back to in-person instruction requirements specified above. In such cases, evidence from appropriately licensed professionals, of the student's need to participate in independent study, shall be submitted to the Superintendent or designee. (Education Code 51747)

The Superintendent or designee shall ensure that a written agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

Upon the request of the parent/guardian of a student, and before signing a written agreement as described below in "Master Agreement," below, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, and, if requested by the parent/guardian an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

#### **Master Agreement**

A written agreement shall be developed and implemented for each student participating in independent study. (Education Code 46300, 51747)

For student participation lasting 16 school days or more, a signed written agreement shall be obtained before the student begins independent study. For student participation of 15 school days or fewer, a signed written agreement may be obtained at any time during the school year in which the independent study program takes place. (Education Code 46300, 51747)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but is not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The manner, time, frequency, and place for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will give rise to an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion

7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports
8. A statement that independent study is an optional educational alternative and no student may be required to participate
9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

All learning agreements shall be signed by the student, the student's parent/guardian or caregiver if the student is less than 18 years of age, the certificated employee responsible for the general supervision of independent study, and as applicable for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student. If the independent study program is projected to last for more than 15 school days, the learning agreement shall be signed before the commencement of the program. For an independent study program that is projected to last for 15 or fewer school days, the learning agreement shall be signed at any time during the school year in which the independent study program is to take place. (Education Code 51747)

For purposes of the above paragraph, caregiver means a person who has met the requirements of Family Code 6550-6552.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

#### **Course-Based Independent Study**

The district's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student, pursuant to Education Code 51749.6
2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction
3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards

For high schools, this shall include access to all courses offered by the district for graduation and approved by UC or CSU as creditable under the A-G admissions criteria.

The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that a student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. Additionally, the certification shall include plans to provide opportunities throughout the school year for all students in TK-3 to receive daily synchronous instruction, for all students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for all students in grades 9-12 to receive at least weekly synchronous instruction.

4. Students enrolled in independent study courses shall meet the applicable age requirements established

pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3

5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program as indicated by the student's performance on applicable student-level measures of student achievement and engagement set forth in Education Code 52060; completion of assignments, assessments, or other indicators that evidence that the student is working on assignments; learning of required concepts, as determined by the supervising teacher; and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher

If satisfactory educational progress in one or more independent study courses is not being made, the teacher providing instruction shall notify the student and, if the student is under 18 years of age, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student; a plan for outreach from the school to determine student needs, including connection with health and social services as necessary; and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

6. Examinations shall be administered by a proctor
7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district

Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

8. A student shall not be required to enroll in courses included in the course-based independent study program
9. The student-teacher ratio in the courses in this program shall be in accordance with Education Code 51745.6
10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208
11. Courses required for high school graduation or for admission to UC or CSU shall not be offered exclusively through independent study
12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011
13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course
14. A student with disabilities, as defined in Education Code 56026, may participate in course-based independent study if the student's individualized education program specifically provides for that participation
15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study
16. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days

Before enrolling a student in a course within a course-based independent study program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian, with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to course-based independent study pursuant to Education Code 51749.5
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to Item #3 of "Course-Based Independent Study" above
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program
5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports
7. A statement that enrollment is an optional educational alternative and no student may be required to participate

In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through course-based independent study only if the student is offered the alternative of classroom instruction.

8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress
9. The objectives and methods of study for the student's work, and the methods used to evaluate that work
10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study
11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.

All learning agreements shall be signed by the student, the student's parent/guardian or caregiver if the student is less than 18 years of age, the certificated employee responsible for the general supervision of the independent study course, and as applicable for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student. If the independent study program is projected to last for more than 15 school days, the learning agreement shall be signed before the commencement of the program. For an independent study program that is projected to last for 15 or fewer school days, the learning agreement shall be signed at any time during the school year in which the independent study program is to take place. (Education Code 51749.6)

For purposes of the above paragraph, caregiver means a person who has met the requirements of Family Code 6550-6552.

Learning agreements may be signed using an electronic signature that complies with state and federal standards, as determined by CDE. (Education Code 51749.6)

A signed learning agreement from a parent/guardian of a student who is less than 18 years of age shall constitute the parent/guardian's permission for the student to receive instruction through course-based independent study. (Education Code 51749.6)

Upon the request of a student's parent/guardian, and before signing a learning agreement as described above, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference, or other meeting during which the student, parent/guardian, and, if requested by the parent/guardian, an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51749.6)

### **Student-Parent-Educator Conferences**

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or, if requested by a parent/guardian, prior to enrollment or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

### **Records**

The Superintendent or designee shall ensure that records are maintained for audit purposes.

These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's signed or initialed and dated notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

Additionally, the district shall maintain documentation of hours or fraction of an hour for student work products and the time that students engaged in asynchronous instruction. (Education Code 54747.5)

5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5
6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A student who does not participate in scheduled live interaction or synchronous instruction shall be documented as non-participatory for that school day. (Education Code 51747.5)

The Superintendent or designee shall also maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each

student for independent study assignments. (Education Code 51747.5)

Signed written and supplemental agreements, assignment records, work samples, and attendance records may be maintained as an electronic file in accordance with Education Code 51747 and 51749.6, as applicable.

### Program Evaluation

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement, as needed.

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

<b>State</b>	<b>Description</b>
5 CCR 11700-11705	Independent study
Ed. Code 147610-47615	<a href="#">Charter School Operation</a>
Ed. Code 17289	Exemption for facilities
Ed. Code 41020	Requirement for annual audit
Ed. Code 41422	<a href="#">Emergency conditions and apportionments</a>
Ed. Code 42238	Revenue limits
Ed. Code 42238.05	<a href="#">Local control funding formula; average daily attendance</a>
Ed. Code 44865	<a href="#">Qualifications for independent study teachers</a>
Ed. Code 46100	<a href="#">Length of school day</a>
Ed. Code 46200-46208	<a href="#">Incentives for longer instructional day and year</a>
Ed. Code 46300-46307.1	<a href="#">Methods of computing average daily attendance</a>
Ed. Code 46390-46393	<a href="#">Emergency average daily attendance</a>
Ed. Code 46600	Interdistrict attendance computation
Ed. Code 47612.5	<a href="#">Charter schools operations; general requirements</a>
Ed. Code 48204	<a href="#">Residency requirements for school attendance</a>
Ed. Code 48206.3	<a href="#">Home or hospital instruction; students with temporary disabilities</a>
Ed. Code 48220	<a href="#">Classes of children exempted</a>
Ed. Code 48340	<a href="#">Improvement of pupil attendance</a>
Ed. Code 48915	<a href="#">Expulsion; particular circumstances</a>
Ed. Code 48916.1	<a href="#">Educational program requirements for expelled students</a>
Ed. Code 48917	<a href="#">Suspension of expulsion order</a>
Ed. Code 49010	<a href="#">Educational activity; definition</a>
Ed. Code 49011	<a href="#">Student fees; definition</a>
Ed. Code 49501.5	School Meals
Ed. Code 51225.3	<a href="#">High school graduation requirements</a>
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060	<a href="#">Local control and accountability plan</a>
Ed. Code 52523	<a href="#">Adult education as supplement to high school curriculum; criteria</a>

<b>State</b>	<b>Description</b>
Ed. Code 56026	<a href="#">Individual with exceptional needs; definition</a>
Ed. Code 58500-58512	<a href="#">Alternative schools and programs of choice</a>
Fam. Code 6550-6552	<a href="#">Caregivers</a>
<b>Federal</b>	<b>Description</b>
20 USC 6311	<a href="#">State plan</a>
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	<a href="#">Legal Requirements for Independent Study</a>
California Department of Education Publication	<a href="#">Conducting Individualized Determinations of Need</a>
California Department of Education Publication	<a href="#">California Digital Learning Integration and Standards Guidance, May 2021</a>
California Department of Education Publication	<a href="#">Elements of Exemplary Independent Study</a>
Court Decision	<a href="#">Modesto City Schools v. Education Audits Appeal Panel (2004) 123 Cal.App.4th 1365</a>
Education Audit Appeals Panel Publication	<a href="#">Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Consortium for Independent Study</a>
Website	<a href="#">California Department of Education, Independent Study</a>
Website	<a href="#">Education Audit Appeals Panel</a>
<b>Cross References</b>	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0420.4	<a href="#">Charter School Authorization</a>
0420.4	<a href="#">Charter School Authorization</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0500	<a href="#">Accountability</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3516.5	<a href="#">Emergency Schedules</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112.2	<a href="#">Certification</a>
4112.2	<a href="#">Certification</a>
4131	<a href="#">Staff Development</a>
5111.1	<a href="#">District Residency</a>
5111.1	<a href="#">District Residency</a>
5112.3	<a href="#">Student Leave Of Absence</a>
5112.3	<a href="#">Student Leave Of Absence</a>

<b>Cross References</b>	<b>Description</b>
5113	<a href="#">Absences And Excuses</a>
5113	<a href="#">Absences And Excuses</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5121	<a href="#">Grades/Evaluation Of Student Achievement</a>
5121	<a href="#">Grades/Evaluation Of Student Achievement</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5126	<a href="#">Awards For Achievement</a>
5126	<a href="#">Awards For Achievement</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.31	<a href="#">Immunizations</a>
5141.31	<a href="#">Immunizations</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5146	<a href="#">Married/Pregnant/Parenting Students</a>
5147	<a href="#">Dropout Prevention</a>
6000	<a href="#">Concepts And Roles</a>
6011	<a href="#">Academic Standards</a>
6111	<a href="#">School Calendar</a>
6112	<a href="#">School Day</a>
6112	<a href="#">School Day</a>
6142.4	<a href="#">Service Learning/Community Service Classes</a>
6143	<a href="#">Courses Of Study</a>
6143	<a href="#">Courses Of Study</a>
6146.1	<a href="#">High School Graduation Requirements</a>
6146.11	<a href="#">Alternative Credits Toward Graduation</a>
6146.11	<a href="#">Alternative Credits Toward Graduation</a>
6152	<a href="#">Class Assignment</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6162.5	<a href="#">Student Assessment</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6164.5	<a href="#">Student Success Teams</a>
6164.5	<a href="#">Student Success Teams</a>
6172	<a href="#">Gifted And Talented Student Program</a>

<b>Cross References</b>	<b>Description</b>
6172	<a href="#">Gifted And Talented Student Program</a>
6181	<a href="#">Alternative Schools/Programs Of Choice</a>
6181	<a href="#">Alternative Schools/Programs Of Choice</a>
6183	<a href="#">Home And Hospital Instruction</a>
6184	<a href="#">Continuation Education</a>
6184	<a href="#">Continuation Education</a>
6185	<a href="#">Community Day School</a>
6185	<a href="#">Community Day School</a>
6200	<a href="#">Adult Education</a>
6200	<a href="#">Adult Education</a>

**Regulation 6158: Independent Study**

**Status: ADOPTED**

**Original Adopted Date: 10/01/2015 | Last Revised Date: 12/01/2024 | Last Reviewed Date: 12/01/2024**

**Definitions**

**Live interaction** means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in-person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

**Student-parent-educator conference** means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

**Synchronous instruction** means classroom-style instruction or designated small group or one-on-one instruction delivered in-person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by a teacher(s) of record for that student pursuant to Education Code 51747.5 or the certificated employee providing instruction for course-based independent study. (Education Code 51745.5)

**Educational Opportunities**

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Continuing and special study during travel
4. Volunteer community service activities and leadership opportunities that support and strengthen student achievement
5. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction or for a student who is unable to attend in-person instruction due to a quarantine due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

**Equivalency**

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and district-owned devices adequate to participate in an independent study program and complete assigned work

consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

### **Eligibility for Independent Study**

To participate in independent study, a student shall be enrolled in a district school. (Education Code 51748)

The Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study shall be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

A student with disabilities, as defined in Education Code 56026, may participate in independent study if the student's individualized education program (IEP) specifically provides for such participation. If a parent/guardian of a student with disabilities requests independent study because the student's health would be put at risk by in-person instruction, the student's IEP team shall make an individualized determination as to whether the student can receive a free appropriate public education (FAPE) in an independent study placement. A student's inability to work independently, need for adult support, or need for special education or related services shall not preclude the IEP team from determining that the student can receive FAPE in an independent study placement. (Education Code 51745)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through independent study. (Education Code 51745)

Except for students participating in independent study due to an emergency as described in Education Code 41422 and 46392 and pregnant and parenting students who are the primary caregiver for their child(ren), no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program shall be enrolled in independent study. (Education Code 51745)

### **Monitoring Student Progress**

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether independent study is in the student's best interest. This evaluation may result in

termination of the independent study agreement and the student's return to the regular classroom program or other alternative program. (Education Code 51747, 51749.5; 5 CCR 11701)

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation, and if the student transfers to another public school in California, the record shall be forwarded to that school. (Education Code 51747, 51749.5)

### **Responsibilities of Independent Study Administrator**

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

### **Assignment and Responsibilities of Independent Study Teachers**

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with Item #4 in "Records" in the accompanying Board policy
5. Providing direct instruction and counsel as necessary for individual student success
6. Regularly meeting with the student to discuss the student's progress
7. Determining the time value of assigned work or work products completed and submitted by the student, including time that the student engaged in asynchronous instruction
8. Assessing student work and assigning grades or other approved measures of achievement

9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

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

<b>State</b>	<b>Description</b>
5 CCR 11700-11705	Independent study
Ed. Code 147610-47615	<a href="#">Charter School Operation</a>
Ed. Code 17289	<a href="#">Exemption for facilities</a>
Ed. Code 41020	<a href="#">Requirement for annual audit</a>
Ed. Code 41422	<a href="#">Emergency conditions and apportionments</a>
Ed. Code 42238	<a href="#">Revenue limits</a>
Ed. Code 42238.05	<a href="#">Local control funding formula; average daily attendance</a>
Ed. Code 44865	<a href="#">Qualifications for independent study teachers</a>
Ed. Code 46100	<a href="#">Length of school day</a>
Ed. Code 46200-46208	<a href="#">Incentives for longer instructional day and year</a>
Ed. Code 46300-46307.1	<a href="#">Methods of computing average daily attendance</a>
Ed. Code 46390-46393	<a href="#">Emergency average daily attendance</a>
Ed. Code 46600	<a href="#">Interdistrict attendance computation</a>
Ed. Code 47612.5	<a href="#">Charter schools operations; general requirements</a>
Ed. Code 48204	<a href="#">Residency requirements for school attendance</a>
Ed. Code 48206.3	<a href="#">Home or hospital instruction; students with temporary disabilities</a>
Ed. Code 48220	<a href="#">Classes of children exempted</a>
Ed. Code 48340	<a href="#">Improvement of pupil attendance</a>
Ed. Code 48915	<a href="#">Expulsion; particular circumstances</a>
Ed. Code 48916.1	<a href="#">Educational program requirements for expelled students</a>
Ed. Code 48917	<a href="#">Suspension of expulsion order</a>
Ed. Code 49010	<a href="#">Educational activity; definition</a>
Ed. Code 49011	<a href="#">Student fees; definition</a>
Ed. Code 49501.5	<a href="#">School Meals</a>
Ed. Code 51225.3	<a href="#">High school graduation requirements</a>
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060	<a href="#">Local control and accountability plan</a>
Ed. Code 52523	<a href="#">Adult education as supplement to high school curriculum; criteria</a>
Ed. Code 56026	<a href="#">Individual with exceptional needs; definition</a>
Ed. Code 58500-58512	<a href="#">Alternative schools and programs of choice</a>
Fam. Code 6550-6552	<a href="#">Caregivers</a>

<b>Federal</b>	<b>Description</b>
20 USC 6311	<a href="#">State plan</a>
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	Legal Requirements for Independent Study
California Department of Education Publication	<a href="#">Conducting Individualized Determinations of Need</a>
California Department of Education Publication	<a href="#">California Digital Learning Integration and Standards Guidance, May 2021</a>
California Department of Education Publication	Elements of Exemplary Independent Study
Court Decision	Modesto City Schools v. Education Audits Appeal Panel (2004) 123 Cal.App.4th 1365
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Consortium for Independent Study</a>
Website	<a href="#">California Department of Education, Independent Study</a>
Website	<a href="#">Education Audit Appeals Panel</a>
<b>Cross References</b>	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0420.4	<a href="#">Charter School Authorization</a>
0420.4	<a href="#">Charter School Authorization</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0500	<a href="#">Accountability</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3516.5	<a href="#">Emergency Schedules</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112.2	<a href="#">Certification</a>
4112.2	<a href="#">Certification</a>
4131	<a href="#">Staff Development</a>
5111.1	<a href="#">District Residency</a>
5111.1	<a href="#">District Residency</a>
5112.3	<a href="#">Student Leave Of Absence</a>
5112.3	<a href="#">Student Leave Of Absence</a>
5113	<a href="#">Absences And Excuses</a>
5113	<a href="#">Absences And Excuses</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5121	<a href="#">Grades/Evaluation Of Student Achievement</a>

<b>Cross References</b>	<b>Description</b>
5121	<a href="#">Grades/Evaluation Of Student Achievement</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5126	<a href="#">Awards For Achievement</a>
5126	<a href="#">Awards For Achievement</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.31	<a href="#">Immunizations</a>
5141.31	<a href="#">Immunizations</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5146	<a href="#">Married/Pregnant/Parenting Students</a>
5147	<a href="#">Dropout Prevention</a>
6000	<a href="#">Concepts And Roles</a>
6011	<a href="#">Academic Standards</a>
6111	<a href="#">School Calendar</a>
6112	<a href="#">School Day</a>
6112	<a href="#">School Day</a>
6142.4	<a href="#">Service Learning/Community Service Classes</a>
6143	<a href="#">Courses Of Study</a>
6143	<a href="#">Courses Of Study</a>
6146.1	<a href="#">High School Graduation Requirements</a>
6146.11	<a href="#">Alternative Credits Toward Graduation</a>
6146.11	<a href="#">Alternative Credits Toward Graduation</a>
6152	<a href="#">Class Assignment</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6162.5	<a href="#">Student Assessment</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6164.5	<a href="#">Student Success Teams</a>
6164.5	<a href="#">Student Success Teams</a>
6172	<a href="#">Gifted And Talented Student Program</a>
6172	<a href="#">Gifted And Talented Student Program</a>
6181	<a href="#">Alternative Schools/Programs Of Choice</a>
6181	<a href="#">Alternative Schools/Programs Of Choice</a>
6183	<a href="#">Home And Hospital Instruction</a>
6184	<a href="#">Continuation Education</a>

<b>Cross References</b>	<b>Description</b>
6184	<a href="#">Continuation Education</a>
6185	<a href="#">Community Day School</a>
6185	<a href="#">Community Day School</a>
6200	<a href="#">Adult Education</a>
6200	<a href="#">Adult Education</a>

**Policy 6170.1: Transitional Kindergarten**

**Status: ADOPTED**

**Original Adopted Date: 10/01/2015 | Last Revised Date: 12/01/2024 | Last Reviewed Date: 12/01/2024**

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The TK program shall assist students in developing the academic, social, and emotional skills needed to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in the development, implementation, and evaluation of the district's TK program.

**Eligibility**

The district's TK program shall admit children as follows: (Education Code 48000)

1. For the 2024-25 school year, children whose fifth birthday is between September 2 and June 2
2. For the 2025-26 school year, and in each school year thereafter, children who turn four by September 1

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or child care program, including, but not limited to, a Head Start program, a child care center serving children through an alternative payment program, a general child care and development program, a California State Preschool Program (CSPP), a migrant child care and development program, child care and development services for children with special needs, or a program serving children through a CalWORKs Stage 1, Stage 2, or Stage 3 program. (Education Code 48000)

Parents/guardians of eligible children shall be notified of the availability of the TK program and of the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

On a case-by-case basis, a child whose fifth birthday is on or before September 1 may be admitted into the district's TK program upon request of a child's parents/guardians, if the Superintendent or designee, determines that it is in the child's best interest.

At any time during the school year, the district may admit into the TK program a child whose fifth birthday is after the date specified for admittance for the applicable year as described above, provided that upon the recommendation of the Superintendent or designee, the Board determines that enrollment in a TK program is in the child's best interest and the child's parents/guardians approve. Prior to such enrollment, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance. (Education Code 48000)

Additionally, the district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. The Superintendent or designee shall maintain any classroom that includes an early enrollment child with a classroom enrollment that does not exceed 20 students and an adult-to-student ratio of at least one adult to every 10 students. Additionally, if an early enrollment child is enrolled in TK, the district shall concurrently offer enrollment to the child in the district's CSPP, subject to available space. (Education Code 48000.15)

**Curriculum and Instruction**

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education (CDE). It shall be designed to facilitate students' development in essential knowledge and skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

Students in TK are not required to be assessed in English listening and speaking for purposes of initial identification as an English learner. However the district shall conduct the Home Language Survey during enrollment to identify whether the primary or native language of a student is other than English.

The Board shall establish the length of the school day in the district's TK program, which shall be at least three hours but no more than four hours long, including recess but excluding noon intermission, except for TK students enrolled in expanded learning opportunity programs provided by the district pursuant to Education Code 46120. If the district has adopted an extended-day kindergarten, the length of the school day for the TK program may be different than the length of the school day for the kindergarten program either at the same or different school sites. The Superintendent or designee shall annually report to CDE as to whether the district's TK programs are offered full-day, part-day, or both. (Education Code 8973, 37202, 46111, 46115, 46117, 48003)

The Superintendent or designee shall collaborate with parents/guardians and relevant community groups, in accordance with the plan developed for how all children in the attendance area of the district will have access to full-day learning programs the year before kindergarten that meet the needs of parents/guardians, including through partnerships with the district's expanded learning opportunities, the After School Education and Safety Program, CSPP, Head Start programs, and other community-based early learning and care programs.

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

TK students may be commingled in the same classroom with four-year-old students from a CSPP program as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000)

1. The classroom does not include students enrolled in TK for a second year or students enrolled in a regular kindergarten
2. An observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS Environmental tool are completed for the classroom
3. All children enrolled for 10 or more hours per week are evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272
4. The classroom is taught by a teacher that holds a credential issued by the Commission on Teacher Credentialing (CTC) in accordance with Education Code 44065 and 44256
5. The classroom is in compliance with the adult-child ratio specified in Education Code 8241
6. Contractors of the district report the services, revenues, and expenditures for children in the preschool program in accordance with 5 CCR 18068 except for contractors of the TK program

The district shall maintain an average TK class enrollment of not more than 24 students for each school site, not including students who are continuously enrolled in and meet the minimum day requirement for independent study for more than 14 school days in a school year. (Education Code 48000)

## **Staffing**

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from CTC that authorizes such instruction.

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2025, have at least 24 units in early childhood education and/or child development, comparable professional experience in a preschool setting, and/or a child development teacher permit or an early childhood specialist credential issued by CTC. (Education Code 48000)

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children, including, but not limited to, developing competencies in serving inclusive classrooms and dual language learners.

The district shall maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for every 10 students commencing with the 2025-26 school year. (Education Code 48000)

### **Continuation to Kindergarten**

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

A student shall not attend more than two years in kindergarten or a combination of TK and kindergarten. (Education Code 46300)

### **Assessment**

The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. The Superintendent or designee shall monitor and regularly report to the Board regarding program implementation, the progress of students in meeting related academic standards, and student preparedness for future education.

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<b>State</b>	<b>Description</b>
5 CCR 18000-18308	Early Learning and Care Programs
5 CCR 80067-80067.3	<a href="#">Prekindergarten-3 Early Childhood Education Specialist Instruction Credential</a>
Ed. Code 17375	<a href="#">California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program</a>
Ed. Code 313	English Language Proficiency Assessment
Ed. Code 33050	<a href="#">Waiver authority and exceptions</a>
Ed. Code 37202	<a href="#">Equal time in all schools</a>
Ed. Code 44065	<a href="#">Issuance of and functions requiring credentials</a>
Ed. Code 44256	<a href="#">Authorization for teaching credentials</a>
Ed. Code 44258.9	<a href="#">County superintendent review of teacher assignment</a>
Ed. Code 44300	<a href="#">Emergency permits</a>
Ed. Code 46111	<a href="#">Kindergarten; hours of attendance</a>
Ed. Code 46114-46119	<a href="#">Minimum school day; kindergarten</a>

<b>State</b>	<b>Description</b>
Ed. Code 46120	<a href="#">Expanded learning opportunities</a>
Ed. Code 46300	<a href="#">Method of computing average daily attendance</a>
Ed. Code 48000	<a href="#">Minimum age of admission for kindergarten; transitional kindergarten</a>
Ed. Code 48000.15	<a href="#">Early enrollment in transitional kindergarten</a>
Ed. Code 48002	<a href="#">Evidence of minimum age required to enter kindergarten or first grade</a>
Ed. Code 48003	<a href="#">Kindergarten annual report</a>
Ed. Code 48010	<a href="#">Minimum age of admission to first grade</a>
Ed. Code 48011	<a href="#">Promotion/retention following one year of kindergarten</a>
Ed. Code 48200	<a href="#">Compulsory attendance</a>
Ed. Code 8203.3	<a href="#">Development of pre-kindergarten learning development guidelines</a>
Ed. Code 8207	<a href="#">California State Preschool Program administration</a>
Ed. Code 8241	<a href="#">Staffing ratios for center-based program</a>
Ed. Code 8281.5	<a href="#">California Prekindergarten Planning and Implementation Grant Program</a>
Ed. Code 8970-8974	<a href="#">Early primary program, including extended-day kindergarten</a>

#### **Management Resources**

	<b>Description</b>
CA Commission on Teacher Credentialing Publication	<a href="#">Approval of Regulations Authorizing the New PK-3 Early Childhood Education Specialist Instruction Credential, Coded Correspondence 24-03, March 2024</a>
California Department of Education Communication	<a href="#">Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing, June 2024</a>
California Department of Education Publication	<a href="#">Proposed Tools and Process for the Early identification of Developmental Delays and Learning Disabilities, October 2023</a>
California Department of Education Publication	<a href="#">Universal Prekindergarten FAQs</a>
California Department of Education Publication	<a href="#">Implementation of the Classroom Assessment Scoring System (CLASS) and CLASS Environment and Removal of the Environment Rating Scale for the California State Preschool Program (CSPP), Early Education Division Management Bulletin 23-10, December 2023</a>
California Department of Education Publication	<a href="#">Transitional Kindergarten FAQs</a>
California Department of Education Publication	<a href="#">Desired Results Developmental Profile: A Developmental Continuum from Early Infancy up to Kindergarten Entry, 2015</a>
California Department of Education Publication	<a href="#">California Preschool Curriculum Framework, Vol. 1, 2010</a>
California Department of Education Publication	<a href="#">California Preschool Curriculum Framework, Vol. 2, 2011</a>
California Department of Education Publication	<a href="#">California Preschool Curriculum Framework, Vol. 3, 2013</a>
California Department of Education Publication	<a href="#">California Preschool Learning Foundations, Vol. 1, 2008</a>
California Department of Education Publication	<a href="#">California Preschool Learning Foundations, Vol. 2, 2010</a>
California Department of Education Publication	<a href="#">California Preschool Learning Foundations, Vol. 3, 2012</a>
CSBA Publication	<a href="#">Advancing Universal Transitional Kindergarten, April 2022</a>
CSBA Publication	<a href="#">The Importance of Early Childhood Education Programs, September 2019</a>
Website	<a href="#">Universal PreKindergarten, California's Great Start</a>
Website	<a href="#">California Office of Administrative Law</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Transitional Kindergarten California</a>

<b>Management Resources</b>	<b>Description</b>
Website	<a href="#">California Kindergarten Association</a>
Website	<a href="#">Commission on Teacher Credentialing</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>
<b>Cross References</b>	<b>Description</b>
0500	<a href="#">Accountability</a>
1220	<a href="#">Citizen Advisory Committees</a>
1220	<a href="#">Citizen Advisory Committees</a>
4112.2	<a href="#">Certification</a>
4112.2	<a href="#">Certification</a>
4131	<a href="#">Staff Development</a>
5111	<a href="#">Admission</a>
5111	<a href="#">Admission</a>
5111.1	<a href="#">District Residency</a>
5111.1	<a href="#">District Residency</a>
5123	<a href="#">Promotion/Acceleration/Retention</a>
5123	<a href="#">Promotion/Acceleration/Retention</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.3	<a href="#">Health Examinations</a>
5141.3	<a href="#">Health Examinations</a>
5141.31	<a href="#">Immunizations</a>
5141.31	<a href="#">Immunizations</a>
5141.32	<a href="#">Health Screening For School Entry</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
6011	<a href="#">Academic Standards</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6111	<a href="#">School Calendar</a>
6112	<a href="#">School Day</a>
6112	<a href="#">School Day</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6151	<a href="#">Class Size</a>

<b>Cross References</b>	<b>Description</b>
<b>6161.1</b>	<a href="#">Selection And Evaluation Of Instructional Materials</a>
<b>6161.1</b>	<a href="#">Selection And Evaluation Of Instructional Materials</a>
<b>6161.1-E(1)</b>	<a href="#">Selection And Evaluation Of Instructional Materials</a>
<b>6162.5</b>	<a href="#">Student Assessment</a>
<b>6174</b>	<a href="#">Education For English Learners</a>
<b>6174</b>	<a href="#">Education For English Learners</a>

**Policy 6174: Education For English Learners**

**Status: ADOPTED**

**Original Adopted Date: 03/01/2017 | Last Revised Date: 12/01/2024 | Last Reviewed Date: 12/01/2024**

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

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

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No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history/social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

However, a middle or high school student who is a newcomer student or an immigrant child or youth, as defined in 20 USC 7011, or is a student participating in a program designed to meet the academic and transitional needs of newcomer students and that has as its primary objective the development of English language proficiency, may be denied enrollment in any of the courses stated above if the course of study provided to the student is designed to remedy academic deficits incurred during participation and is reasonably calculated to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

2. A full course load of courses specified in Item #1 above
3. Other courses that meet the "A-G" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners and long-term English learners, in accordance with Board Policy and Administrative Regulation 0460 - Local Control and Accountability Plan.

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

**Staff Qualifications and Training**

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

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

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

### **Identification and Assessment**

The Superintendent or designee shall maintain procedures for the early identification and assessment of the proficiency of English learners at all grade levels, except transitional kindergarten, using the English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

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

In addition, English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 853. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 853)

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

### **Language Acquisition Programs**

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

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

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

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

1. A dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding
2. A transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards

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

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with

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

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

### **Reclassification/Redesignation**

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

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

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

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC
2. Evaluation by the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student, including, but not limited to, a review of the student's curriculum mastery and academic performance
3. Parent/guardian involvement, including:
  - a. Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate
  - b. Encouragement of parent/guardian participation in the district's reclassification procedure, including seeking parent/guardian opinion and consultation during the reclassification process
  - c. Provision of an interpreter for the parent/guardian, when necessary
4. Comparison of student performance on an objective assessment of basic skills in English against an empirically established range of performance in basic skills, based on the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English

The student's language proficiency assessments, the participants in the reclassification process, and any decisions regarding reclassification shall be retained in the student's permanent record. (5 CCR 11305)

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

The Superintendent or designee shall monitor students for at least four years following their reclassification to ensure the students have not prematurely exited, any academic deficit incurred through participation in the English learner program has been remedied, and the students are meaningfully participating in the standard instructional program compared to students who had never participated in an English learner program. (5 CCR 11304; 20 USC 6841)

### **Program Evaluation**

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

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners as defined in Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals identified in the district's LCAP for English learners and long-term English learners as defined in Education Code 52052
7. A comparison of current data with data from at least the previous year in regard to Items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

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

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

<b>State</b>	<b>Description</b>
5 CCR 11300-11316	<a href="#">English learner education</a>
5 CCR 11510-11517.5	California English Language Development Test
5 CCR 11517.6-11519.5	English Language Proficiency Assessments for California
5 CCR 853	<a href="#">Administration of CAASPP</a>
5 CCR 854.9	<a href="#">CAASPP and unlisted resources for students with disabilities</a>
Ed. Code 200	<a href="#">Prohibition of discrimination</a>
Ed. Code 300-340	English language education for immigrant children
Ed. Code 310	Language acquisition programs
Ed. Code 313-313.5	<a href="#">Assessment of English proficiency</a>
Ed. Code 33050	<a href="#">Nonwaivable provisions</a>
Ed. Code 361	Statewide implementation plan for the "EL Roadmap Policy"
Ed. Code 42238.02	<a href="#">Local Control Funding Formula</a>
Ed. Code 430-446	English Learner and Immigrant Pupil Federal Conformity Act
Ed. Code 44253.1-44253.11	<a href="#">Qualifications of teachers of English learners</a>
Ed. Code 48345	<a href="#">Interdistrict instruction collaboration agreements</a>

<b>State</b>	<b>Description</b>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 52052	<a href="#">Accountability: numerically significant student subgroups</a>
Ed. Code 52060-52077	<a href="#">Local control and accountability plan</a>
Ed. Code 52160-52178	<a href="#">Bilingual Bicultural Act of 1976</a>
Ed. Code 56305	<a href="#">CDE manual on English learners with disabilities</a>
Ed. Code 60603	<a href="#">Definition: recently arrived English learner</a>
Ed. Code 60640	<a href="#">California Assessment of Student Performance and Progress</a>
Ed. Code 60811.8	<a href="#">Newcomer student; definition</a>
Ed. Code 62002.5	<a href="#">Continuation of advisory committee after program sunsets</a>
<b>Federal</b>	<b>Description</b>
20 USC 1412	<a href="#">State eligibility</a>
20 USC 1701-1721	<a href="#">Equal Educational Opportunities Act</a>
20 USC 6311	<a href="#">State plan</a>
20 USC 6312	<a href="#">Local educational agency plan</a>
20 USC 6801-7014	<a href="#">Limited English proficient and immigrant students</a>
20 USC 7011	<a href="#">Definition of immigrant children and youth</a>
20 USC 7801	<a href="#">Definition of English learner</a>
34 CFR 100.3	<a href="#">Prohibition of discrimination on basis of race, color or national origin</a>
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	<a href="#">83 Ops.Cal.Atty.Gen. 40 (2000)</a>
California Department of Education Communication	<a href="#">Updated Reclassification Guidance for 2018-19</a>
California Department of Education Communication	<a href="#">Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing, June 2024</a>
California Department of Education Publication	<a href="#">EL Roadmap Policy</a>
California Department of Education Publication	<a href="#">Summative English Language Proficiency Assessments for California, Assessment Fact Sheet, July 2023</a>
California Department of Education Publication	<a href="#">English Learner, Federal Program Monitoring Instrument</a>
California Department of Education Publication	<a href="#">Monitoring Reclassified Students, December 2019</a>
California Department of Education Publication	<a href="#">California Practitioners' Guide for Educating English Learners with Disabilities, 2019</a>
California Department of Education Publication	<a href="#">English Language Proficiency Assessments for California Information Guide, July 2023</a>
California Department of Education Publication	<a href="#">California Digital Learning Integration and Standards Guidance, May 2021</a>
California Department of Education Publication	<a href="#">Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015</a>
California Department of Education Publication	<a href="#">Accessibility Resources Matrix, 2022</a>
California Department of Education Publication	<a href="#">Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015</a>
California Department of Education Publication	<a href="#">Reclassification Guidance for 2020-21 and Statewide Testing Window Extension, CDE Correspondence, June 14, 2021</a>

<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	<a href="#">California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017</a>
California Department of Education Publication	<a href="#">Common Core State Standards for Mathematics, 2013</a>
California Department of Education Publication	<a href="#">English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012</a>
California Department of Education Publication	<a href="#">English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014</a>
Commission on Teacher Credentialing Publication	<a href="#">Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations, December 2021</a>
Court Decision	<a href="#">Valeria O. v. Davis (2002) 307 F.3d 1036</a>
Court Decision	<a href="#">California Teachers Association v. State Board of Education et al. (9th Circuit, 2001) 271 F.3d 1141</a>
Court Decision	<a href="#">McLaughlin v. State Board of Education (1999) 75 Cal.App.4th 196</a>
Court Decision	<a href="#">Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698</a>
CSBA Publication	<a href="#">English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, September 2016</a>
CSBA Publication	<a href="#">English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016</a>
CSBA Publication	<a href="#">English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017</a>
CSBA Publication	<a href="#">English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018</a>
CSBA Publication	<a href="#">English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014</a>
The Education Trust- West Publication	<a href="#">Unlocking Learning: Science as a Lever for English Learner Equity, January 2017</a>
The Education Trust- West Publication	<a href="#">Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018</a>
U.S. Department of Education Publication	<a href="#">English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), September 2016</a>
U.S. Department of Education Publication	<a href="#">Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017</a>
U.S. Department of Education Publication	<a href="#">English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016</a>
U.S. Department of Education Publication	<a href="#">Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015</a>
Website	<a href="#">Observation Protocol for Teachers of English Learners (OPTEL)</a>
Website	<a href="#">California Department of Education home language survey</a>
Website	<a href="#">Bilingual teacher professional development program</a>
Website	<a href="#">Bilingual teacher training programs</a>
Website	<a href="#">California Department of Education, English Language Proficiency Assessments for California (ELPAC)</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">National Clearinghouse for English Language Acquisition</a>

<b>Management Resources</b>	<b>Description</b>
Website	<a href="#">The Education Trust-West</a>
Website	<a href="#">California Department of Education, English Learners</a>
Website	<a href="#">California Association for Bilingual Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>
<b>Cross References</b>	<b>Description</b>
0200	<a href="#">Goals For The School District</a>
0415	<a href="#">Equity</a>
0420	<a href="#">School Plans/Site Councils</a>
0420	<a href="#">School Plans/Site Councils</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
1220	<a href="#">Citizen Advisory Committees</a>
1220	<a href="#">Citizen Advisory Committees</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112.22	<a href="#">Staff Teaching English Learners</a>
4131	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4331	<a href="#">Staff Development</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5126	<a href="#">Awards For Achievement</a>
5126	<a href="#">Awards For Achievement</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
6000	<a href="#">Concepts And Roles</a>
6011	<a href="#">Academic Standards</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6120	<a href="#">Response To Instruction And Intervention</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6142.1	<a href="#">Sexual Health And HIV/AIDS Prevention Instruction</a>
6142.1	<a href="#">Sexual Health And HIV/AIDS Prevention Instruction</a>

<b>Cross References</b>	<b>Description</b>
6142.2	<a href="#">World Language Instruction</a>
6142.2	<a href="#">World Language Instruction</a>
6142.91	<a href="#">Reading/Language Arts Instruction</a>
6151	<a href="#">Class Size</a>
6152.1	<a href="#">Placement In Mathematics Courses</a>
6152.1	<a href="#">Placement In Mathematics Courses</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.1-E(1)	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.11	<a href="#">Supplementary Instructional Materials</a>
6162.5	<a href="#">Student Assessment</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6164.5	<a href="#">Student Success Teams</a>
6164.5	<a href="#">Student Success Teams</a>
6164.6	<a href="#">Identification And Education Under Section 504</a>
6164.6	<a href="#">Identification And Education Under Section 504</a>
6170.1	<a href="#">Transitional Kindergarten</a>
6171	<a href="#">Title I Programs</a>
6171	<a href="#">Title I Programs</a>
6172	<a href="#">Gifted And Talented Student Program</a>
6172	<a href="#">Gifted And Talented Student Program</a>
6173	<a href="#">Education For Homeless Children</a>
6173	<a href="#">Education For Homeless Children</a>
6173-E(1)	<a href="#">Education For Homeless Children</a>
6173-E(2)	<a href="#">Education For Homeless Children</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6175	<a href="#">Migrant Education Program</a>
6175	<a href="#">Migrant Education Program</a>
6190	<a href="#">Evaluation Of The Instructional Program</a>

**Regulation 6174: Education For English Learners**

**Status: ADOPTED**

**Original Adopted Date:** 03/01/2017 | **Last Revised Date:** 12/01/2024 | **Last Reviewed Date:** 12/01/2024

**Definitions**

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

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

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

*Long-term English learner* means:

1. For the purpose of setting the local control and accountability plan (LCAP) priorities, a student who has not attained English language proficiency within seven years of initial classification as an English learner (Education Code 52052)
2. For the purpose of English language proficiency assessment, an English learner in grades 6- 12 who has been enrolled in school in the United States for six years or more and who either:  
  - a. Has remained at the same English language proficiency level for two or more consecutive years, or has regressed to a lower proficiency level; or
  - b. Is a student in grades 6-9 who has scored far below basic or below basic on the prior year's English language arts standards-based achievement test, or a score determined by the Superintendent of Public Instruction on any successor test

*Native speaker of English* means a student who has learned and used English at home from early childhood and English has been the primary means of concept formation and communication. (Education Code 306)

**Identification and Assessments**

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307, 11518.5)

Any student in kindergarten or grades 1-12, not including transitional kindergarten, who is identified as having a primary language other than English, as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). Prior to administering the ELPAC, the Superintendent or designee shall notify the student's parent/guardian in writing that the student will be administered the initial ELPAC. (Education Code 313, 52164.1; 5 CCR 11518.5)

Administration of the ELPAC, including the use of variations and accommodations in test administration when authorized, shall be conducted in accordance with test publisher instructions and 5 CCR 11518.5-11518.37.

Based on the initial assessment, the student shall be classified either as Initial Fluent English Proficient or as an English learner. The Superintendent or designee shall notify the student's parent/guardian, in writing, of the results of the ELPAC initial assessment within 30 calendar days after the student's date of initial enrollment, or, if administered prior to the student's initial date of enrollment, up to 60 calendar days prior to such enrollment, but not before July 1 of the school year of the student's initial enrollment. The notice shall indicate whether the student met the ELPAC initial assessment criterion for proficiency and include the district's contact information for use if the parent/guardian has questions or concerns regarding the student's classification. (5 CCR 11518.5)

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

The Superintendent or designee shall notify parents/guardians of their child's results on the summative assessment of the ELPAC within 30 calendar days following receipt of the results from the test contractor or, if the results are received from the test contractor after the last day of instruction for the school year, within 15 working days of the start of the next school year. (Education Code 52164.1; 5 CCR 11518.15)

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of the student's English proficiency. Such notice shall be provided no later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement
3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
  - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
  - b. The manner in which the program will meet the educational strengths and needs of the student
  - c. The manner in which the program will help the student develop English proficiency and meet age-appropriate academic standards for grade promotion and graduation
  - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable
  - e. When the student has been identified for special education, the manner in which the program meets the requirements of the student's individualized education program
4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request

6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available
7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

### **Language Acquisition Programs**

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

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request

As needed, the school shall assist the parent/guardian in clarifying the request.

All requests shall be maintained for at least three years from the date of the request in accordance with Board Policy 3580 - District Records.

2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program

If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.

3. If the number of parents/guardians described in Item #2 is attained, the Superintendent or designee shall:
  - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English Learner Parent Advisory Committee and parent advisory committee, in writing, of the requests for a language acquisition program
  - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals
  - c. Within 60 calendar days of reaching the threshold number of parents/guardians described in Item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators

If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided. The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion
2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
4. The manner in which the district has allocated sufficient resources to effectively implement the program,

including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals

5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
6. The process to request establishment of a language acquisition program not offered at the school
7. For any dual-language immersion program offered, the specific languages to be taught

The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

The district shall provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers and academic deficits in other areas of the core curriculum. (5 CCR 11302)

#### **Advisory Committees**

A school-level English Learner Advisory Committee (ELAC) shall be established when there are more than 20 English learners at the school. Parents/guardians of English learners, elected by parents/guardians of English learners at the school, shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. The school may designate for this purpose an existing school-level advisory committee provided that it meets these criteria for committee membership. (Education Code 52176; 5 CCR 11308)

The ELAC shall be responsible for assisting in the development of a schoolwide needs assessment, recommending ways to make parents/guardians aware of the importance of regular school attendance, and advising the principal and school staff in the development of a detailed master plan for English learners for the individual school and submitting the plan to the Governing Board for consideration for inclusion in the district master plan. (Education Code 52176)

When the district has more than 50 English learners, the Superintendent or designee shall establish a District English Learner Advisory Committee (DELAC), the majority of whose membership shall be composed of parents/guardians of English learners who are not employed by the district. Alternatively, the district may use a subcommittee of an existing districtwide advisory committee on which parents/guardians of English learners have membership in at least the same percentage as English learners represent of the total number of students in the district. (Education Code 52176)

The DELAC shall advise the Board on at least the following tasks: (5 CCR 11308)

1. Developing a district master plan, including policy(ies), for education programs and services for English learners, taking into consideration the school site plans for English learners
2. Conducting a districtwide needs assessment on a school-by-school basis
3. Establishing a district program, goals, and objectives for programs and services for English learners
4. Developing a plan to ensure compliance with applicable teacher or instructional aide requirements
5. Administering the annual language census
6. Reviewing and commenting on the district's reclassification procedures
7. Reviewing and commenting on the required written parental notifications

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

## Local Control and Accountability Plan (LCAP) Advisory Committee

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English Learner Parent Advisory Committee shall be established to review and comment on the district's LCAP. Such advisory committee shall provide input regarding the district's existing language acquisition programs and language programs, and, where possible, the establishment of other such programs, in accordance with Board Policy 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. If the DELAC acts as the ELAC pursuant to Education Code 52063 and 52062, the DELAC shall also review and comment on the development or annual update of the LCAP. (Education Code 52062, 52063; 5 CCR 11301, 15495)

The DELAC may also serve as the LCAP ELAC, as specified in Board Policy 0460 - Local Control and Accountability Plan

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

State	Description
5 CCR 11300-11316	<a href="#">English learner education</a>
5 CCR 11510-11517.5	California English Language Development Test
5 CCR 11517.6-11519.5	English Language Proficiency Assessments for California
5 CCR 853	<a href="#">Administration of CAASPP</a>
5 CCR 854.9	<a href="#">CAASPP and unlisted resources for students with disabilities</a>
Ed. Code 200	<a href="#">Prohibition of discrimination</a>
Ed. Code 300-340	<a href="#">English language education for immigrant children</a>
Ed. Code 310	<a href="#">Language acquisition programs</a>
Ed. Code 313-313.5	<a href="#">Assessment of English proficiency</a>
Ed. Code 33050	<a href="#">Nonwaivable provisions</a>
Ed. Code 361	Statewide implementation plan for the "EL Roadmap Policy"
Ed. Code 42238.02	<a href="#">Local Control Funding Formula</a>
Ed. Code 430-446	<a href="#">English Learner and Immigrant Pupil Federal Conformity Act</a>
Ed. Code 44253.1-44253.11	<a href="#">Qualifications of teachers of English learners</a>
Ed. Code 48345	<a href="#">Interdistrict instruction collaboration agreements</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	<a href="#">Local control and accountability plan</a>
Ed. Code 52160-52178	<a href="#">Bilingual Bicultural Act of 1976</a>
Ed. Code 56305	<a href="#">CDE manual on English learners with disabilities</a>
Ed. Code 60603	Definition: recently arrived English learner
Ed. Code 60640	<a href="#">California Assessment of Student Performance and Progress</a>
Ed. Code 60811.8	Newcomer student; definition
Ed. Code 62002.5	<a href="#">Continuation of advisory committee after program sunsets</a>
Federal	Description
20 USC 1412	<a href="#">State eligibility</a>

<b>Federal</b>	<b>Description</b>
20 USC 1701-1721	<a href="#">Equal Educational Opportunities Act</a>
20 USC 6311	<a href="#">State plan</a>
20 USC 6312	<a href="#">Local educational agency plan</a>
20 USC 6801-7014	Limited English proficient and immigrant students
20 USC 7011	Definition of immigrant children and youth
20 USC 7801	<a href="#">Definition of English learner</a>
34 CFR 100.3	<a href="#">Prohibition of discrimination on basis of race, color or national origin</a>
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 40 (2000)
California Department of Education Communication	<a href="#">Updated Reclassification Guidance for 2018-19</a>
California Department of Education Communication	<a href="#">Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing, June 2024</a>
California Department of Education Publication	<a href="#">EL Roadmap Policy</a>
California Department of Education Publication	<a href="#">Summative English Language Proficiency Assessments for California, Assessment Fact Sheet, July 2023</a>
California Department of Education Publication	<a href="#">English Learner, Federal Program Monitoring Instrument</a>
California Department of Education Publication	<a href="#">Monitoring Reclassified Students, December 2019</a>
California Department of Education Publication	<a href="#">California Practitioners' Guide for Educating English Learners with Disabilities, 2019</a>
California Department of Education Publication	<a href="#">English Language Proficiency Assessments for California Information Guide, July 2023</a>
California Department of Education Publication	<a href="#">California Digital Learning Integration and Standards Guidance, May 2021</a>
California Department of Education Publication	<a href="#">Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015</a>
California Department of Education Publication	<a href="#">Accessibility Resources Matrix, 2022</a>
California Department of Education Publication	<a href="#">Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015</a>
California Department of Education Publication	<a href="#">Reclassification Guidance for 2020-21 and Statewide Testing Window Extension, CDE Correspondence, June 14, 2021</a>
California Department of Education Publication	<a href="#">California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017</a>
California Department of Education Publication	<a href="#">Common Core State Standards for Mathematics, 2013</a>
California Department of Education Publication	<a href="#">English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012</a>
California Department of Education Publication	<a href="#">English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014</a>
Commission on Teacher Credentialing Publication	<a href="#">Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations, December 2021</a>
Court Decision	Valeria O. v. Davis (2002) 307 F.3d 1036
Court Decision	California Teachers Association v. State Board of Education et al. (9th Circuit, 2001) 271 F.3d 1141
Court Decision	McLaughlin v. State Board of Education (1999) 75 Cal.App.4th 196

<b>Management Resources</b>	<b>Description</b>
Court Decision	<a href="#">Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698</a>
CSBA Publication	<a href="#">English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, September 2016</a>
CSBA Publication	<a href="#">English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016</a>
CSBA Publication	<a href="#">English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017</a>
CSBA Publication	<a href="#">English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018</a>
CSBA Publication	<a href="#">English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014</a>
The Education Trust- West Publication	<a href="#">Unlocking Learning: Science as a Lever for English Learner Equity, January 2017</a>
The Education Trust- West Publication	<a href="#">Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018</a>
U.S. Department of Education Publication	<a href="#">English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), September 2016</a>
U.S. Department of Education Publication	<a href="#">Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017</a>
U.S. Department of Education Publication	<a href="#">English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016</a>
U.S. Department of Education Publication	<a href="#">Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015</a>
Website	<a href="#">Observation Protocol for Teachers of English Learners (OPTEL)</a>
Website	<a href="#">California Department of Education home language survey</a>
Website	<a href="#">Bilingual teacher professional development program</a>
Website	<a href="#">Bilingual teacher training programs</a>
Website	<a href="#">California Department of Education, English Language Proficiency Assessments for California (ELPAC)</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">National Clearinghouse for English Language Acquisition</a>
Website	<a href="#">The Education Trust-West</a>
Website	<a href="#">California Department of Education, English Learners</a>
Website	<a href="#">California Association for Bilingual Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>
<b>Cross References</b>	<b>Description</b>
0200	<a href="#">Goals For The School District</a>
0415	<a href="#">Equity</a>
0420	<a href="#">School Plans/Site Councils</a>
0420	<a href="#">School Plans/Site Councils</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>

<b>Cross References</b>	<b>Description</b>
1220	<a href="#">Citizen Advisory Committees</a>
1220	<a href="#">Citizen Advisory Committees</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112.22	<a href="#">Staff Teaching English Learners</a>
4131	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4331	<a href="#">Staff Development</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5126	<a href="#">Awards For Achievement</a>
5126	<a href="#">Awards For Achievement</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
6000	<a href="#">Concepts And Roles</a>
6011	<a href="#">Academic Standards</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6120	<a href="#">Response To Instruction And Intervention</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6142.1	<a href="#">Sexual Health And HIV/AIDS Prevention Instruction</a>
6142.1	<a href="#">Sexual Health And HIV/AIDS Prevention Instruction</a>
6142.2	<a href="#">World Language Instruction</a>
6142.2	<a href="#">World Language Instruction</a>
6142.91	<a href="#">Reading/Language Arts Instruction</a>
6151	<a href="#">Class Size</a>
6152.1	<a href="#">Placement In Mathematics Courses</a>
6152.1	<a href="#">Placement In Mathematics Courses</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.1-E(1)	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.11	<a href="#">Supplementary Instructional Materials</a>
6162.5	<a href="#">Student Assessment</a>

<b>Cross References</b>	<b>Description</b>
<b>6162.51</b>	<a href="#">State Academic Achievement Tests</a>
<b>6162.51</b>	<a href="#">State Academic Achievement Tests</a>
<b>6164.5</b>	<a href="#">Student Success Teams</a>
<b>6164.5</b>	<a href="#">Student Success Teams</a>
<b>6164.6</b>	<a href="#">Identification And Education Under Section 504</a>
<b>6164.6</b>	<a href="#">Identification And Education Under Section 504</a>
<b>6170.1</b>	<a href="#">Transitional Kindergarten</a>
<b>6171</b>	<a href="#">Title I Programs</a>
<b>6171</b>	<a href="#">Title I Programs</a>
<b>6172</b>	<a href="#">Gifted And Talented Student Program</a>
<b>6172</b>	<a href="#">Gifted And Talented Student Program</a>
<b>6173</b>	<a href="#">Education For Homeless Children</a>
<b>6173</b>	<a href="#">Education For Homeless Children</a>
<b>6173-E(1)</b>	<a href="#">Education For Homeless Children</a>
<b>6173-E(2)</b>	<a href="#">Education For Homeless Children</a>
<b>6173.1</b>	<a href="#">Education For Foster Youth</a>
<b>6173.1</b>	<a href="#">Education For Foster Youth</a>
<b>6173.2</b>	<a href="#">Education Of Children Of Military Families</a>
<b>6173.2</b>	<a href="#">Education Of Children Of Military Families</a>
<b>6175</b>	<a href="#">Migrant Education Program</a>
<b>6175</b>	<a href="#">Migrant Education Program</a>
<b>6190</b>	<a href="#">Evaluation Of The Instructional Program</a>

**Bylaw 9240: Board Training**

**Status: ADOPTED**

**Original Adopted Date:** 12/01/1987 | **Last Revised Date:** 12/01/2024 | **Last Reviewed Date:** 12/01/2024

The Governing Board believes that the Board's ability to effectively and responsibly govern the district is essential to promoting student achievement, building positive community relations, and protecting the public interest in district schools. Board members shall participate in mandatory ethics training, as outlined below, and are encouraged to participate in ongoing opportunities for professional development sufficient to help them understand their responsibilities, stay abreast of new developments in education, and improve governance skills.

Unless a Board member's term expires prior to January 1, 2026, each Board member shall complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026, and at least once every two years thereafter. (Government Code 53235)

Once completed, the Board member shall inform the Board president and Superintendent, who shall ensure that records are retained for each Board member's participation in the required ethics training.

The Board president and/or the Superintendent or designee shall provide an orientation to newly elected or appointed Board members consistent with Board Bylaw 9230 - Orientation.

The Board president shall work with the Superintendent or designee to include funds for professional development and associated reasonable travel expenses for the Board as a whole and for each individual Board member in the district's proposed annual budget.

Consistent with the availability of funds in the district's adopted annual budget, the Board president or designee shall annually develop, and bring to the Board for adoption at a Board meeting, a Board professional development calendar designed to assist the Board as a whole in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, labor relations, community relations, program evaluation, open meeting laws (the Brown Act), conflict of interest laws, and other topics necessary to govern effectively and in compliance with law.

Consistent with the availability of funds in the district's adopted annual budget, individual Board members may identify and participate in additional professional development opportunities, and shall timely inform the Board president and the Superintendent upon doing so. Additionally, the Superintendent or designee shall establish timelines and procedures for how an individual Board member shall request that the district pay for such professional development opportunities, whether in advance or by reimbursement.

Board members are encouraged to consider participating in the professional development opportunities offered by CSBA such as the Institute for New and First-Term Board Members, Masters in Governance Program, Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, Policy Update Webinars, and Ethics Trainings.

Individual Board members are encouraged to share the knowledge or skills acquired from individual professional development opportunities with the full Board, thereby benefiting the Board and district.

Consistent with Board Bylaw 9320 - Meetings And Notices, Board members may attend a professional development opportunity as part of a conference or similar public gathering, such as the Annual Education Conference and Trade Show hosted by CSBA, so long as a majority of the Board members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the district's jurisdiction

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

<b>State</b>	<b>Description</b>
Gov. Code 53234-53235.2	Ethics training

<b>State</b>	<b>Description</b>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>
Gov. Code 54952.2	<a href="#">Meeting; defined</a>
<b>Management Resources</b>	<b>Description</b>
CSBA Publication	Professional Governance Standards for School Boards
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">CSBA</a>
<b>Cross References</b>	<b>Description</b>
0000	<a href="#">Vision</a>
0100	<a href="#">Philosophy</a>
0200	<a href="#">Goals For The School District</a>
1112	<a href="#">Media Relations</a>
2111	<a href="#">Superintendent Governance Standards</a>
2140	<a href="#">Evaluation Of The Superintendent</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
6000	<a href="#">Concepts And Roles</a>
9000	<a href="#">Role Of The Board</a>
9005	<a href="#">Governance Standards</a>
9100	<a href="#">Organization</a>
9121	<a href="#">President</a>
9150	<a href="#">Student Board Members</a>
9220	<a href="#">Governing Board Elections</a>
9220-E(1)	<a href="#">Governing Board Elections</a>
9230	<a href="#">Orientation</a>
9250	<a href="#">Remuneration, Reimbursement And Other Benefits</a>
9250-E(1)	<a href="#">Remuneration, Reimbursement And Other Benefits</a>
9270	<a href="#">Conflict Of Interest</a>
9270-E(1)	<a href="#">Conflict Of Interest</a>
9320	<a href="#">Meetings And Notices</a>
9400	<a href="#">Board Self-Evaluation</a>

**Bylaw 9270: Conflict Of Interest**

**Status: ADOPTED**

**Original Adopted Date: 07/01/2010 | Last Revised Date: 12/01/2024 | Last Reviewed Date: 12/01/2024**

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no "District Official," defined as a Board member or position designated in the district's conflict of interest code, shall participate in the making of any decision for the district when the decision will or may be affected by the District Official's financial, family, or other personal interest or consideration, as defined by law.

Additionally, a Board member shall abstain from voting on personnel matters that uniquely affect the Board member's relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the Board member's relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

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

**Conflict of Interest Code**

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

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

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new District Officials or changes to the duties of District Officials, the Board shall amend the code, which shall then be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

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

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

A District Official shall not make, participate in making, or in any way use or attempt to use an official position to influence a governmental decision in which the District Official knows or has reason to know that there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the District Official's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A District Official makes a governmental decision when, acting within the authority of the office or position, the District Official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before other District Officials for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a District Official is not prohibited from participating in the making of a contract in which the District Official has a financial interest if such participation is required by the rule of necessity or legally required

participation pursuant to Government Code 87101 and 2 CCR 18705.

### **Conflict of Interest from Campaign Contributions**

Prior to the district rendering a decision in a proceeding before the district involving a contract, license, permit, or other entitlement for use, as defined by Government Code 84308, a Board member whose campaign committee received a contribution of more than \$500 from any party or participant to the proceeding, or from an agent of such a party or participant, in the prior 12 months, and the party who made such a contribution, shall both publicly disclose that fact on the record of the proceeding. Additionally, if a Board member willfully or knowingly received a contribution to the Board member's campaign committee of more than \$500 from any party or participant to such a proceeding, or from an agent of a party or participant, in the prior 12 months, and knows or has reason to know that the participant has a financial interest in the district's decision, the Board member shall not make, participate in making, or in any way attempt to use the Board member's official position to influence the district's decision in the proceeding. However, a Board member may make, participate in making, or attempt to use the Board member's official position to influence the decision if the contribution is returned within 30 days after the decision was made or after the Board member knows or should have known about the contribution and the proceeding, whichever is later.

All Board members and the Superintendent are prohibited from accepting, soliciting, or directing a contribution of more than \$500 to a candidate or ballot measure campaign committee from any party or participant to a proceeding before the district involving a contract, license, permit, or other entitlement for use, as defined by Government Code 84308, or from an agent of a party or participant, while the proceeding is pending before the district and for 12 months following the date the district renders a final decision in the proceeding, if the Board member or Superintendent knows or has reason to know that the participant has a financial interest in the district's decision. However, if a Board member or the Superintendent does accept, solicit, or direct such a contribution during those 12 months but did not do so knowingly or willingly, the Board member or the Superintendent may cure the violation by ensuring that the contribution, or the portion exceeding \$500, is returned within 30 days of accepting, soliciting, or directing the contribution. The Board member or Superintendent shall maintain records of curing the violation. (Government Code 84308)

For a Board member or the Superintendent, a proceeding becomes "pending" when an item involving the contract, license, permit, or other entitlement for use, as defined by Government Code 84308, is placed on a Board agenda for discussion or decision or when it is reasonably foreseeable that the proceeding will come before the district for a decision. For a party or participant, and the agent of a party or participant, a proceeding becomes "pending" when an application is filed with the district, or, if the proceeding process does not require an application, when the proceeding is before the district for a decision or other action. (Government Code 84308)

The contributions disclosure requirements and restrictions above do not apply to contracts that are required to be competitively bid, labor contracts, personal employment contracts, contracts valued under \$50,000, contracts where no party receives financial compensation, or contracts with another governmental agency. (Government Code 84308)

### **Form 700**

Each District Official shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. An individual who ceases to be a District Official shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date the individual ceased to be a District Official. (Government Code 87302)

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

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

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required

2. Not discuss or vote on the matter, or otherwise act in violation of Government Code 87100

For a Board member, the Board member shall not be counted toward achieving a quorum while the item is discussed.

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

However, the Board member, district employee, or district consultant who manages public investments, as defined by Government Code 87200, may speak on the issue during the time that the general public speaks on it. Additionally, for a Board member, if the matter has been placed on the consent calendar, the Board member shall abstain from voting on the consent calendar or, if the Board removes the item from the consent calendar, the Board member shall abstain from voting on the item. In any event, the Board member shall refrain from discussing or voting on the item. However, the Board member is not required to leave the room during consideration of the consent calendar.

4. If a decision is made during closed session, disclose the interest orally during the open session preceding the closed session

This disclosure shall be limited to a declaration that the recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member, district employee, or district consultant who manages public investments, as defined by Government Code 87200, shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the decision.

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

A District Official shall not be financially interested in any contract made by the district, including in the development, internal discussions, negotiations, modifications, planning, deliberation of issues, and specifications and solicitations for bids. If a District Official has such a financial interest in a contract made by the district, the contract is void. (Government Code 1090)

#### **Remote Interest Exception to Government Code 1090**

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

#### **Noninterest Exception to Government Code 1090**

A District Official shall not be considered to be financially interested in a contract if the interest is reimbursement for actual and necessary expenses incurred in the performance of official duties, in the employment of a spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other "noninterest" specified in Government Code 1091.5.

#### **Common Law Doctrine Against Conflict of Interest**

A District Official shall abstain from any official action in which the District Official's private or personal interest may conflict with official duties pursuant to the common law doctrine against conflict of interest.

#### **Incompatible Offices and Activities**

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

## Gifts

District Officials may accept gifts only under the conditions and limitations specified in law including, but not limited to, Government Code 89503 and 2 CCR 18730.

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

1. The travel is in connection with a speech given by a District Official, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code

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

A gift of travel does not include travel provided by the district for District Officials. (Government Code 89506)

## Honoraria

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

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

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

## Advice

Any District Official, who, in good faith, believes that they may be subject to the requirements of this Bylaw and has questions, is unclear, or is unsure regarding the application of the requirements of this Bylaw to any particular instance or situation, may seek advice from the district's legal counsel with the permission of the Superintendent, Board President, or majority of the Board.

## Training

Unless a Board member's term expires prior to January 1, 2026, each Board member shall complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026, and at least once every two years thereafter as specified in Board Bylaw 9240 - Board Training.

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

State	Description
2 CCR 18110-18997	Regulations of the Fair Political Practices Commission
2 CCR 18438.1-18438.8	Campaign contribution-based conflicts of interest
2 CCR 18700-18760	Conflicts of Interest

<b>State</b>	<b>Description</b>
2 CCR 18722-18740	<a href="#">Disclosure of interests</a>
2 CCR 18753-18756	<a href="#">Conflict of interest codes</a>
2 CCR 18940.2	Gift limit amount
Ed. Code 1006	<a href="#">Prohibition against school district employees serving on county board of education</a>
Ed. Code 35107	<a href="#">School district employees</a>
Ed. Code 35230-35240	Corrupt practices
Ed. Code 35233	<a href="#">Prohibitions applicable to members of governing boards</a>
Ed. Code 41000-41003	<a href="#">Moneys received by school districts</a>
Ed. Code 41015	Investments
Fam. Code 297.5	<a href="#">Rights, protections, and benefits of registered domestic partners</a>
Gov. Code 1090-1099	<a href="#">Prohibitions applicable to specified officers</a>
Gov. Code 1125-1129	<a href="#">Incompatible activities</a>
Gov. Code 53234-53235.2	<a href="#">Ethics training</a>
Gov. Code 81000-91014	<a href="#">Political Reform Act</a>
Gov. Code 82011	<a href="#">Code reviewing body</a>
Gov. Code 82019	<a href="#">Definition; designated employee</a>
Gov. Code 82028	<a href="#">Definition; gift</a>
Gov. Code 82030	<a href="#">Definition; income</a>
Gov. Code 82033	<a href="#">Definition; interest in real property</a>
Gov. Code 82034	<a href="#">Definition; investment</a>
Gov. Code 84308	<a href="#">Campaign Disclosure</a>
Gov. Code 87100-87505	Political Reform Act; conflict of interest
Gov. Code 89501-89503	<a href="#">Honoraria and gifts</a>
Gov. Code 89506	<a href="#">Ethics; travel</a>
Gov. Code 91000-91014	<a href="#">Enforcement</a>
Pen. Code 85-88	Bribes
Pub. Cont. Code 6102	<a href="#">Bribery of public official; voidable contract</a>
Rev. & Tax Code 203	<a href="#">Taxable and exempt property - colleges</a>

### **Management Resources**

<b>Description</b>
Attorney General Opinion 105 Ops.Cal.Atty.Gen.69 (2022)
Attorney General Opinion 63 Ops.Cal.Atty.Gen. 868 (1980)
Attorney General Opinion 65 Ops.Cal.Atty.Gen. 606 (1982)
Attorney General Opinion 68 Ops.Cal.Atty.Gen. 171 (1985)
Attorney General Opinion 69 Ops.Cal.Atty.Gen. 255 (1986)
Attorney General Opinion 80 Ops.Cal.Atty.Gen. 320 (1997)
Attorney General Opinion 81 Ops.Cal.Atty.Gen. 327 (1998)
Attorney General Opinion 82 Ops.Cal.Atty.Gen. 83 (1999)
Attorney General Opinion 85 Ops.Cal.Atty.Gen. 60 (2002)
Attorney General Opinion 86 Ops.Cal.Atty.Gen. 138(2003)

<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 217 (2006)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 19 (2009)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 26 (2009)
Court Decision	Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
Court Decision	Klistoff v. Superior Court (2007) 157 Cal.App.4th 469
Court Decision	Kunec v. Brea Redevelopment Agency (1997) 55 Cal.App.4th 511
Court Decision	McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal. App. 4th 235
Court Decision	Thorpe v. Long Beach Community College District (2000) 83 Cal.App.4th 655
CSBA Publication	Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
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Fair Political Practices Commission Publication	Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Institute For Local Government Publication	Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
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Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Institute for Local Government</a>
Website	<a href="#">Fair Political Practices Commission</a>
Website	<a href="#">CSBA</a>
<b>Cross References</b>	<b>Description</b>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
1700	<a href="#">Relations Between Private Industry And The Schools</a>
3230	<a href="#">Federal Grant Funds</a>
3230	<a href="#">Federal Grant Funds</a>
3300	<a href="#">Expenditures And Purchases</a>
3311	<a href="#">Bids</a>
3311	<a href="#">Bids</a>
3400	<a href="#">Management Of District Assets/Accounts</a>
3400	<a href="#">Management Of District Assets/Accounts</a>
3430	<a href="#">Investing</a>
3430	<a href="#">Investing</a>
3470	<a href="#">Debt Issuance And Management</a>
3600	<a href="#">Consultants</a>
4112.8	<a href="#">Employment Of Relatives</a>
4117.2	<a href="#">Resignation</a>
4136	<a href="#">Nonschool Employment</a>
4212.8	<a href="#">Employment Of Relatives</a>

<b>Cross References</b>	<b>Description</b>
4217.2	<a href="#">Resignation</a>
4236	<a href="#">Nonschool Employment</a>
4312.8	<a href="#">Employment Of Relatives</a>
4317.2	<a href="#">Resignation</a>
4336	<a href="#">Nonschool Employment</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.1-E(1)	<a href="#">Selection And Evaluation Of Instructional Materials</a>
7140	<a href="#">Architectural And Engineering Services</a>
7140	<a href="#">Architectural And Engineering Services</a>
7214	<a href="#">General Obligation Bonds</a>
7214	<a href="#">General Obligation Bonds</a>
9000	<a href="#">Role Of The Board</a>
9005	<a href="#">Governance Standards</a>
9140	<a href="#">Board Representatives</a>
9200	<a href="#">Limits Of Board Member Authority</a>
9220	<a href="#">Governing Board Elections</a>
9220-E(1)	<a href="#">Governing Board Elections</a>
9222	<a href="#">Resignation</a>
9230	<a href="#">Orientation</a>
9240	<a href="#">Board Training</a>
9320	<a href="#">Meetings And Notices</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>
9323	<a href="#">Meeting Conduct</a>

**Exhibit 9270-E(1): Conflict Of Interest**

**Status: ADOPTED**

**Original Adopted Date: 07/01/2010 | Last Revised Date: 12/01/2024 | Last Reviewed Date: 12/01/2024**

**RESOLUTION ADOPTING A  
CONFLICT OF INTEREST CODE**

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

WHEREAS, a district is permitted to create its conflict of interest code by incorporating by reference the terms of 2 CCR 18730, along with a list of District Officials to whom the code applies and disclosure categories, in accordance with Government Code 87300 and 87306;

WHEREAS, the Governing Board of the \_\_\_\_\_ School District ("District") has previously adopted a local conflict of interest code in this manner; and

WHEREAS, the District has recently reviewed its list of District Officials, and the duties of each, and has determined that (changes/no changes) to the current conflict of interest code are necessary.

NOW THEREFORE BE IT RESOLVED, the Governing Board of the District adopts the following Conflict of Interest Code, including the accompanying Appendix of District Officials and Disclosure Categories, and

BE IT FURTHER RESOLVED, any earlier resolutions, bylaws, and/or appendices containing the District's conflict of interest code are hereby rescinded and superseded by this Resolution and Appendix.

[Add final resolution language template including date of passage, vote count, and requisite signatures]

**Conflict of Interest Code ("Code") of the  
\_\_\_\_\_ School District ("District")**

The Political Reform Act (PRA) (Government Code 81000-87505) requires the District to adopt a conflict of interest code. 2 CCR 18730 contains the terms of a conflict of interest code, which may be amended by the Fair Political Practices Commission (FPPC) to conform to amendments in the PRA. Therefore, the terms of 2 CCR 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This Code and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the district.

District Officials, defined as those positions listed herein, shall file a Form 700 (also known as a Statement of Economic Interest) in accordance with the disclosure categories listed in the attached Appendix. The Form 700 shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

**APPENDIX**

**Disclosure Categories**

Category 1: A District Official designated "Category 1" shall disclose the following:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district
- b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district

Category 2: A District Official designated "Category 2" shall disclose the following:

- a. Investments or business positions in or income from sources which are contractors or subcontractors

engaged in work or services of the type used by the department which the designated person manages or directs

b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs

For a principal in this category, the principal's department is the principal's entire school.

**Category 3** (Applicable to positions that "manage public investments," as defined by Government Code 87200): A District Official designated "Category 3" shall disclose, in accordance with Government Code 87200-87210, the following:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district
- b. Investments, business positions, and sources of income, including gifts, loans, and travel payments

### **Designated Positions**

District Officials	Disclosure Category
Governing Board Members	1 or 3
Superintendent	1 or 3
Assistant/Associate Superintendent	1 or 3
Purchasing Agent	1
Director	2
Principal	2

### **Disclosures for Consultants**

The Superintendent or designee shall annually determine, on a case-by-case basis, which district consultants, if any, shall constitute District Officials and who shall disclose financial interests. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

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

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

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

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2 CCR 18722-18740	<a href="#">Disclosure of interests</a>
2 CCR 18753-18756	<a href="#">Conflict of interest codes</a>
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3400	<a href="#">Management Of District Assets/Accounts</a>
3400	<a href="#">Management Of District Assets/Accounts</a>
3430	<a href="#">Investing</a>
3430	<a href="#">Investing</a>
3470	<a href="#">Debt Issuance And Management</a>

<b>Cross References</b>	<b>Description</b>
3600	<a href="#">Consultants</a>
4112.8	<a href="#">Employment Of Relatives</a>
4117.2	<a href="#">Resignation</a>
4136	<a href="#">Nonschool Employment</a>
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9220-E(1)	<a href="#">Governing Board Elections</a>
9222	<a href="#">Resignation</a>
9230	<a href="#">Orientation</a>
9240	<a href="#">Board Training</a>
9320	<a href="#">Meetings And Notices</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>
9323	<a href="#">Meeting Conduct</a>

# Cottonwood Union School District

2/7/2025  
8:40:45 AM

2024-2025

## Active Students Report

Page 1

SC	School	PS	TK	K	1	2	3	4	5	6	7	8	Total
101	North Cottonwood		38	87	77	96	87	106					491
102	West Cottonwood Junior High								107	97	115	88	407
250	Cottonwood Creek Charter School		15	37	31	29	33	29	28	33	29	29	293
District Total:			53	124	108	125	120	135	135	130	144	117	1191

**COTTONWOOD CREEK CHARTER SCHOOL**

**AUDIT REPORT**

**FOR THE YEAR ENDED  
JUNE 30, 2024**

**A NONPROFIT PUBLIC BENEFIT CORPORATION  
OPERATING THE FOLLOWING CALIFORNIA CHARTER SCHOOL**

Cottonwood Creek Charter School (Charter No. 1183)



**COTTONWOOD CREEK CHARTER SCHOOL**  
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**JUNE 30, 2024**

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## **FINANCIAL SECTION**

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## INDEPENDENT AUDITORS' REPORT

To the Board of Directors of  
Cottonwood Creek Charter School  
Cottonwood, California

### **Report on the Financial Statements**

#### **Opinion**

We have audited the accompanying financial statements of Cottonwood Creek Charter School which comprise the statement of financial position as of June 30, 2024, and the related statements of activities, functional expenses and cash flows for the year then ended, and the related notes to the financial statements.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Cottonwood Creek Charter School as of June 30, 2024, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### **Basis for Opinion**

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Cottonwood Creek Charter School and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### **Responsibilities of Management for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Cottonwood Creek Charter School's ability to continue as a going concern within one year after the date that the financial statements are available to be issued.

#### **Auditor's Responsibilities for the Audit of the Financial Statements**

Our objectives are to obtain reasonable assurance about whether the financial statements are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

## **Auditor's Responsibilities for the Audit of the Financial Statements (continued)**

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Cottonwood Creek Charter School's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Cottonwood Creek Charter School's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### **Supplementary Information**

Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The supplementary information listed in the table of contents is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

### **Other Information**

Management is responsible for the other information included in the annual report. The other information comprises the Local Education Agency Organization Structure but does not include the financial statements and our auditor's report thereon. Our opinion on the financial statements does not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

### **Other Reporting Required by Government Auditing Standards**

In accordance with *Government Auditing Standards*, we have also issued our report dated January 31, 2025, on our consideration of Cottonwood Creek Charter School's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of Cottonwood Creek Charter School's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Cottonwood Creek Charter School's internal control over financial reporting and compliance.



San Diego, California  
January 31, 2025

**COTTONWOOD CREEK CHARTER SCHOOL**  
**STATEMENT OF FINANCIAL POSITION**  
**JUNE 30, 2024**

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**ASSETS**

Current assets	
Cash and cash equivalents	\$ 1,192,385
Accounts receivable	136,172
Total current assets	<u>1,328,557</u>
Noncurrent assets	
Property and equipment	5,081,571
Less accumulated depreciation	(233,838)
Capital assets, net	<u>4,847,733</u>
<b>Total Assets</b>	<b>\$ 6,176,290</b>

**LIABILITIES AND NET ASSETS**

Liabilities	
Accounts payable	\$ 69,713
Deferred revenue	60,814
Loan payable	<u>3,424,047</u>
Total liabilities	<u>3,554,574</u>
Net assets	
Without donor restrictions	2,579,531
With donor restrictions	42,185
Total net assets	<u>2,621,716</u>
<b>Total Liabilities and Net Assets</b>	<b>\$ 6,176,290</b>

The notes to the financial statements are an integral part of this statement.

**COTTONWOOD CREEK CHARTER SCHOOL  
STATEMENT OF ACTIVITIES  
FOR THE YEAR ENDED JUNE 30, 2024**

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	Without Donor Restrictions	With Donor Restrictions	Total
<b>SUPPORT AND REVENUES</b>			
Federal and state support and revenues			
Local control funding formula, state aid	\$ 2,406,361	\$ -	\$ 2,406,361
Federal revenues	60,003	-	60,003
Other state revenues	859,872	9,722	869,594
Total federal and state support and revenues	<u>3,326,236</u>	<u>9,722</u>	<u>3,335,958</u>
Local support and revenues			
Payments in lieu of property taxes	720,193	-	720,193
Investment income, net	22,085	-	22,085
Other local revenues	84,338	5,833	90,171
Total local support and revenues	<u>826,616</u>	<u>5,833</u>	<u>832,449</u>
Donor restrictions satisfied	45	(45)	-
<b>Total Support and Revenues</b>	<b>4,152,897</b>	<b>15,510</b>	<b>4,168,407</b>
<b>EXPENSES</b>			
Program services	2,381,557	-	2,381,557
Management and general	1,171,205	-	1,171,205
<b>Total Expenses</b>	<b>3,552,762</b>	<b>-</b>	<b>3,552,762</b>
<b>CHANGE IN NET ASSETS</b>			
<b>Net Assets - Beginning</b>	<b>600,135</b>	<b>15,510</b>	<b>615,645</b>
Prior period restatement			
<b>Net Assets - Beginning, as restated</b>	<b>1,979,396</b>	<b>390,957</b>	<b>2,370,353</b>
<b>Net Assets - Ending</b>	<b>\$ 2,579,531</b>	<b>\$ 42,185</b>	<b>\$ 2,621,716</b>

The notes to the financial statements are an integral part of this statement.

**COTTONWOOD CREEK CHARTER SCHOOL  
STATEMENT OF FUNCTIONAL EXPENSES  
FOR THE YEAR ENDED JUNE 30, 2024**

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	Program Services	Management and General	Total
<b>EXPENSES</b>			
Personnel expenses			
Certificated salaries	\$ 1,081,334	\$ 117,648	\$ 1,198,982
Non-certificated salaries	271,177	213,306	484,483
Pension plan contributions	309,114	84,613	393,727
Payroll taxes	57,534	23,058	80,592
Other employee benefits	109,253	44,733	153,986
Total personnel expenses	1,828,412	483,358	2,311,770
Non-personnel expenses			
Books and supplies	197,641	38,560	236,201
Insurance	-	82,547	82,547
Facilities	27,481	129,701	157,182
Professional services	225,971	243,804	469,775
Interest expense	-	184,630	184,630
Depreciation	97,467	-	97,467
Other operating expenses	4,585	8,605	13,190
Total non-personnel expenses	553,145	687,847	1,240,992
<b>Total Expenses</b>	<b>\$ 2,381,557</b>	<b>\$ 1,171,205</b>	<b>\$ 3,552,762</b>

The notes to the financial statements are an integral part of this statement.

**COTTONWOOD CREEK CHARTER SCHOOL**  
**STATEMENT OF CASH FLOWS**  
**FOR THE YEAR ENDED JUNE 30, 2024**

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**CASH FLOWS FROM OPERATING ACTIVITIES**

Change in net assets	\$ 615,645
Adjustments to reconcile change in net assets to net cash provided by (used in) operating activities	
Depreciation	97,467
(Increase) decrease in operating assets	
Accounts receivable	101,551
Increase (decrease) in operating liabilities	
Accounts payable	(79,891)
Deferred revenue	(394,935)
<b>Net cash provided by (used in) operating activities</b>	<b>339,837</b>

**CASH FLOWS FROM INVESTING ACTIVITIES**

Purchase of capital assets	(166,483)
<b>Net cash provided by (used in) investing activities</b>	<b>(166,483)</b>

**CASH FLOWS FROM FINANCING ACTIVITIES**

Principal payments on loans payable	(53,663)
<b>Net cash provided by (used in) financing activities</b>	<b>(53,663)</b>

**NET INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS**

<b>Cash and cash equivalents - Beginning</b>	<b>1,072,694</b>
<b>Cash and cash equivalents - Ending</b>	<b>\$ 1,192,385</b>

**SUPPLEMENTAL DISCLOSURE**

Cash paid for interest	\$ 184,630
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**COTTONWOOD CREEK CHARTER SCHOOL**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2024**

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**NOTE 1 – SIGNIFICANT ACCOUNTING POLICIES**

**A. Reporting Entity**

Cottonwood Creek Charter School (the “Charter”) was formed as a nonprofit public benefit corporation on June 3, 2010 for the purpose of operating as a California public school located in Shasta County. The Charter is numbered by the State Board of Education as California Charter No. 1183. The Charter serves grades TK to 8. The mission statement: Working together with the Cottonwood Community, Cottonwood Creek Charter School staff and parents will help students reach their highest potential.

Cottonwood Creek Charter School is authorized to operate as a charter school through Cottonwood Union School District (the “authorizing agency”). The Board of Directors of Cottonwood Union School District approved a charter petition renewal for a five-year term beginning July 1, 2020 and expiring on June 30, 2025. As a result of AB 130 and SB 114, the charter petition end date is extended to June 30, 2028. Funding sources primarily consist of state apportionments, in lieu of property tax revenues, and grants and donations from the public.

**B. Basis of Accounting**

The Charter’s policy is to prepare its financial statements on the accrual basis of accounting; consequently, revenues are recognized when earned rather than when cash is received and certain expenses and purchases of assets are recognized when the obligation is incurred rather than when cash is disbursed.

**C. Financial Statement Presentation**

The financial statements are presented in accordance with Financial Accounting Standards Board (FASB) Accounting Standards Codification (ASC) 958. Cottonwood Creek Charter School reports information regarding its financial position and activities according to two classes of net assets:

*Net assets without donor restrictions* – These net assets generally result from revenues generated by receiving contributions that have no donor restrictions, providing services, and receiving interest from operating investments, less expenses incurred in providing program-related services, raising contributions, and performing administrative functions.

*Net assets with donor restrictions* – These assets result from gifts of cash and other assets that are received with donor stipulations that limit the use of the donated assets, either temporarily or permanently, until the donor restriction expires (that is until the stipulated time restriction ends or the purpose of the restriction is accomplished) the net assets are restricted. When a restriction expires, restricted net assets are reclassified to net assets without donor restrictions.

As a public charter school, Cottonwood Creek Charter School also accounts for its financial transactions in accordance with the policies and procedures of the Department of Education’s *California School Accounting Manual* presented in Procedure 810 Charter Schools. Fund accounting is not used in the Charter’s financial statement presentation.

**D. Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures, such as depreciation expense and the net book value of capital assets. Accordingly, actual results could differ from those estimates.

**COTTONWOOD CREEK CHARTER SCHOOL**  
**NOTES TO FINANCIAL STATEMENTS, continued**  
**JUNE 30, 2024**

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**NOTE 1 – SIGNIFICANT ACCOUNTING POLICIES (continued)**

**E. Contributions**

Unconditional contributions are recognized when pledged and recorded as net assets without donor restrictions or net assets with donor restrictions, depending on the existence and/or nature of any donor-imposed restrictions. Conditional promises to give are recognized when the conditions on which they depend are substantially met. Gifts of cash and other assets are reported with donor restricted support if they are received with donor stipulations that limit the use of the donated assets.

When a restriction expires, that is, when a stipulated time restriction ends or a purpose restriction is accomplished, net assets with donor restrictions are reclassified to net assets without donor restrictions and reported on the statement of activities as “net assets released from restrictions.” Donor-restricted contributions whose restrictions are met in the same reporting period are reported as net assets without donor restriction support. Contributions restricted for the acquisition of land, buildings, and equipment are reported as net assets without restriction upon acquisition of the assets and the assets are placed in service.

Non-cash contributions of goods, materials, and facilities are recorded at fair value at the date of contribution. Contributed services are recorded at fair value at the date of contribution if they are used to create or enhance a non-financial asset or require specialized skills, are provided by someone possessing those skills, and would have to be purchased by the organization if not donated.

**F. In Lieu of Property Tax Revenue**

Secured property taxes attach as an enforceable lien on property as of March 1. Taxes are payable in two installments on December 10 and April 10. Unsecured property taxes are payable in one installment on or before August 31. The County bills and collects the taxes for the authorizing agency. In lieu of distributing funds out of property tax proceeds, the authorizing agency makes monthly payments to Cottonwood Creek Charter School. Revenues are recognized by the Charter when earned.

**G. Functional Expenses**

The costs of providing services have been summarized on a functional basis in the statement of activities and detailed in the statement of functional expenses. Certain costs and expenses have been allocated between program and supporting services based on management's estimates.

**H. Cash and Investments**

Cottonwood Creek Charter School considers all highly liquid deposits and investments with an original maturity of less than ninety days to be cash equivalents. The Charter's method of accounting for most investments is the fair value method. Fair value is determined by published quotes when they are readily available. Gains and losses resulting from adjustments to fair values are included in the accompanying statement of activities. Investment return is presented net of any investment fees.

**I. Receivables and Allowances**

Accounts receivable are stated at the amount management expects to collect from outstanding balances. An allowance for doubtful accounts is established, as necessary, based on past experience and other factors which, in management's judgment, deserve current recognition in estimating bad debts. Such factors include the relationship of the allowance for doubtful accounts to accounts receivable and current economic conditions. Based on review of these factors, the Charter establishes or adjusts the allowance for specific revenue sources as a whole. At June 30, 2024, an allowance for doubtful accounts was not considered necessary as all accounts receivable were deemed collectible.

**COTTONWOOD CREEK CHARTER SCHOOL  
NOTES TO FINANCIAL STATEMENTS, continued  
JUNE 30, 2024**

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**NOTE 1 – SIGNIFICANT ACCOUNTING POLICIES (continued)**

**J. Capital Assets**

Cottonwood Creek Charter School has adopted a policy to capitalize asset purchases over \$5,000. Lesser amounts are expensed. Donations of capital assets are recorded as contributions at their estimated fair value. Such donations are reported as net assets without donor restrictions. Capital assets are depreciated using the straight-line method over the estimated useful lives of the property and equipment or the related lease terms.

**K. Deferred Revenue**

Deferred revenue arises when potential revenue does not meet the criteria for recognition in the current period and when resources are received by the organization prior to the incurrence of expenses. In subsequent periods, when both revenue recognition criteria are met, the liability for deferred revenue is removed from the statement of financial position and revenue is recognized.

**L. Income Taxes**

Cottonwood Creek Charter School is a 509(a)(1) publicly supported nonprofit organization that is exempt from income taxes under Section 501(a) and 501(c)(3) of the Internal Revenue Code and classified by the Internal Revenue Service as other than a private foundation. The Charter is exempt from state franchise or income tax under Section 23701(d) of the California Revenue and Taxation Code. As a school, the Charter is not required to register with the California Attorney General as a charity.

The Charter's management believes all of its significant tax positions would be upheld under examination; therefore, no provision for income tax has been recorded. The Charter's information and/or tax returns are subject to examination by the regulatory authorities for up to four years from the date of filing.

**M. Fair Value Measurements**

The Fair Value Measurements Topic of the FASB *Accounting Standards Codification* establishes a fair value hierarchy that prioritizes inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1 measurements) and the lowest priority to unobservable inputs (Level 3 measurements). A financial instrument's level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. The three levels of the fair value hierarchy are described below:

- Level 1     Inputs to the valuation methodology are unadjusted quoted prices for identical assets or liabilities in active markets.
- Level 2     Inputs to the valuation methodology include quoted prices for similar assets and liabilities in active markets, and inputs that are observable for the asset or liability, either directly or indirectly, for substantially the full term of the financial instrument.
- Level 3     Inputs to the valuation methodology are unobservable and significant to the fair value measurement.

**N. Lease Arrangements**

In February 2016, FASB issued ASU No. 2016-02, *Leases (Topic 842)*, a new lease standard effective no later than the fiscal year 2022-23. Under FASB ASC 842, a right-of-use asset and a related lease liability must be recorded on the statement of financial position (balance sheet) for proper recognition of any operating lease. A right-of-use asset is an intangible asset that pertains to the lessee's right to occupy, operate, and hold a leased asset during the agreed rental period. A lease liability is the financial obligation for the payments required by the lease, discounted to present value. The Charter held copier lease agreements; however, the financial impact is not deemed to be material to the financial statements.

**COTTONWOOD CREEK CHARTER SCHOOL**  
**NOTES TO FINANCIAL STATEMENTS, continued**  
**JUNE 30, 2024**

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**NOTE 2 – CASH AND CASH EQUIVALENTS**

Cash and cash equivalents, as of June 30, 2024, consists of the following:

Cash in county treasury	\$ 1,181,552
Cash in banks, non-interest bearing	10,833
<b>Total Cash and Cash Equivalents</b>	<b>\$ 1,192,385</b>

**Cash in Banks**

**Custodial Credit Risk**

Custodial credit risk is the risk that in the event of a bank failure, an organization's deposits may not be returned to it. Cottonwood Creek Charter School does not have a policy for custodial credit risk for deposits. The FDIC insures up to \$250,000 per depositor per insured bank. As of June 30, 2024, Cottonwood Creek Charter School's bank balance was not exposed to custodial credit risk as there were no deposits over \$250,000 in accounts at any one insured bank.

**Cash in County Treasury**

**Policies and Practices**

Cottonwood Creek Charter School is a voluntary participant in an external investment pool. The fair value of the Charter's investment in the pool is reported in the financial statements at amounts based upon the Charter's pro-rata share of the fair value provided by the County Treasurer for the entire portfolio in relation to the amortized cost of that portfolio. The balance available for withdrawal is recorded on the amortized cost basis and is based on the accounting records maintained by the County Treasurer.

**General Authorizations**

Except for investments by trustees of debt proceeds, the authority to invest Charter funds deposited with the county treasury is delegated to the County Treasurer and Tax Collector. Additional information about the investment policy of the County Treasurer and Tax Collector may be obtained from its website. The table below identifies examples of the investment types permitted in the California Government Code:

Authorized Investment Type	Maximum Remaining Maturity	Maximum Percentage of Portfolio	Maximum Investment in One Issuer
Local Agency Bonds, Notes, Warrants	5 years	None	None
Registered State Bonds, Notes, Warrants	5 years	None	None
U.S. Treasury Obligations	5 years	None	None
U.S. Agency Securities	5 years	None	None
Banker's Acceptance	180 days	40%	30%
Commercial Paper	270 days	25%	10%
Negotiable Certificates of Deposit	5 years	30%	None
Repurchase Agreements	1 year	None	None
Reverse Repurchase Agreements	92 days	20% of base	None
Medium-Term Corporate Notes	5 years	30%	None
Mutual Funds	N/A	20%	10%
Money Market Mutual Funds	N/A	20%	10%
Mortgage Pass-Through Securities	5 years	20%	None
County Pooled Investment Funds	N/A	None	None
Local Agency Investment Fund (LAIF)	N/A	None	None
Joint Powers Authority Pools	N/A	None	None

**COTTONWOOD CREEK CHARTER SCHOOL**  
**NOTES TO FINANCIAL STATEMENTS, continued**  
**JUNE 30, 2024**

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**NOTE 2 – CASH AND CASH EQUIVALENTS (continued)**

**Cash in County Treasury (continued)**

**Interest Rate Risk**

Interest rate risk is the risk that changes in the market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of the investment, the greater the sensitivity of its fair value to changes in the market interest rates. The Charter has managed its exposure to interest rate risk by investing in the county treasury. The Charter's investments in the Shasta County Treasury Investment Pool, which combines the Charter's share of the portfolio, has an amortized book value of \$1,181,552 as of June 30, 2024. The fair value and average weighted maturity for this pool was not made available.

**Fair Value Measurement**

Cash in county treasury is measured at Level 1 using the fair value input levels noted in Note 1M. The funds were not previously measured. The Charter has reclassified these funds as Level 1 because the amounts invested in the county treasury pooled investment fund primarily consist of investment types having observable inputs that reflect quoted prices. The investment types include those noted under the general authorizations section.

**NOTE 3 – ACCOUNTS RECEIVABLE**

Accounts receivable as of June 30, 2024, consists of the following:

Federal sources	\$ 60,004
State sources, non-LCFF	44,420
In lieu property tax payments	30,988
Other local sources	760
<b>Total Accounts Receivable</b>	<b>\$ 136,172</b>

**NOTE 4 – CAPITAL ASSETS**

A summary of activity related to capital assets during the year ended June 30, 2024 consists of the following:

	July 1, 2023	Additions	Disposals	June 30, 2024
Property and equipment				
Land	\$ 585,809	\$ -	\$ -	\$ 585,809
Buildings	4,177,198	166,483	-	4,343,681
Improvements	75,448	-	-	75,448
Equipment	76,633	-	-	76,633
Total property and equipment	4,915,088	166,483	-	5,081,571
Less accumulated depreciation	(136,371)	(97,467)	-	(233,838)
<b>Capital Assets, net</b>	<b>\$ 4,778,717</b>	<b>\$ 69,016</b>	<b>\$ -</b>	<b>\$ 4,847,733</b>

**NOTE 5 – ACCOUNTS PAYABLE**

Accounts payable as of June 30, 2024, consists of the following:

Vendor payables	\$ 69,660
Salaries and benefits	53
<b>Total Accounts Payable</b>	<b>\$ 69,713</b>

**COTTONWOOD CREEK CHARTER SCHOOL**  
**NOTES TO FINANCIAL STATEMENTS, continued**  
**JUNE 30, 2024**

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**NOTE 6 – DEFERRED REVENUE**

Deferred revenue as of June 30, 2024, consists of the following:

State sources				
Universal pre-kindergarten		\$	14,203	
Educator effectiveness			25,248	
Arts and music in schools			21,363	
<b>Total Deferred Revenue</b>		<b>\$</b>	<b>60,814</b>	

**NOTE 7 – LOAN PAYABLE**

In August 2021, the Charter was issued a loan for \$3,477,710 from the Rural Community Assistance Corporation (RCAC) to finance development costs. In May 2024, the loan was refinanced with the same lender. The loan is a United States Department of Agriculture (USDA) guaranteed loan with \$2,782,168, or 80% of the loan being guaranteed. The loan requires an annual guarantee renewal fee of 0.5% multiplied by 80% of the principal; balance as of December 31 of each year that the loan is outstanding. During the fiscal year ended June 30, 2024, the Charter made payments of \$217,697, which included \$53,663 of principal and \$164,034 of interest expense. The Charter has an outstanding loan balance of \$3,424,047 as of June 30, 2024. Repayment obligations on the loan are as follows:

Fiscal Year Ending June 30,	Principal	Interest	Total
2025	\$ 56,269	\$ 161,428	\$ 217,697
2026	59,001	158,696	217,697
2027	61,865	155,832	217,697
2028	64,868	152,828	217,696
2029	68,018	149,679	217,697
Thereafter	3,114,026	2,110,693	5,224,719
<b>Total</b>	<b>\$ 3,424,047</b>	<b>\$ 2,889,156</b>	<b>\$ 6,313,203</b>

**NOTE 8 – NET ASSETS**

**Beginning Net Assets**

**Prior Period Restatement**

A prior period restatement was necessary as of July 1, 2023 to recognize unspent cash from conditional contributions as deferred revenue. The funding sources will be recognized in future periods when the conditions of the funding have been substantially met for proper revenue recognition under FASB standards. Information by funding source is as follows:

	Without Donor Restrictions	With Donor Restrictions	Total
<b>Net Assets - Beginning</b>	<b>\$ 1,979,396</b>	<b>\$ 390,957</b>	<b>\$ 2,370,353</b>
Recognize revenue as conditional contribution:			
Arts, music, and instructional materials	-	(164,593)	(164,593)
Learning recovery emergency grant	-	(174,441)	(174,441)
Educator effectiveness	-	(25,248)	(25,248)
Prior period restatement	-	(364,282)	(364,282)
<b>Net Assets - Beginning, as restated</b>	<b>\$ 1,979,396</b>	<b>\$ 26,675</b>	<b>\$ 2,006,071</b>

**COTTONWOOD CREEK CHARTER SCHOOL**  
**NOTES TO FINANCIAL STATEMENTS, continued**  
**JUNE 30, 2024**

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**NOTE 8 – NET ASSETS (continued)**

**Ending Net Assets**

**Net Assets with Donor Restrictions**

As of June 30, 2024, the Charter's net assets with donor restrictions consists of the following:

Lottery: instructional materials	\$ 23,602
Special education mental health services	11,623
Classified employee professional development	1,127
Student body funds	5,833
<b>Total Net Assets with Donor Restrictions</b>	<b>\$ 42,185</b>

**Net Assets without Donor Restrictions**

Certain designations or reserves have been made for the use of net assets without donor restrictions either by the board, management or by nature of the financial assets held by the Charter. At June 30, 2024, the Charter's net assets without donor restrictions consists of the following:

Net investment in capital assets	\$ 1,423,686
Board designations	
Reserve for economic uncertainty	248,693
Facilities reserve	783,857
Learning recovery	56,138
Total board designations	<u>1,088,688</u>
Undesignated	<u>67,157</u>
<b>Total Net Assets without Donor Restrictions</b>	<b>\$ 2,579,531</b>

**NOTE 9 – LIQUIDITY AND AVAILABILITY OF FINANCIAL ASSETS**

The following table reflects the Charter's financial assets as of June 30, 2024, reduced by amounts not available for general expenditure within one year. Financial assets are considered not available for general use when illiquid or not convertible to cash within one year, consist of assets held for others or are held aside by the governing board for specific contingency reserves. Any board designations could be drawn upon if the board approves that action.

<b>Financial Assets</b>	
Cash and cash equivalents	\$ 1,192,385
Accounts receivable	136,172
Contractual or donor-imposed restrictions	
Cash restricted by others for specific uses	(42,185)
Cash held for conditional contributions	(60,814)
Board designations	<u>(1,088,688)</u>
<b>Financial Assets available to meet cash needs</b>	
<b>for expenditures within one year</b>	<b>\$ 136,870</b>

**COTTONWOOD CREEK CHARTER SCHOOL  
NOTES TO FINANCIAL STATEMENTS, continued  
JUNE 30, 2024**

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**NOTE 10 – EMPLOYEE RETIREMENT PLANS**

Qualified employees are covered under multiple-employer defined benefit pension plans maintained by agencies of the State of California. In accordance with *California Education Code 47605*, charter schools have the option of participating in such plans if an election to participate is specified within the charter petition. The Charter has made such election. Certificated employees are members of the California State Teachers' Retirement System (CalSTRS), and non-certificated employees are members of the California Public Employees' Retirement System (CalPERS).

**California State Teachers' Retirement System (CalSTRS)**

**Plan Description**

Cottonwood Creek Charter School contributes to the California State Teachers' Retirement System (CalSTRS), a cost-sharing multiple-employer public employee retirement system defined benefit pension plan administered by CalSTRS. The plan provides retirement, disability and survivor benefits to beneficiaries. Benefit provisions are established by state statutes, as legislatively amended, within the State Teachers' Retirement Law. CalSTRS issues a separate comprehensive annual financial report that includes financial statements and required supplementary information. Copies of the CalSTRS annual financial report may be obtained from CalSTRS, 7667 Folsom Boulevard; Sacramento, California 95826.

**Funding Policy**

Active plan members are required to contribute 10.25% or 10.205% of their 2023-24 salary depending on the employee's membership date in the plan. The required employer contribution rate for fiscal year 2023-24 was 19.10% of annual payroll. The contribution requirements of the plan members are established by state statute. The Charter's contributions to CalSTRS for the last three fiscal years were as follows:

	Contribution	Percent of Required Contribution
2023-24	\$ 202,849	100%
2022-23	\$ 192,202	100%
2021-22	\$ 153,679	100%

**On-Behalf Payments**

The State of California makes direct on-behalf payments for retirement benefits to CalSTRS on behalf of all school agencies in California. The amount of on-behalf payments made for Cottonwood Creek Charter School is estimated at \$101,966. The on-behalf payment amount is computed as the proportionate share of total 2022-23 State on-behalf contributions.

**California Public Employees' Retirement System (CalPERS)**

**Plan Description**

Cottonwood Creek Charter School contributes to the School Employer Pool under the California Public Employees' Retirement System (CalPERS), a cost-sharing multiple-employer public employee retirement system defined benefit pension plan administered by CalPERS. The plan provides retirement and disability benefits, annual cost-of-living adjustments, and death benefits to plan members and beneficiaries. Benefit provisions are established by state statutes, as legislatively amended, within the Public Employees' Retirement Law. CalPERS issues a separate comprehensive annual financial report that includes financial statements and required supplementary information. Copies of the CalPERS annual financial report may be obtained from the CalPERS Executive Office, 400 P Street; Sacramento, California 95814.

**Funding Policy**

Active plan members, who entered into the plan prior to January 1, 2013, are required to contribute 7.0% of their salary. The California Public Employees' Pension Reform Act (PEPRA), specifies that new members entering into the plan on or after January 1, 2013, shall pay the higher of fifty percent of normal costs or 8.0% of their salary.

**COTTONWOOD CREEK CHARTER SCHOOL**  
**NOTES TO FINANCIAL STATEMENTS, continued**  
**JUNE 30, 2024**

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**NOTE 10 – EMPLOYEE RETIREMENT PLANS (continued)**

**California Public Employees' Retirement System (CalPERS) (continued)**

**Funding Policy (continued)**

Additionally, for new members entering the plan on or after January 1, 2013, the employer is prohibited from paying any of the employee contribution to CalPERS unless the employer payment of the member's contribution is specified in an employment agreement or collective bargaining agreement that expires after January 1, 2013.

Cottonwood Creek Charter School is required to contribute an actuarially determined rate. The actuarial methods and assumptions used for determining the rate are those adopted by the CalPERS Board of Administration. The required employer contribution for fiscal year 2023-24 was 26.68% of annual payroll. The contribution requirements of the plan members are established by state statute. The Charter's contributions to CalPERS for the last three fiscal years were as follows:

		Contribution	Percent of Required Contribution
2023-24	\$	88,912	100%
2022-23	\$	63,305	100%
2021-22	\$	49,457	100%

**NOTE 11 – COMMITMENTS AND CONTINGENCIES**

**Charter School Authorization**

As mentioned in Note 1A, Cottonwood Creek Charter School is approved to operate as a public charter school through authorization by the Cottonwood Union School District. As such, the Charter is subject to the risk of possible non-renewal or revocation at the discretion of its authorizing agency if certain criteria for student outcomes, management, and/or fiscal solvency are not met.

On July 9, 2021, the Governor of California approved Assembly Bill 130 (AB 130). Effective July 1, 2021, AB 130 added a provision within the California Education Code (EC) whereby all charter schools whose term expires on or between January 1, 2022, and June 30, 2025, inclusive, shall have their term extended by two years. As a result, the charter petition end date was extended to June 30, 2027. Additionally, on July 10, 2023, the Governor of California approved Senate Bill 114 (SB 114), which amended EC 47607.4. The EC was amended to add "all charter schools whose term expires on or between January 1, 2024, and June 30, 2027, inclusive, shall have their term extended by one additional year." As a result, the charter petition end date is extended to June 30, 2028.

The Charter makes payments to the authorizing agency to provide required services for oversight as well as other purchased services for business services. Fees associated with oversight consisted of 1% of revenue from local control funding formula sources. Total fees for oversight and business services amounted to \$205,736 for the fiscal year ending June 30, 2024.

**Multiemployer Defined Benefit Plan Participation**

Under current law on multiemployer defined benefit plans, the Charter's voluntary withdrawal from any underfunded multiemployer defined benefit plan would require the Charter to make payments to the plan, which would approximate the Charter's proportionate share of the multiemployer plan's unfunded vested liabilities. The Charter does not currently intend to withdraw from CalSTRS or CalPERS. Refer to Note 10 for additional information on employee retirement plans.

**COTTONWOOD CREEK CHARTER SCHOOL  
NOTES TO FINANCIAL STATEMENTS, continued  
JUNE 30, 2024**

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**NOTE 11 – COMMITMENTS AND CONTINGENCIES (continued)**

**Governmental Funds**

Cottonwood Creek Charter School has received state and federal funds for specific purposes that are subject to review and audit by the grantor agencies. Although such audits could generate expenditure disallowances under terms of the grants, it is believed that any required reimbursements would not be material.

**NOTE 12 – DONATED GOODS AND SERVICES**

During the year, many parents, administrators and other individuals donated significant amounts of time and services to Cottonwood Creek Charter School in an effort to advance the Charter's programs and objectives. These services have not been recorded in the Charter's financial statements because they do not meet the criteria required by generally accepted accounting principles. The Charter did not receive any donated items during the year ended June 30, 2024.

**NOTE 13 – SUBSEQUENT EVENTS**

Cottonwood Creek Charter School has evaluated subsequent events for the period from June 30, 2024 through January 31, 2025, the date the financial statements were available to be issued. Management did not identify any transactions or events that require disclosure or that would have an impact on the financial statements.

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## **SUPPLEMENTARY INFORMATION**

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**COTTONWOOD CREEK CHARTER SCHOOL**  
**SCHEDULE OF AVERAGE DAILY ATTENDANCE**  
**FOR THE YEAR ENDED JUNE 30, 2024**

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Average daily attendance (ADA) is a measurement of the number of pupils attending classes of the charter school. The purpose of attendance accounting from a fiscal standpoint is to provide the basis on which apportionments of state funds are made to charter schools. This schedule provides information regarding the attendance of students at various grade levels and in different programs.

<b>Grade Span</b>	<b>Second Period</b>	
	<u>Report</u>	<u>Annual Report</u>
	<b>Nonclassroom-Based</b>	
Regular		
Kindergarten* through third	127.74	127.32
Fourth through sixth	86.47	85.84
Seventh through eighth	57.28	56.87
<b>Total Average Daily Attendance -</b>		
<b>Nonclassroom-Based</b>	<u>271.49</u>	<u>270.03</u>
<b>Total Average Daily Attendance</b>	<u>271.49</u>	<u>270.03</u>

\*Includes Transitional Kindergarten (TK)

**The Charter had no Classroom-Based ADA in 2023-24.**

**COTTONWOOD CREEK CHARTER SCHOOL**  
**SCHEDULE OF INSTRUCTIONAL TIME**  
**FOR THE YEAR ENDED JUNE 30, 2024**

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This schedule presents information on the amount of instructional days offered per grade level by the charter school and whether the charter school complied with the provisions of *Education Code Section 47612.5*. The charter school only reported nonclassroom-based instruction; therefore, no annual instructional minutes by grade level are presented below.

Grade Level	2023-24 Number of Days	2023-24	
		Number of Days	
Kindergarten*	175		Complied
Grade 1	175		Complied
Grade 2	175		Complied
Grade 3	175		Complied
Grade 4	175		Complied
Grade 5	175		Complied
Grade 6	175		Complied
Grade 7	175		Complied
Grade 8	175		Complied

\*Includes Transitional Kindergarten (TK)

**COTTONWOOD CREEK CHARTER SCHOOL**  
**RECONCILIATION OF ANNUAL FINANCIAL AND BUDGET REPORT (UNAUDITED ACTUALS) WITH**  
**AUDITED FINANCIAL STATEMENTS**  
**JUNE 30, 2024**

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This schedule provides the information necessary to reconcile net position for the Charter Schools Enterprise Fund reported on the Annual Financial and Budget Report (Unaudited Actuals) to net assets on the audited financial statements.

June 30, 2024, net position in Charter Schools Enterprise Fund per Annual Financial and Budget Report (Unaudited Actuals)	<u>\$ 2,668,327</u>
<b>Adjustments:</b>	
Increase (decrease) in total net assets:	
Record deferred revenue for unspent conditional contributions:	
Educator effectiveness	(25,248)
Arts and music in schools	(21,363)
Net adjustments	<u>(46,611)</u>
June 30, 2024, net assets per audited financial statements	<u>\$ 2,621,716</u>

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## **OTHER INFORMATION**

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**COTTONWOOD CREEK CHARTER SCHOOL  
LOCAL EDUCATION AGENCY ORGANIZATION STRUCTURE  
JUNE 30, 2024**

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This schedule provides information about the local education agency (LEA or charter school), including the charter school's authorizing agency, grades served, members of the governing body, and members of the administration.

Cottonwood Creek Charter School, located in Shasta County, was formed as a nonprofit public benefit corporation on June 3, 2010. The charter school operated by the nonprofit, Cottonwood Creek Charter School, is numbered by the State Board of Education as Charter No. 1183. The Charter is authorized to operate as a charter school through Cottonwood Union School District. Classes initially began in Fall 2010. During 2023-24, the Charter served approximately 1,060 students in grades TK to 8.

**BOARD OF DIRECTORS**

Name	Office	Term Expiration
Lynn Peebles	President	June 2025
Toni McNulty	Secretary	June 2025
Rhonda Peek	Treasurer	June 2024
Jeff Larceval	Member	June 2024
Kasey Abshier	Member	June 2025

**ADMINISTRATION**

Mark Boyle  
*Director / Principal*

Jennifer Kiff  
*Business Director*

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## **OTHER INDEPENDENT AUDITORS' REPORTS**

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## REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

### Independent Auditors' Report

To the Board of Directors of  
Cottonwood Creek Charter School  
Cottonwood, California

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of Cottonwood Creek Charter School (the "Charter") as of and for the year ended June 30, 2024, and the related notes to the financial statements, which collectively comprise the Charter's financial statements and have issued our report thereon dated January 31, 2025.

#### **Report on Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Charter's internal control over financial reporting ("internal control") as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Charter's internal control. Accordingly, we do not express an opinion on the effectiveness of the Charter's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

#### **Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Charter's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Charter's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Charter's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Christy White, Inc.*

San Diego, California  
January 31, 2025

## REPORT ON STATE COMPLIANCE AND ON INTERNAL CONTROL OVER COMPLIANCE FOR STATE PROGRAMS

### Independent Auditors' Report

To the Board of Directors of  
Cottonwood Creek Charter School  
Cottonwood, California

#### **Report on State Compliance**

#### **Opinion on State Compliance**

We have audited Cottonwood Creek Charter School's compliance with the requirements specified in the *2023-24 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting*, applicable to Cottonwood Creek Charter School's state program requirements for the fiscal year ended June 30, 2024.

In our opinion, Cottonwood Creek Charter School complied, in all material respects, with the laws and regulations of the applicable state programs for the year ended June 30, 2024, as identified in the table in the Auditor's Responsibilities for the Audit of State Compliance section of our report.

#### **Basis for Opinion on State Compliance**

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *2023-24 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting*, prescribed by Title 5, *California Code of Regulations*, section 19810 as regulations (the K-12 Audit Guide). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of State Compliance section of our report.

We are required to be independent of Cottonwood Creek Charter School and to meet certain ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on state compliance. Our audit does not provide a legal determination of Cottonwood Creek Charter School's compliance with the compliance requirements referred to above.

#### **Responsibilities of Management for Compliance**

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of internal control over compliance with the requirements of the laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to Cottonwood Creek Charter School's state programs.

#### **Auditor's Responsibilities for the Audit for State Compliance**

Our objectives are to obtain reasonable assurance about whether material noncompliance with the state compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on Cottonwood Creek Charter School's compliance based on our audit.

### **Auditor's Responsibilities for the Audit for State Compliance (continued)**

Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards, *Government Auditing Standards*, and the K-12 Audit Guide will always detect a material noncompliance when it exists. The risk of not detecting a material noncompliance resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user of the report on compliance about Cottonwood Creek Charter School's compliance with the requirements of the applicable state programs as a whole.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, and the K-12 Audit Guide, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding Cottonwood Creek Charter School's compliance with compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of Cottonwood Creek Charter School's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the K-12 Audit Guide, but not for the purpose of expressing an opinion on the effectiveness of Cottonwood Creek Charter School's internal control over compliance. Accordingly, no such opinion is expressed; and
- Select and test transactions and records to determine Cottonwood Creek Charter School's compliance with the state laws and regulations to the following items:

<b>Description</b>	<b>Procedures Performed</b>
<b>School Districts, County Offices of Education and Charter Schools</b>	
Proposition 28 Arts and Music in Schools	Yes
After/Before School Education and Safety Program	Not applicable
Proper Expenditure of Education Protection Account Funds	Yes
Unduplicated Local Control Funding Formula Pupil Counts	Yes
Local Control and Accountability Plan	Yes
Independent Study-Course Based	Not applicable
Immunizations	Yes
Educator Effectiveness	Yes
Expanded Learning Opportunities Grant (ELO-G)	Yes
Career Technical Education Incentive Grant	Not applicable
Expanded Learning Opportunities Program	Not applicable
Transitional Kindergarten	Yes
<b>Charter Schools</b>	
Attendance	Yes
Mode of Instruction	Not applicable
Nonclassroom-Based Instruction/Independent Study	Yes
Determination of Funding for Nonclassroom-Based Instruction	Yes
Annual Instructional Minutes – Classroom Based	Not applicable
Charter School Facility Grant Program	Not applicable

"Not applicable" is used in the table above to indicate that the Charter either did not receive program funding or did not otherwise operate the program during the fiscal year.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies or material weaknesses in internal control over compliance that we identified during the audit.

## Report on Internal Control Over Compliance

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a state program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a state program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a state program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of State Compliance section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the K-12 Audit Guide. Accordingly, this report is not suitable for any other purpose.

A handwritten signature in blue ink that reads "Christy White, Inc." The signature is fluid and cursive, with "Christy" and "White" connected and "Inc." written in a smaller, separate section.

San Diego, California  
January 31, 2025

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## **FINDINGS AND QUESTIONED COSTS SECTION**

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**COTTONWOOD CREEK CHARTER SCHOOL**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**  
**FOR THE YEAR ENDED JUNE 30, 2024**

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**PART I – SUMMARY OF AUDITORS’ RESULTS**

**Financial Statements**

Type of auditors' report issued	<u>Unmodified</u>
Internal control over financial reporting:	
Material weakness(es) identified?	<u>No</u>
Significant deficiency(ies) identified not considered to be material weaknesses?	<u>None Reported</u>
Noncompliance material to financial statements noted?	<u>No</u>

**Federal Awards**

*The Charter did not expend more than \$750,000 in federal awards; therefore, a Federal Single Audit under OMB Uniform Grant Guidance is not applicable.*

**State Awards**

Internal control over state programs:	
Material weakness(es) identified?	<u>No</u>
Significant deficiency(ies) identified not considered to be material weaknesses?	<u>None Reported</u>
Any audit findings disclosed that are required to be reported in accordance with <i>2023-24 Guide for Annual Audits of California K-12 Local Education Agencies</i> ?	
Type of auditors' report issued on compliance for state programs:	<u>No</u>
	<u>Unmodified</u>

**PART II – FINANCIAL STATEMENT FINDINGS**

There were no audit findings related to the financial statements for the year ended June 30, 2024.

**PART III – STATE AWARD FINDINGS AND QUESTIONED COSTS**

There were no audit findings and questioned costs related to state awards for the year ended June 30, 2024.

**PART IV – SUMMARY OF PRIOR AUDIT FINDINGS**

This section presents the status of actions taken by the Charter on each of the findings and recommendations reported in the prior year audit; however, there were no audit findings reported in the year ended June 30, 2023.

# Childhood Sexual Assault: Fiscal Implications for California Public Agencies

January 31, 2025

## FCMAT

FISCAL CRISIS & MANAGEMENT  
ASSISTANCE TEAM

Michael H. Fine  
Chief Executive Officer

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# Executive Summary

## Background

**Assembly Bill 218 (Chapter 861, Statutes of 2019) eliminated many claim prerequisites and increased or effectively eliminated the statute of limitation periods for claims of childhood sexual assault against public entities, including local educational agencies and municipal governments.** Assembly Bill (AB) 218, The Child Victims Act, renamed childhood sexual abuse to childhood sexual assault and expanded its definition. Further, it increased public agencies' liability exposure by doing the following:

- 1) Extending the statute of limitation periods for claims of childhood sexual assault.
- 2) Permanently eliminating the Government Tort Claims Act's presentation requirements for claims involving childhood sexual assault.
- 3) Reviving certain claims for which the statute of limitations period had otherwise expired, if brought by December 31, 2022.

The legislation retroactively increased the time limit for beginning an action to recover damages suffered as a result of childhood sexual assault to 22 years from the date the plaintiff attains the age of majority (i.e., 40 years of age) instead of the previous eight years (i.e., 26 years of age), or within five years of the date the plaintiff discovers or reasonably should have discovered that the psychological injury or illness occurring after the age of majority was caused by sexual assault, whichever is later.

**Assembly Bill 452 (Chapter 655, Statutes of 2023) further changed the statute of limitations on childhood sexual assault.** This legislation eliminated the statute of limitations for the recovery of civil damages suffered because of childhood sexual assault for claims that arise on or after January 1, 2024. Some of the financing solutions recommended in this report for AB 218 claims will also be applicable for future claims under AB 452.

**Senate Bill 153 (Chapter 38, Statutes of 2024) authorizes this report.** It requires the Fiscal Crisis and Management Assistance Team to provide recommendations to the appropriate fiscal and policy committees of the Legislature and the Department of Finance regarding new, existing, or strengthened funding and financing mechanisms to finance judgments or settlements arising from claims of childhood sexual assault against local agencies. Childhood sexual assault is a deeply sensitive and traumatic issue. The intent of the authors of this report is to respect and honor victims.

## Findings and Assessment

**A comprehensive analysis of claims is not available, but what can be concluded is that the impact is significant.** The most recent statewide data was released in May 2023 and covered 80% of statewide average daily attendance. But even with claim data, the magnitude is not accurately known until each claim's outcome is decided. Many claims are in various stages of litigation; thus, it is impossible to project the extent of total liability, whether claimants will prevail, or what the dollar value of any final award of damages or settlement agreement may be.

Even with missing details, we can conclude that the fiscal impact is and will continue to be significant and will affect programs and services. The best estimate of the dollar value of claims brought to date because of AB 218 is \$2-\$3 billion for local educational agencies. Other local public agencies' costs will exceed that value by a multiplier, with one county government alone estimating their claim value at \$3 billion. The dollar estimate increases further for total childhood

sexual assault claims when considering claims outside of the time frame covered by AB 218. The fiscal impact is not limited to local educational and public agencies with claims but affects all public agencies, because it includes increased insurance premiums and special assessments based on the joint and several liability of current and past members of public entity risk pools.

**Most public agencies have liability coverage through risk pools, not commercial insurance, so insurance in the traditional sense is something of a misnomer.** With few exceptions, most local public agencies access insurance protection through public entity risk pooling. These pools are a way to manage risk and are created when a group of public agencies join together to finance and administer various forms of insurance coverage. This is similar to the commercial market but with the cost shared among the pool's member agencies. Each member agency funds the public entity risk pool through premiums and fees for the coverage obtained. The contributed funds and any investment earnings on reserves finance the risk pool's obligations.

Childhood sexual assault and misconduct cases have significantly altered the liability insurance marketplace (which includes public entity risk pools) in California. The insurance industry is built on a promise and operates under the current rule of law. No one expected the retroactive removal of the statute of limitations on childhood sexual assault. Changes in law disrupt the marketplace and create opportunities for reinsurance companies to reevaluate their products and pricing. Commercial insurers are less willing to accept the risk, given the ongoing uncertainty surrounding childhood sexual assault losses, which includes unknowns that could extend for decades. As a result, fewer insurance providers are available to offer reinsurance products, and the price has increased dramatically.

The insurance market for public agencies is perilously unstable. In the worst case, the market could deteriorate to a point where there is not enough insurance available, and public agencies could end up competing with each other for the limited coverage still being offered.

**With some limitations, local agencies have the authority to borrow funds to amortize the cost of a settlement or claim.** Local agencies have the power to authorize and issue refunding notes and bonds to satisfy their financial obligations under involuntary tort judgments. These notes or bonds are typically referred to as judgment obligation notes or bonds. Obligations arising from settlements may be nuanced. With some exceptions and various constraints, local agencies are also authorized to make lease financing arrangements.

The state treasurer should be allowed and directed to help public agencies that face settlements and judgments from childhood sexual assault to access capital markets. There may be a variety of reasons to have an intermediary issue debt on behalf of public agencies.

**Intensive interventions associated with a large emergency apportionment may not be appropriate for school districts requiring state loans solely due to AB 218 obligations.** California's constitution and statutes protect school districts from insolvency through state emergency apportionments (also known as state emergency loans). These are commonly referred to as the receivership statutes. A less defined but similar receivership protection is extended to California's community colleges. This protection is designed to ensure that school districts continue to educate students. An administrator does, however, have the power to file a Chapter 9 bankruptcy petition for a school district, and a community college district is apparently authorized to file for Chapter 9 bankruptcy. This receivership process is not available to charter schools or other public agencies. However, the current structure and intensity of the intervention that accompanies a large emergency apportionment may not be appropriate for a school district that requires a state loan solely due to AB 218 obligations. It is unlikely that the circumstances

surrounding a childhood sexual assault offense from years earlier are related to deficiencies in an agency's current governance, policies, systems and practices. The exception may be personnel management practices.

***Victims deserve a more compassionate and timely remedy than litigation.*** A frequent discussion item among public agencies affected by childhood sexual assault claims is the creation of a statewide victims' compensation fund. All victims alleging injury have a right to a trial, so this would be a voluntary alternative to the judicial process. The fund would work to resolve claims through a reasonable process that invites the victim to present their claim in an uncontested environment that focuses on care and compassion, and where remedies are offered, discussed and decided on.

***The goal should be to completely eliminate childhood sexual assault in local public agencies.*** One of the frequent criticisms of AB 218 and AB 452 is that neither bill promoted a state policy priority of eliminating childhood sexual assault offenses, and neither addressed the topic of prevention. Preventive measures and mandates must be increased to protect children.

## **Recommendations**

This report makes 22 recommendations for the Legislature's consideration. The recommendations have the following themes:

- Mandated childhood sexual assault claim reporting, statewide data repository and data classification.
- Amended timelines for public agencies to pay a judgment to facilitate public financing of all or part of the judgment.
- Enhanced provisions related to the public financing of obligations.
- Alternative statutory provisions for emergency apportionments for school districts.
- Study and establish a victims' compensation fund option.
- Consistent and expanded statutes focused on preventive measures.

These recommendations are provided throughout the report with their respective topics and are summarized in the last section for ease of reference.

# Introduction

**Assembly Bill 218 (Chapter 861, Statutes of 2019) eliminated many claim prerequisites and increased or effectively eliminated the statute of limitation periods for claims of childhood sexual assault against public entities, including local educational agencies and municipal governments.**

AB 218, The Child Victims Act, renamed childhood sexual abuse to childhood sexual assault and expanded its definition. Further, it increased public agencies' liability exposure by doing the following:

- 1) Extending the statute of limitation periods for claims of childhood sexual assault.
- 2) Permanently eliminating the Government Tort Claims Act's presentation requirements for claims involving childhood sexual assault.
- 3) Reviving certain claims for which the statute of limitations period had otherwise expired, if brought by December 31, 2022.

The legislation retroactively increased the time limit for beginning an action to recover damages suffered as a result of childhood sexual assault to 22 years from the date the plaintiff attains the age of majority (i.e., 40 years of age) instead of the previous eight years (i.e., 26 years of age), or within five years of the date the plaintiff discovers or reasonably should have discovered that the psychological injury or illness occurring after the age of majority was caused by sexual assault, whichever is later.

Commonly referred to as a revival statute, the legislation made it possible for victims of childhood sexual assault to seek recovery for damages after the previous statute of limitations had expired. The revival provisions allowed claims for damages to be commenced up to December 31, 2022, for victims over the age of 40. However, victims younger than age 40 before January 1, 2023,

or those with repressed memory of the assault, may continue to commence claims up to age 40 or within five years of discovery, as provided. This essentially provides a 14-year window for claims to continue to be filed until victims turn 40 years old and sets no age limit for those who discover psychological injury or illness later.

Assembly Bill 218 amended three statutes. The main amendments were to the California Code of Civil Procedure (CCP) Section 340.1. This section has a 40-year history of legislative amendments, specifically to modify and extend the statute of limitations for childhood sexual abuse (now assault) and molestation claims. Subsequent amendments culminated in the elimination of the statute of limitations altogether for offenses on or after January 1, 2024 (AB 452, Chapter 655, Statutes of 2023).

Neither AB 218 nor AB 452 included any added prevention measures. And neither bill gave local public agencies financial resources to address the effects of the change in state policy.

**Risks extend beyond traditional transitional kindergarten to grade 12 programs.** Charter schools, community colleges, and other local agencies all have risk exposure from childhood sexual assault and from the AB 218 revival statute. Charter schools began in California in 1992, so their historical risk exposure is more limited. In addition, a significant percentage of charter school enrollment is in nonclassroom-based programs. However, the term nonclassroom is a misnomer: the reality is that many charter school students are on a campus or interacting in person with charter school personnel and other students, albeit less frequently than in a traditional school setting.

Community colleges have limited exposure to AB 218 claims but do have increasing exposure to risks associated with childhood sexual assault in the future. Historically, community colleges' main risk exposure is

in their campus childcare programs. But community college exposures are increasing with the introduction of on- and off-campus early childhood programs that are part of an instructional program, and dual enrollment programs that bring high school students on campus to attend classes.

Other local agencies, like cities and counties, have significant risk to AB 218 claims because they operate and govern the following:

- Recreational facilities and programs.
- Childcare facilities.
- Juvenile probation and detention facilities.
- Foster children programs.
- Short-term residential therapeutic programs, residential foster care, or congregate care (formerly group homes).

These local agencies also have risk related to law enforcement because of failure to investigate, failure of due diligence, and inadequate reporting; programs such as police and fire explorers; or other involvement related to childhood sexual assault. Based on published reports, the County of Los Angeles in 2023 projected costs of "between \$1.6 to \$3 billion to resolve roughly 3,000 claims of sexual abuse that allegedly took place in the county's foster homes, children shelters and probation camps and halls dating to the 1950s."<sup>1</sup>

The California Department of Education operates three state special schools — two for hearing impaired and one for visually impaired students. The exposure to childhood sexual assault claims extends to these programs as well.

***Understanding the fiscal implications of childhood sexual assault claims for local educational and public agencies is essential.*** All local educational agencies are

affected, whether they have claims or not. The same is true of other local government agencies such as cities, counties and certain special districts. The cost and decreasing availability of liability insurance or other risk sharing programs affects current educational and public services, because more of today's tax dollars are being used to pay for yesterday's offenses. The cost of claims diminishes programs and services for all community populations, including children and students, some of whom are those who were victimized.

The diminished market for liability insurance, especially inclusive of sexual assault coverage, hits third-party private partners hard. Foster families and agencies, community-based organizations, and sole and corporate providers of nonpublic agencies and nonpublic schools serving students with disabilities are required to have adequate insurance protection, sometimes equivalent to that of a public agency. When coverage isn't available, these essential partners are unable to provide services.

Fiscal implications can vary widely from one local educational or governmental agency to another. Claims of the same nature and judgments or settlements with the same value may have dramatically different impacts depending on the size of the agency, its coverage status and its revenue sources. For example, a childhood sexual assault claim from 1995 for \$2 million against a school district with 850 students and no insurance coverage for 1995 has a different impact than a claim with the same parameters against a school district with 14,000 students. Court judgments, and often settlements, do not consider insurance, ability to pay, or the impact on local programs and services.

***California's local governments, including school districts and community colleges, have access to protection under United States Bankruptcy statutes. Today's Chapter 9 of the United States Bankruptcy***

<sup>1</sup>"Decades of failures leave L.A. County facing up to \$3 billion in sex abuse claims," Los Angeles Times, May 1, 2023, by Rebecca Ellis

Code is the successor to statutes dating back to the Great Depression of the 1930s. Chapter 9 is designed exclusively for local governments to adjust or reduce their obligations when their resources are inadequate to cover those obligations. Filing for Chapter 9 is different from other forms of bankruptcy in two ways. First, the filing is fully at the discretion of the locality; creditors are not permitted to force a local government to file for relief. Second, the bankruptcy court may not directly compel a locality to sell its assets or increase tax rates to raise revenues to meet its obligations, nor may the court directly compel the locality to dissolve or reorganize its governance structure. However, if a municipality does not make appropriate efforts (potentially including increasing revenue or disposing of assets) to pay its debts through the bankruptcy process, the bankruptcy court can reject the municipality's plan of adjustment or dismiss the municipality's bankruptcy case. As a result, the bankruptcy court can indirectly affect the municipality's actions. In the last 25 years, there have been only a small number of Chapter 9 bankruptcies in California.

Unlike other local public agencies, school districts and community colleges have a state receivership process designed to reduce the need for bankruptcy protection. Nonetheless, an administrator for a school district has the power to file a Chapter 9 bankruptcy petition for a school district, and a community college district is apparently authorized to file for Chapter 9 bankruptcy. Today's receivership process was born out of the legislative remedy to civil rights litigation designed to protect all students and safeguard communities from a school shutdown due to insufficient funds. The California Supreme Court's opinion in *Butt v. State of California* ((1992) 4 Cal. 4th 668, 685 15 Cal. Rptr. 2d 480, 842 P.2d 1240) laid out an obligation for the state to protect the integrity and quality of our educational system for students. The process includes a provision for an emergency apportionment and for an administrator to take

temporary charge of a district's operations. The emergency apportionment process is described in more detail later in this report.

California's charter schools are not protected by the constitutional protections reinforced in *Butt v. State of California*. As nonprofit organizations, charter schools that find themselves in dire financial condition because of a large uninsured or underinsured liability claim may find that their best or only option is to file for bankruptcy protection under Chapter 7 or 11 of the federal bankruptcy statutes. Under Chapter 7, the charter school ceases to operate, and its assets are sold to pay its creditors. Under Chapter 11, the charter school would attempt to reorganize its financial affairs.

***Aggregation of liability is the only way to finance the overall burden and protect the stability of local public agencies.***

California's system of elementary and secondary public education and basic services through local public agencies will survive the challenge presented by the claims of childhood sexual assault. But individual school districts, charter schools and other agencies may not.

Local agencies are responsible for paying for the entire claim if they are uninsured, or a portion of the claim if they are insured or underinsured. In addition, liability coverage premiums have risen by more than 700% in the past decade, and coverage levels are eroding. Because public entity risk pools are owned by their member agencies, each local public agency is obligated to ensure that the risk pool is stable and has sufficient resources to meet its obligations. Those added resources come from the risk pool's member agencies through special assessments and other contributions. For local educational agencies, these costs place increasing pressure on their current local control funding formula dollars used to staff classrooms, pay for utilities and replace textbooks. The same is true for other local public agencies: these costs represent an increasing share of the funding sources used

to provide law enforcement, fire suppression and medical aid, park and recreation programs, and other municipal services.

**Assembly Bill 452 (Chapter 655, Statutes of 2023) eliminates the statute of limitations for childhood sexual assault claims.** This legislation eliminates the statute of limitations for the recovery of civil damages suffered because of childhood sexual assault for offenses on or after January 1, 2024. Some of the financing solutions recommended in this report for AB 218 claims will also be applicable for future claims under AB 452.

**Senate Bill 153 (Chapter 38, Statutes of 2024) authorizes this report.** It requires the Fiscal Crisis and Management Assistance Team to provide recommendations to the appropriate fiscal and policy committees of the Legislature and the Department of Finance on new, existing, or strengthened funding and financing mechanisms to finance judgments or settlements arising from claims of childhood sexual assault against local agencies (counties, cities, county offices of education, school districts, charter schools, joint powers authorities, and special districts).

Childhood sexual assault is a deeply sensitive and traumatic issue affecting the youth that educational and government programs are designed to serve and protect. The victims of assault are from all cultures and backgrounds. The profound physical, emotional and psychological impacts can last a lifetime, often shaping a survivor's sense of self, their relationships, and their ability to trust others. No one interviewed for this report condones the crimes that are alleged and were committed; all expressed concern for victims. Everyone believes victims are

entitled to compensation for their loss and suffering. The intent of the authors of this report is to respect and honor victims.

In preparing this report, the Fiscal Crisis and Management Assistance Team consulted with subject matter experts, including experts in risk management, public entity risk pools, and public finance; labor organizations; management organizations; and the legal community. Interviews and research were designed to help the authors more thoroughly understand the magnitude of the fiscal impacts on schools and local governments, the intricacies of different approaches to public entity risk pooling, the litigation environment, and public financing structures and other financing mechanisms.

This report responds to the statutory requirement. The second section of the report looks at what we know about the claim data and the potential magnitude of the fiscal impacts on local educational agencies and other local public agencies, and provides a brief overview of how local educational agencies and municipalities are insured, including the current risk marketplace. The third section explores financing options available to amortize the fiscal impact of a settlement or judgment. The fourth section looks at the unique receivership protection available for school and community college districts. The fifth section discusses the concept of a statewide victims' compensation fund, and the sixth section explores preventive measures. The final section summarizes the recommendations.

# Background

## Data on Childhood Sexual Assault Claims

**Assembly Bill 218 claims continue to be filed.** Many believe that the window to file claims under AB 218's revival statute closed on December 31, 2022. However, the only claims subject to that deadline were for victims who had reached the age of 40 (22 years past the age of majority). Victims under 40 (estimated by some to be two-thirds of the claims activity) have part or all of 14 years to file their claims (the previous age limit of 26 was extended by AB 218 to age 40, creating a 14-year window). Additionally, victims may file claims within five years of the date they discover or reasonably should have discovered that the psychological injury or illness occurring after the age of majority was caused by sexual assault, whichever is later.

Understandably, there was a rapid increase in claims activity after AB 218 was enacted and before the three-year window for those over age 40 closed. But new information and environmental conditions also contribute to increases in both the number of claims and the estimated values assigned to those claims. Examples of these factors include information about a particular perpetrator, a specific set of circumstances, judicial verdicts, and media coverage of other childhood sexual assault offenses such as those in scouting or the Roman Catholic church. Between June 30, 2023 and June 30, 2024, one public entity risk pool reported that the number of claims increased by 23%.

**There are many variables when analyzing claim data to determine magnitude.** Claim data is essential to determine the potential magnitude of the fiscal impact on local educational and public agencies. However, a single source of unduplicated, reasonably categorized claim data is not available. Creating such a source seems like a simple concept, and there appears to be a great deal

of consistency among public entity risk pools, self-insured agencies and insurers; however, there are many variables when considering aggregating claim data. These include the following:

- **Overall lack of coordination and common definitions.** One example of a universal classification system is discussed in more depth below. Another problem is the inconsistency of definitions, which leads to variations in attributing a claim to the revival provisions of AB 218.
- **Duplicate counts.** As discussed below in the insurance section, a great majority of public agencies obtain insurance-like coverage by becoming members of a public entity risk pool. Some risk pools serve as the primary coverage (e.g., up to \$5 million), and other pools serve as the excess coverage (e.g., \$5 million to \$55 million). In some cases both risk pools report the same claim, though the value of the claim is likely different because each risk pool's policy limits vary.
- **Claim counts vs. victim counts.** Risk pools and self-insured public agencies account for victims inconsistently. Some equate one claim to one victim. Others may associate one claim with multiple victims if the offenses have the same perpetrator and similar circumstances and timing. For example, one risk pool reports 420 claims with 639 plaintiffs based on October 2024 data (counts are of new claims that did not exist when AB 218 was passed).

- **Point in time.** Any report reflects a specific point in time. Claims under AB 218's revival provisions continue to be filed, and dollar valuations will change over time as more information is known and actuaries update values. The most appropriate time period for reporting dollar valuation of claims is as of June 30 to correspond to annual financial reporting, or when the public agency prepares disclosures related to offering public debt.

In addition to the above variables that may affect public entity risk pool claim counts and valuations, the actual impact on local educational and public agencies varies based on the following:

- **Self-insured retention.** This is the amount of the claim for which the local agency is responsible, somewhat like an insurance deductible. Self-insured retention for local public agencies varies widely across the state based on a public entity risk pool's memorandum of coverage and a local agency's size and ability to bear risk. Common amounts are \$25,000 – \$250,000, with some at \$1 million or more.
- **Applicable memorandum of coverage terms.** This is the amount of coverage the local agency has through its various public entity risk pools, taking into consideration dates of coverage and any limits, aggregates, or other restrictions or exclusions.
- **Programs of self-insurance.** Larger public agencies may be partially or fully self-insured. This may be for certain types of perils or for all liability claims. It is becoming increasingly common

## District Impact Story

**Some school districts face catastrophic fiscal consequences as a result of uninsured**

**AB 218 revival judgments.** One elementary school district on the central coast with 350 students reports one uninsured AB 218 claim, with three victim allegations stemming from the late 1970s to early 1980s. The alleged abuser and many potential witnesses are deceased. At that time, the district had commercial liability insurance coverage with adequate policy limits. However, at some point in the five decades since, the district's insurance carrier went out of business. Consequently, the district faces full fiscal responsibility for all settlement and/or judgment costs, currently estimated at more than \$20 million. In 2023-24, the district's unrestricted general fund budget totaled \$16.7 million. Even a state emergency loan funded over the maximum 20-year period would not provide a realistic way to finance such a large liability. The annual debt service would be more than \$1.5 million (including interest, costs of issuance, and expenses related to the conditions for state emergency apportionments). That is equivalent to approximately 9% of the district's current local control funding formula (LCFF) revenues. A neighboring unified school district with 1,900 students reports an almost identical story, with four uninsured AB 218 claims set to go to trial in the next year.

for coverage for sexual assault and molestation to be excluded from third-party coverages; thus, this one peril may be fully self-insured.

- **Settlements and judgments in excess of policy limits.** If a settlement or judgment exceeds the memorandum of coverage limits, the local agency is responsible for this excess amount. Maximum policy limits vary. In the past 10 years, a common limit for local educational

agencies has been \$55 million but can vary from the high \$30 million range to newer limits in the \$70 million range. Previously, the common limit was between \$10 million and \$20 million.

Given that AB 218 did not set any limits on the timing of the offense for which a claim has been filed, a local public agency may find that it had no third-party coverage when the offense occurred, whether from commercial insurance or a public entity risk pool. There are also cases where the primary coverage provider no longer exists, but the excess coverage provider does exist. Therefore, the impact on local educational and public agencies can vary widely based on availability and terms of insurance, leading to a mix of insured, uninsured and underinsured claims.

One local educational agency has a claim for childhood sexual assault that dates to the 1940s. More commonly, claims may be from the 1970s, 1980s and 1990s. As discussed below, public entity risk pools began in the 1970s, and most were established by the mid-1980s. Before then, insurance coverage was obtained through commercial policies. Local agencies usually procured high-quality insurance coverage at coverage limits suitable for the time. However, in many cases the companies that provided such coverage no longer exist, leaving local agencies with uninsured claims.

***A comprehensive analysis of claims is not available.*** The most recent statewide data was released in May 2023 by insurance industry leader Aon. That data covered 80% of statewide average daily attendance. Several efforts are underway to produce complete data, and/or to extrapolate statistically significant subsets of data, to produce an informed statewide value and magnitude. However, these efforts are still underway at the time of this report. Data from one of these new efforts may be available following

the release of this report but before legislative consideration of the report and its recommendations.

As noted above, not all risk pools classify claim data using the same definition. Additionally, it must be recognized that not all childhood sexual assault claims are the result of the passage of AB 218. Claims for damage resulting from more recent childhood sexual assault continue to occur and are not attributable to the revival statute. Many of these claims were filed within the applicable statute of limitations.

A statewide data repository of claims would be useful for developing policy and funding options.

***Even with claim data, the magnitude is not accurately known until each claim's outcome is decided.*** The actual fiscal impact cannot be determined without the claim being decided, because estimated values assigned to claims for disclosure or actuarial purposes may differ from actual values upon settlement or judgment. Many claims are in various stages of litigation; thus, it is impossible to project the extent of total liability, whether claimants will prevail and, if so, what the dollar value of a final award of damages or settlement agreement may be. The full nature of a remedy is unknown at this time. When values are estimated, the basis is commonly determined by an independent actuary and may or may not align with a jury verdict.

***Reasonable conclusions can be reached by reviewing the 2023 statewide report and interviewing leaders familiar with claims in their own risk pools.*** Despite limitations, available data is sufficient to make informed, reasonable conclusions about claims for childhood sexual assault, and to inform policy considerations. This data includes sexual assault and molestation claims allowed under AB 218's revival provisions and claims allowed irrespective of AB 218.

Interviews with public entity risk pool experts who are knowledgeable about their respective pools' claim data, settlement negotiations and trials as a subset of the total statewide exposure indicate the following:

- Between one-third and half of the claims received for childhood sexual assault since AB 218 was enacted have been settled or decided; the remaining claims are in some stage of analysis, review, settlement discussion, or litigation.
- Offenses in schools are somewhat bimodal, with the highest number by far at high schools and the next highest occurrence at elementary schools. However, data also suggests that the value of claims from high schools is the lowest, and the highest value claims originate from middle schools. The modus operandi of perpetrators differs by grade span; this informs prevention strategies, which are discussed later in this report.
- Sources familiar with statistically significant subsets of claim data estimate that claimants over 40 represent one-third of the case load. These claims were a direct result of AB 218.
- The nature of childhood sexual assault in schools varies and includes adult vs. student and student vs. student. Overall sexual assault claims also include adult vs. adult.
- The allegations vary and include negligent supervision of employees or students, negligent supervision of a third-party's use of public facilities, failure to investigate or appropriately report, and civil rights violations.

This data is derived from interviews with several local educational and public agencies, several primary risk pools and two large excess risk pools that serve local educational agencies, and one large risk pool that serves both local educational and other public agencies.

Observations made from the 2023 Aon report regarding claims in schools, with data contributions from 14 public entity risk pools or individual local educational agencies, include the following:

- Claims originated in 48 of California's 58 counties.
- Geographically, the epicenter of claims is in the five Southern California counties (Los Angeles, Orange, San Diego, Riverside and San Bernardino), which have 65% of the 2,079 total claims reported (14 of the state's 25 largest school districts are located in these counties).
- Children ages 13 to 17 are most at risk, with the highest frequency of victims being age 14.
- Offenses occur most often in classrooms (50%).
- The data includes 250 claims involving students with disabilities; in more than 60% of these cases the perpetrator was identified as another student.
- Teachers are the most common perpetrators, accounting for 38%. In generally decreasing order of frequency, perpetrators also include the following: students, teacher's aides, coaches, custodians/maintenance workers, coaches' assistants (including walk-on coaches), and unauthorized outsiders.

- Sixty-eight percent of the offenses occurred during general education, 14% during athletics, and 6% in before- or after-school programs.
- The types of offenses reported were touching on skin (30%), intercourse (19%), and touching through clothes (17%).

Not all data points were reported for every claim; therefore, the number of observations (or N-value) in each dataset was not consistent. The percentages shown were rounded to the nearest whole number. The source was a published report by a recognized industry leader. The data was not independently verified.

***The fiscal impact is not limited to local educational and public agencies with claims; it affects all public agencies.*** Fiscal impact also includes premiums and special assessments that are based on the joint and several liability of current and past members of public entity risk pools (this is explained in the insurance section below).

***Even with missing details, we can conclude that the magnitude of the fiscal impact is significant and will affect programs and services.*** The best estimate of the dollar value of claims brought to date because of AB 218 is \$2–\$3 billion for local educational agencies. Other local public agencies exceed that value by a multiplier, with one county government alone estimating their claim value at \$3 billion. These amounts are the estimated aggregate claim value, not the amount that the local public agency may be responsible for after applicable insurance. However, several large agencies included in this amount are fully self-insured. Public agencies across the state have settled some claims pretrial, or have received adverse judgments following trial, and have yet to finalize most claims.

The magnitude of the financial burden now equals or exceeds all of the other types of liability for which public entity risk pools

provide coverage. Local educational and governmental agencies have the underlying financial exposure to the claims.

There are also claims for other non-AB 218 childhood sexual assault claims or more recent offenses that are outside of the timeline for revival claims under AB 218. In its 2023 report, Aon estimated these claims for local educational agencies to be more than 2,000 in count, with a value of \$1.3 billion. Because of the lax definition described above, some of these claims may be designated among the AB 218 revived claims and be counted in the numbers cited above.

Because AB 218 claims were not anticipated by local governmental agencies or their risk partners, few reserved funds for this risk exposure. Consequently, whether paying for the entire claim, a portion of the claim, coverage premiums, or special assessments, the source of funds is unrestricted funding used to pay for programs and services. For local educational agencies, this is their current local control funding formula money used to staff classrooms, pay for utilities and replace textbooks. For other local public agencies, it is one of several funding sources used to provide law enforcement, fire suppression and medical aid, park and recreation programs, and other municipal services.

***A statewide data repository and a universal classification or coding system should be developed to track and report liability claims.*** It is recommended that the Legislature require the development and maintenance of a statewide data repository, including mandating cooperation and information sharing by public agencies. Recent efforts at data collection indicate that the responsiveness of risk pools and agencies may be declining from the level Aon was able to achieve in its 2023 report and is closer to 60% of statewide average daily attendance.

To support a statewide repository, a set of common definitions, classifications and coding taxonomy is required. This is similar to what was done in the past with the Workers'

Compensation Insurance Rating Bureau. Although the best approach may be for the risk pooling and insurance industry to establish such a classification system, it is recommended that the Legislature mandate a classification system to provide objective, actuarially-based information on childhood sexual assault claims.

## Public Agency Insurance

***Most public agencies have liability coverage through risk pools, not commercial insurance, so insurance in the traditional sense is something of a misnomer.*** With few exceptions, most local public agencies access insurance-like protection through public entity risk pooling. A lower percentage, but still a majority, of charter schools participate in risk pools. Starting in the 1970s, commercial insurance rate increases and limited availability forced many local public agencies to leave the commercial insurance market and create public entity risk pools to secure coverage by pooling funds. Public entity risk pools are a way to manage risk and are created when a group of public agencies join together to finance and administer various forms of insurance coverage. This is similar to the commercial market but with the cost shared among the pool's member agencies. Each member agency funds the public entity risk pool through premiums and fees for the coverage obtained. The contributed funds and any investment earnings on reserves finance the risk pool's obligations.

One example of a risk pool is the Schools Excess Liability Fund (SELF), which was founded in 1986 to provide local educational agencies with coverage for catastrophic liability claims, such as the death of a student, traumatic brain injury, or cases of childhood sexual assault and molestation. At one point or another in SELF's history, every school district in California except two has been a member. See the box later

in this report for more details about the basic principles of public agency insurance coverage.

***The Joint Exercise of Powers Act (Government Code 6500 and following) authorizes the creation of joint powers authorities.*** Joint powers authorities can be used only by public agencies and exist when two or more public agencies join together to exercise a common power or create a separate legal agency. To participate in a joint powers authority, the public agencies must enter into an agreement that specifies both the authority of the joint powers authority and how it will execute that authority. Joint powers authorities may perform many functions, including risk pooling for coverages such as workers' compensation, general liability, property, and employee health benefits.

Public entity risk pools are joint powers authorities and are structured in a variety of ways depending on their type of coverage and their members' experience and direction. California has the largest number of public entity risk pools in the country. Public entity risk pools are slightly isolated from the insurance marketplace. The risk pools offer public agencies a cost-effective alternative to commercial insurance, can be nimble during changing environments, bear risks that the risk pool can afford, and insure (or reinsurance) others.

***Public agencies are using today's dollars to pay for decades-old offenses revived by AB 218.*** Before the enactment of AB 218 in 2019, public entity risk pools (and the insurance industry in general) did not contemplate retroactive changes to the statute of limitations for childhood sexual assault claims. Risk pools hold funds in reserve based on actuarial forecasts of member agencies' liabilities under current law. Therefore, the funds to settle AB 218 claims were never collected during the applicable coverage periods. In addition, AB 218 claims are settled or adjudicated at current

dollar values, not the value of the dollar at the time of the offense (i.e., 1970s-1990s). Public agency insurance is not structured for this.

The concept of public entity risk pools owned and operated by their members was likely not fully understood when AB 218 was being considered. Membership can change, with public agencies making decisions about which risk pool to join from time to time. But once a member for a given year, a member agency assumes a lifetime obligation based on the year of membership and any claim exposure associated with that year. This concept of joint and several liability means that public agencies are obligated to cover the cost of claims for their respective membership term regardless of whether their membership continues today.

Consequently, risk pools have been forced to fund AB 218 settlement and judgment costs through special assessments, retroactive premium adjustments, or other mechanisms (e.g., increasing current premiums). These collections are necessary to maintain fiscal solvency and program stability. If a public entity risk pool becomes insolvent, the member agencies will be fully exposed to all remaining and associated risk. In the last four years, an excess liability risk pool serving local educational agencies has collected more than \$300 million in special assessments from current and prior member agencies to account for claims attributed to years through 2016. It anticipates it may need to collect another \$300 to \$400 million in the coming years to address ongoing and new AB 218 claims. Another primary insurance pool serving local educational agencies with approximately 800,000 students has collected approximately \$40 million in retroactive premium adjustments to date. Public entity risk pools have advised member agencies to plan for these costs in their annual budget development, in addition to continuing premium increases. Both of these factors are increasing pressure on local operating budgets.

**Public entity risk pools have implemented different approaches to mitigate unsustainable claim costs.** Over the past decade, members of one large excess coverage risk pool have seen premiums for liability coverage increase from \$3.50 per average daily attendance to \$25.50 per average daily attendance. A primary liability pool decreased its policy limits in 2019-20 from \$50 million to \$35 million, and in 2022-23 increased its self-insured retention amounts from \$1 million to \$2.5 million. On the other hand, another excess public entity risk pool for schools recently increased its policy limits from \$50 million to \$75 million.

Public entity risk pools have used various strategies to stabilize and maintain coverages as the cost of claims has risen. Risk pools have flexibility to adjust to market conditions to control losses, expand coverage, and provide optimal pricing for member agencies while ensuring the risk pool's financial solvency. One example has been to reinsure certain layers of liability with insurance companies (i.e., purchase insurance for the risk pool). By transferring risk, risk pools can protect their balance sheet and stabilize member premiums.

In another example, one risk pool serving local educational agencies reports that it is also evaluating a complete restructuring of how it calculates member premiums for liability coverage. Rather than its current rate per average daily attendance, the risk pool is considering differentiating premiums by grade span to recognize the higher risk for childhood sexual assault at the high school grades, and/or setting the premium based on a count of adults to reflect the higher risk associated with having more adults on a school campus.

**Childhood sexual assault and misconduct cases have significantly altered the liability insurance marketplace in California.**

Allegations covered widely in the media involving the Boy Scouts of America, Roman Catholic Church, United States Gymnastics, and higher education institutions have

increased public awareness of the prevalence of and trauma caused by childhood sexual assault. This awareness is contributing to what risk pool managers and insurers have described as “social inflation,” or rising costs of claims because of increased litigation, broader liability definitions, more plaintiff-friendly legal decisions, and larger jury awards. Social inflation is outpacing economic inflation.

Even before the enactment of AB 218, public agencies reported increasing insurance premiums, more restrictive coverage, changing policy limits, and increasing self-insured retention levels. But the revival statute further altered the insurance environment.

The insurance industry is built on a promise and operates under the current rule of law. Insurers and reinsurers did not expect the retroactive removal of the statute of limitations on childhood sexual assault. Changes in law disrupt the marketplace and create opportunities for reinsurance companies to reevaluate their products and pricing. Commercial insurers are less willing to accept the risk because of the ongoing uncertainty surrounding childhood sexual assault losses, which includes unknowns that could extend for decades. As a result, fewer insurance providers are available to offer reinsurance products, and the price has increased dramatically.

Assembly Bill 218 has adversely affected public entity risk pooling reinsurance options. More than 85% of the California market for reinsurance has disappeared. Companies are no longer willing to accept a risk that they may not know for decades how to measure, predict or price. Insurance pricing is based in part on actuarial science, which does not contemplate a retroactive change to known claim experience. Actuarial science uses known trends to predict the future, but the extent of childhood sexual assault offenses was not known leading up to the enactment of the change in statute. The evaluation of

whether to offer insurance, and its pricing, are based on measurable elements and predictability.

When reinsurance is available, it is often obtained from foreign carriers at a higher cost and with more restrictions and lower limits. For example, in some cases, when a risk pool reinsurance a portion of its risk, the commercial insurer may provide an aggregate policy limit rather than a per-occurrence limit. One current reinsurance industry trend is that the amount of risk each insurance partner is willing to bear is becoming smaller and smaller. As a result, one needs more and more reinsurance partners to reinsurance a given risk. For example, seven years ago a risk pool had nine reinsurers to cover all of its reinsurance needs; now it has 21 reinsurers.

The revival statutes and these insurance industry changes have created an environment that is both unmeasurable and unpredictable. In interviews, public entity risk pool managers reported that these increases in costs are not sustainable.

The insurance market for public agencies in California is perilously unstable, and experts do not see this ending anytime soon. In the worst case the market could deteriorate to a point where there is not enough insurance available, and public agencies could end up competing with each other for the limited coverage still being offered, creating an unfortunate dynamic.

***Standalone sexual assault and molestation policies are increasingly expensive and difficult to obtain.*** Many risk pools and reinsurance policies have begun to separate general liability coverage from sexual assault and molestation coverage. When sexual assault and molestation coverage is available, it may have additional conditions such as specific preventive actions by the public agency employer (e.g., ongoing employee training to increase awareness of risk factors associated with childhood sexual assault).

One of the largest school districts in the state is self-insured for sexual assault coverage. This district also does not participate in any insurance pools; rather, it purchases excess insurance from a commercial insurer for general liability up to a \$35 million limit and maintains a \$5 million self-insured retention.

**Charter schools approach insurance in both similar and different manners.** For the purpose of the Joint Exercise of Powers Act, charter schools are considered public agencies. Most charter schools are members of insurance pools; approximately 25% purchase traditional commercial insurance for liability coverage. Although AB 218 excludes childhood sexual assault from the requirement of the Government Tort Claims Act that a claim be first presented to the local agency to consider before litigating it, charter schools are neither subject to nor protected by the Government Tort Claims Act.

Charter school representatives indicate that insurance limit requirements vary widely depending on the charter school authorizer. Some authorizers require minimum coverage of \$1 million to \$2 million, while others require the charter school to match the authorizer's own limits (e.g., \$35 million, \$55 million, \$75 million). Representatives said that although the lower limits cost far less in premiums, they leave the charter school with significant underinsured exposure. However, charter school governing boards are free to arrange for higher limits.

**Public agencies are not the only organizations facing difficulties in securing affordable coverage.** Increasing costs and shrinking availability of coverage is a crisis for the community partners that provide services to or in conjunction with public agencies. These include foster families and agencies, community-based organizations, and sole and corporate providers of nonpublic

agencies and nonpublic schools serving students with disabilities. All are required to have adequate insurance protection, sometimes equivalent to that of the public agency. When coverage isn't available, these essential partners are unable to provide services.

## District Impact Story

**Some school districts have already paid very large jury award amounts.** Late in 2023, a jury delivered a \$135 million judgment against one of the 25 largest school districts in the state. The jury found that the district failed to protect the two plaintiffs, former students, from abuse in the 1990s by a teacher employed with the district for more than two decades. The jury required the district to pay 90% of the judgment and the abuser (who is in state prison for child molestation charges) to pay 10%. To finance the judgment, the district initially planned to declare hardship under Government Code 970.6 to extend the payment over 10 years, but the plaintiffs agreed to a reduced judgment of \$45 million in exchange for immediate payment. The district, which was a member of a joint powers authority for excess liability insurance coverage, paid \$31 million plus legal fees from its reserves, and the public entity risk pool paid \$14 million. The district has four more pending claims from victims of this abuser and is concerned about the financial burden that future settlements or judgments may impose on its general fund. To date, the district has incurred more than \$453,000 in legal expenses related to this case and has been billed more than \$2 million in AB 218 special assessments by its joint powers authority for excess liability insurance.

## Public Agency Insurance Basics

Although every public agency develops its own comprehensive risk management program to address its specific needs, certain principles apply to all public agency insurance programs. Public agencies have several types of coverage (e.g., general liability, property, workers' compensation), and they also purchase different layers of coverage. Layering insurance coverage is a common strategy for organizations with larger risk exposure, like public agencies. Likewise, layering works well in a public entity risk pool. By layering policy limits, public agencies and their risk pools are often able to lower total premium costs compared to the cost of a single, high limit policy. The combined layers of insurance limits are often referred to as a public agency's "tower" of insurance coverage. Layers further up the tower, and reinsurers that may insure those layers, have less exposure to overall risk.

Some agencies may participate in a single public entity risk pool to obtain all levels of coverage. Others may participate in one public entity risk pool for primary coverage and a second risk pool for excess insurance. Some primary insurance risk pools may participate as members in another risk pool for excess coverage purposes. A small number of larger public agencies may be fully self-insured. And a small number of public agencies and charter schools may not participate in any risk pool, opting to purchase traditional policies in the commercial market.

### Layer 1 – Self-Insured Retention

Public agencies maintain an initial layer of risk known as self-insured retention. Self-insured retention is the amount the local agency agrees to be responsible for. It is similar to a deductible in the commercial insurance industry. This amount may vary based on the public entity risk pool they are members of, the agency's available unrestricted revenues and how it chooses to insure its overall risk in general.

### Layer 2 – Primary Policy

The first amount of coverage after the agency's own self-insured retention payment is known as primary coverage. For local educational agencies, the primary limit covers from the self-insured retention amount up to a range of \$1 million to \$5 million depending on the structure of the risk pool. The public entity risk pool providing the primary policy is responsible for a covered action until the policy limit has been reached.

### Layer 3 – Excess Policy

After the primary coverage is exhausted, the excess coverage is triggered and covers the next level of claim costs up to the policy limits. Interviews with various public entity risk pools indicated that excess policy limits range from \$35 million to \$75 million. Some public agencies may choose to have more than one excess policy layer. An excess liability risk pool covers a peril once the primary insurance policy has been exhausted, up to policy limits.

### Per-Occurrence Versus Aggregate Claim Limits

Whether primary or excess, liability policy limits are designed to address claims in two ways: per-occurrence and/or in aggregate. A per-occurrence claim limits the amount paid by an insurer for each individual claim in a policy period. When one event results in injuries to multiple people (e.g., when a single perpetrator assaults multiple students over a certain period of time), policies will classify the injuries as a single occurrence. In addition, aggregate claim limits establish a maximum amount a risk pool or its reinsurance will pay for all covered claims during a policy

period. Some risk pools may establish a per-occurrence and/or aggregate limit for their member agencies in a policy year, or even on an individual layer-by-layer basis. In the past five years, these tools have been used in tandem.

### Occurrence Versus Claims-Made Coverage

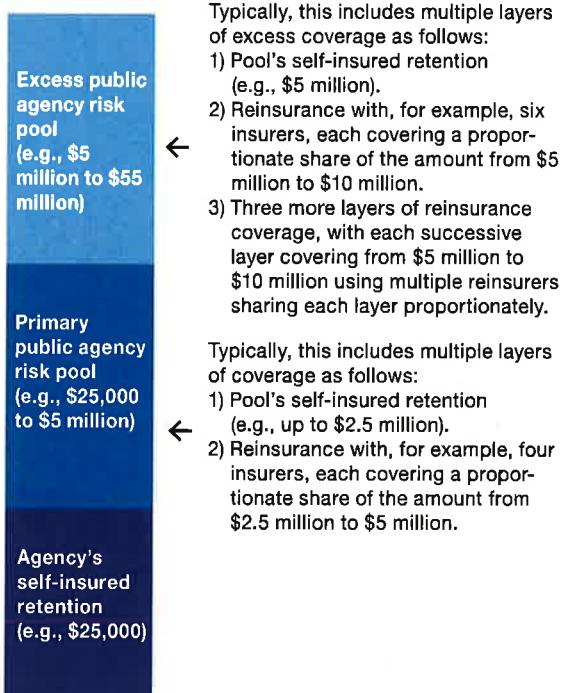
Liability insurance is also available to cover claims in one of two ways: either on an occurrence basis or on a claims-made basis. An occurrence policy covers claims arising from events that occur during the contracted policy period, regardless of when the claim is made. A claims-made policy covers only claims made during the policy period, regardless of when the offense that caused the injury occurred. Historically, public entity risk pools have offered occurrence-based policies; however, AB 218's revival provisions and subsequent statute of limitation changes have forced risk pools to evaluate the need to transition to claims-made policies.

### Sample Public Agency Tower of Insurance Coverage

Figure 1 shows various levels of public agency insurance coverage that can create a tower of insurance. The first level is typically an agency's self-insured retention. The second level is the primary coverage of the risk pool to which an agency may belong, which itself includes several layers. The third level is excess coverage carried by the public entity risk pool, which also typically includes several layers.

Few public agencies have all of the layers depicted, and increasing costs and decreasing availability make a comprehensive tower of insurance difficult to achieve.

**Figure 1:**  
**Example Tower of Insurance Coverage for a Public Agency**



# Financing Considerations

***The ability of local agencies to pay a settlement or judgment from current resources may be limited.*** Tort liabilities are generally payable in full upon the conclusion of litigation. For local agencies, this may mean paying for the entire claim if they are uninsured, or a portion of the claim if they are insured or underinsured. This may result in significant negative impacts on a local agency's budget resources and thus their ability to deliver services.

The fiscal impact and ability to pay can vary widely from one local educational or public agency to another. Claims of the same nature and value may have dramatically different impacts depending on the size of the agency, its coverage status, and its revenue sources. For example, a childhood sexual assault claim from 1995 for \$2 million against a school district with 850 students and no insurance coverage for 1995 has a different impact than a claim with the same parameters against a school district with 14,000 students. Court judgments, and often settlements, do not take into consideration insurance, the amount of discretionary annual revenue, reserves available, ability to pay, or access to the municipal finance market to finance the liability over time.

***Existing judicial procedures allow little flexibility in timing to pay a judgment.*** Under current judicial timing constraints, public agencies do not have enough time to arrange for borrowing under the complex and time-consuming public finance process. Verdicts are not effective until a judgment is entered by the court. Absent a filing for a new trial, or to vacate or correct the judgment, or to appeal, the public agency defendant has 30 days after the notice of entry of the award as a judgment to pay or request other consideration by the plaintiff and court.

If uninsured, few local agencies have the ability to pay claims or settlements from existing resources or reserves without

amortizing the costs over time.

For claims that are insured or partially insured, risk pools usually pay promptly. However risk pools may also have cash flow deficiencies depending on payout activity. An example of this is a risk pool that provides liability and property coverage and is faced with a childhood sexual assault judgment and a wildfire that destroys multiple school facilities in the same time frame.

***It takes time for a public agency to issue debt.*** Public agencies are limited in their ability to secure financing. Unlike for consumers and businesses, borrowing funds is an extensive process of approvals, disclosures and offering notes or bonds for sale. At a minimum, it takes 120–160 days to do the following:

- Assemble a financing team of attorneys, a municipal advisor, underwriters, and credit enhancers.
- Seek and obtain local governing board approval of a financing structure.
- Seek and obtain judicial validation (described below).
- Obtain credit ratings.
- Prepare, obtain approval for and issue preliminary official statements and official statements.
- Offer notes or bonds for sale to investors.
- Close the transaction and receive the funds.

Private placement financing can be accomplished in less time. The judicial validation process alone can take more than 120 days and varies widely depending on each county's court calendar.

**School districts and community colleges have constitutional safeguards in the form of state loans, but those can take almost a year to obtain.** As described earlier and in more detail below, the state Legislature has certain responsibilities to ensure that school districts and community colleges continue to operate and provide constitutionally guaranteed services to their communities. Other local public agencies and charter schools are not included in this state obligation. Commonly referred to as emergency appropriations or emergency state loans, the obligation involves advancing funds to local educational agencies, an obligation for repayment over time, and associated outside intervention. Historically, emergency state loans have been made at below market interest rates, or the interest rate has been subsidized by Proposition 98 appropriations.

The process for invoking an emergency appropriation is not quick. Several prerequisites exist, and the Legislature must ultimately act to approve an emergency appropriations bill. The Legislature is not in session every month of the year, so advance planning is essential. This is not possible when dealing with a judgment and the existing judicial timelines to pay that judgment.

## **Payments of Judgments Against Local Public Agencies**

**California law sets forth conditions for courts to consider that allow a local public agency to pay judgments over time, up to ten years.** In the case of judgments that would create an unreasonable financial hardship that would result in reduction or elimination of public services, the Legislature has acknowledged the need to provide relief for public agencies by allowing them to fund payment over time. Government Code (GC) 970.6 and 984 address this topic.

Government Code 970.6 states:

(a) The court which enters the judgment shall order that the local public agency pay the judgment, with interest thereon, in not exceeding 10 equal annual installments if both of the following conditions are satisfied:

- (1) The governing body of the local public entity has adopted an ordinance or resolution finding that an unreasonable hardship will result unless the judgment is paid in installments.
- (2) The court, after hearing, has found that payment of the judgment in installments as ordered by the court is necessary to avoid an unreasonable hardship.

(b) Each installment payment shall be of an equal amount, consisting of a portion of the principal of the judgment and the unpaid interest on the judgment to the date of the payment. The local public entity, in its discretion, may prepay any one or more installments or any part of an installment.

Government Code 984 allows a public agency to make periodic payments on a judgment under several conditions, including if the parties agree to such installment payments or, under certain circumstances, if the public agency elects to do so. Those circumstances include 1) a judgment in excess of approximately \$3 million (increased annually), and 2) after the public agency's immediate payment of the first half of the judgment. Similar to GC 970.6, the court may determine the length of time for the periodic payments, not to exceed 10 years or the length of the plaintiff's remaining life expectancy at the time the judgment is entered, whichever is less.

This provision excludes any commercial insurance coverage but includes the public agency's exposure through its self-insured retention or uninsured amount, and judgments in excess of policy limits. Government Code 984 also imposes a variety of conditions on any agency using this provision.

To meet the Legislature's intent to recognize a balance between a public agency's obligations under a judgment and its responsibilities to provide public services, section 984 provides that the Judicial Council shall adopt rules providing for a reasonable extension of the time for filing the notice of appeal from a judgment on the verdict to permit an election pursuant to these provisions.

***The usefulness of Government Code 970.6 and 984 are severely limited.*** On the surface both sections look like helpful provisions to protect public agencies from financial insolvency. But as a practical matter, their usefulness is limited. First, these provisions are limited to judgments. The law is not helpful for pretrial good faith negotiations striving for a settlement. Second, the interest calculation in section 970.6 (capped at 7% – Civil Code 3287(c)) results in a rate that is well above market and what public agencies typically pay.

***The “unreasonable hardship” provision in Government Code 970.6 is problematic.*** The adjective “unreasonable” is not defined and has the potential to be applied inconsistently. Currently, it is at the court’s discretion whether to allow payment on judgments for up to 10 years. Further, neither hardship nor a standard for proving it are defined in statute and so may be vague. Is drawing down unrestricted reserves a hardship? Is reducing or eliminating certain programs and services a hardship?

Government Code 970.6 would be more practical if it provided a definition of these terms. It is recommended that the Legislature amend GC 970.6 to provide for the following:

1. Unreasonable hardship should be determined by the local governing body or tied to established standards. Public agencies are presumed to act in the public's best interest and in good faith. Allow the local governing body to pass by a three-fourths majority a resolution declaring unreasonable hardship that would satisfy the standard in GC 970.6. Require the resolution to identify the nature of the hardship, specifically its 1) impact on public services (e.g., instructional program, law enforcement staffing, parks and recreation services), and, for local educational agencies, 2) its impact on the agency's ability to meet the adopted state standards and criteria for fiscal solvency.
2. The court should defer to the local governing body's determination of unreasonable hardship as it would in any challenge to a legislative act, absent a clear abuse of discretion.

***Government Code 970.6 should be further amended to provide payment terms more consistent with judgment amounts.*** It is recommended that the Legislature amend GC 970.6 to provide a sliding scale of time for repayment based on the judgment amount, plus interest thereon. For example, for judgments up to \$10 million, provide for the existing 10 years (or 10 equal annual installments). For judgments that are \$10 million up to \$20 million, provide for 15 years (or 15 equal annual installments). For judgments that are in excess of \$20 million, provide for 20 years (or 20 equal installments).

***Paying a judgment before exercising certain public financing options could preclude a local public agency from issuing specific forms of debt.*** The Local Agency Refunding Law allows any local agency to issue bonds “for the purpose of refunding any revenue bonds of the local agency” (GC 53583). The term “revenue bonds” for these purposes means:

bonds, warrants, notes, or other evidence of indebtedness of a local agency payable from funds other than the proceeds of ad valorem taxes or the proceeds of assessments levied without limitation as to rate or amount by the local agency upon property in the local agency.

(GC 53570(b)).

In short, and as described below, a local agency may issue refunding bonds to refund *indebtedness*. This would prohibit 1) reimbursement financing (i.e., prohibit a local agency from issuing judgment obligation notes or bonds to refinance a judgment the local agency has previously paid, because no indebtedness exists to refund after it is paid), and 2) a local agency from issuing judgment obligation notes or bonds before a judgment is entered against the local agency.

***Extending the statutory timelines would give local agencies enough time to make financing and payment arrangements.***

Extending the statutory timelines for public agencies to pay a judgment would provide short-term relief while the agency makes arrangements for longer-term financing. Other short-term financing options are not always practical and may eliminate a public agency's ability to finance the obligation (see the discussion of the Local Agency Refunding Law later in this report).

Absent any judicial ruling to the contrary, a plaintiff must generally be paid within 30 days of the date the judgment is entered by the court. It is recommended that the Legislature extend this payment due date to 150 days from the date the judgment is entered by the court for judgments that are greater than 50% of the local agency's unrestricted reserves. This longer duration for judgments would allow the public agency to secure funding by offering public debt. The Legislature could impose additional criteria on a local agency in exchange for the extended initial judgment payment date. These could include: 1) within

30 days of the date the judgment is entered by the court, the governing body of the local agency must declare its intention to finance the judgment by issuing public debt or other long-term financing option; and 2) within 90 days of the date the judgment is entered by the court, the governing body of the local agency must notify the court and provide appropriate evidence of substantial progress toward issuing such public debt.

## Public Finance Considerations

***Fiscal impacts on public agencies may be mitigated and managed by financing obligations over time.*** The policy decision for a local agency's governing board is whether to finance any monetary settlement or judgment over a term of years or to pay it from funds on hand in a single year, evaluating the impact that any sizable monetary judgment or judgments would have on current programs and services.

Financing options are available to local agencies that want to refund and amortize monetary judgments over time. Although financing options will help public agencies deal with the magnitude of the fiscal impact, ultimately there will still be a significant impact on the local educational or public agency's programs and on the affordability of servicing the obligation while both sustaining programs and maintaining fiscal solvency.

***The California Constitution restricts the power of local government entities to incur certain debts without the approval of the electorate.*** Article XVI, section 18 of the California Constitution provides, in pertinent part, the following:

[n]o county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the

## District Impact Story

**Some school districts are responding to the uncertainty about AB 218 claim outcomes by building reserves and increasing insurance requirements for community-based education partners.** An urban unified school district with more than 16,000 students in Southern California reports having 11 AB 218 claims, three of which are uninsured and date back to the mid-1960s and early 1970s. The oldest of these cases originated from an outside organization that had access to students using district facilities. Although the district paid close to \$2 million in special assessments to its previous excess liability pool, it has yet to access any of the applicable excess policy coverage. To protect its ongoing fiscal solvency and limit effects on current educational programs, the district reports it has started to set aside certain one-time money (e.g., unrestricted funds unspent at year end) in a special reserve fund to finance increasing insurance premiums, special assessments and self-insured retention limits, as well as future AB 218 settlements and judgments. Districts often partner with and rely on third-party organizations to provide essential educational services to students (e.g., nonpublic schools and agencies). Further, in recent years, the state has invested heavily in educational programs that encourage partnerships with community-based organizations (e.g., Expanded Learning Opportunities Program). To reduce the risk of future sexual assault and molestation claims, the district has increased its insurance requirements for all community vendors and service partners with access to students, which has limited the organizations that are able to provide services.

qualified electors thereof, voting at an election to be held for that purpose.

In other words, the California Constitution prohibits these local agencies from incurring long-term debt obligations without a vote of the electors (special districts, including parks and recreation districts, are not subject to this prohibition).

The courts, however, have recognized several exceptions to the constitutional debt limitation. One such exception, applicable here, is that debt incurred to satisfy an obligation imposed by law does not violate Article XVI, section 18 of the California Constitution. In particular, the California Supreme Court has recognized that a local agency's liability for involuntary tort claims are obligations of the government imposed by law. Furthermore, the California Supreme Court has concluded that the issuance of bonds to refund obligations imposed by law does not create a liability that is new or different from an already-existing obligation imposed by law. The bonds are only an evidence of the indebtedness, and a mere change in the form of the evidence of indebt-

edness is not the creation of a new indebtedness within the meaning of the constitution. Accordingly, the issuance of bonds to refund an obligation imposed by law does not violate Article XVI, section 18 of the California Constitution.

**Local agencies are authorized to issue refunding notes or bonds for the purpose of refunding any evidence of indebtedness of the local agency.** Local agencies have the power to authorize and issue refunding notes and bonds to satisfy their financial obligations under involuntary tort judgments. These notes or bonds are typically referred to as judgment obligation notes or bonds. Obligations arising from settlements are more nuanced. Such obligations are likely eligible for refunding and judicial validation but come with additional legal consideration.

**In certain circumstances, judicial validation is necessary to enable notes or bonds to be sold with the level of certainty the municipal finance market requires regarding their validity.** CCP 860 and following provides a procedure for establishing the validity of notes and bonds and related financing contracts. Use of the CCP

860 procedure must be authorized by other statute, such as GC 53511, which authorizes a local agency to “bring an action to determine the validity of its bonds, warrants, contracts, obligations or evidences of indebtedness.” A validation action is an *in rem* action, which conclusively determines the validity of the matter against all persons. If a local agency does not bring a validation action pursuant to CCP 863, an interested person may bring an action, otherwise known as a reverse validation action, to determine the validity of such matter. In general, reverse validation actions are brought by opponents to challenge the validity of a matter authorized by a local agency.

Given the potential large monetary amount of judgment obligations to be entered against local agencies, and the likely impacts to local agencies’ programs and services if such judgment obligations were to be paid when entered against the local agency, many public agencies are likely to conclude it is desirable and prudent to issue judgment obligation notes or bonds to refund judgment obligations related to AB 218 and amortize such obligations over an extended period of time. Obtaining a validation judgment provides stronger and more immediate defenses against a subsequent legal challenge, and may provide comfort to lenders and reduce interest rates for a local agency’s transaction.

**Local agencies are authorized to make lease financing arrangements.** Lease financing is a mechanism whereby a local agency leases property and, in consideration of the use of the property, makes periodic lease payments during the term of the lease. Lease financing enables local agencies to finance projects over a multiyear period. In effect, lease financing is a borrowing that is repaid over time from the local agency’s general fund. Lease financing usually involves either a direct lease of property from a vendor, leasing company or bank, or a financing lease, undivided interests in which are evidenced by certificates of participation.

- **Direct Leases.** The direct lease (or lease-purchase) method is most often used to finance the acquisition of equipment or relocatable buildings. In the usual transaction, the local agency leases the property from the lender, which may be the vendor of the property, a leasing company or a bank. Under this financing lease, title to the property is transferred to the local agency at the end of the lease term. A portion of each lease payment made by the local agency is designated as interest, which may qualify as tax-exempt income to the vendor, leasing company or bank. The vendor, leasing company or bank may subsequently transfer its interest in the lease to another party.
- **Certificates of Participation.** In the certificates of participation method, the local agency, as lessee, leases the property from a third-party lessor, usually a nonprofit corporation created by or on behalf of the local agency. The lease payments made by the local agency to the third-party lessor are assigned to a commercial bank trustee. The trustee executes and delivers certificates of participation, which are sold to investors. Each certificate of participation owner is entitled to a proportionate amount of the lease payments made by the local agency under the lease; the certificates of participation represent this entitlement. In a typical certificates of participation financing, a portion of each lease payment is designated as interest and, consequently, the owners of the certificates of participation may receive tax-exempt interest

payments. Certificates of participation are sold to investors much as bonds are; the proceeds from the sale of the certificates of participation provide the money used to complete the local agency project.

Unlike bonds, certificates of participation have no independent legal existence or significance. They are simply receipts evidencing ownership of a share in the local agency lease; the lease itself is a local agency obligation, the payment of which gives rise to tax-exempt interest. Moreover, because certificates of participation are not created by statute, they are not subject to certain statutory requirements that may affect bonds, such as election restrictions and other statutory limitations.

**Lease financing is an exception to the constitutional debt limit.** As previously discussed, Article XVI, Section 18 of the California Constitution provides that certain local agencies may not incur any indebtedness payable beyond the fiscal year in which it is incurred without the voter approval. In a lease financing, however, the local agency's obligations under a lease are structured to avoid classification as indebtedness for purposes of this constitutional restriction. This is usually accomplished in one of two ways.

- **Abatement or Offner-Dean Leases.** The first and most common method uses a long-term lease containing a rental abatement provision. Under such a lease, each lease payment is contingent upon the local agency using and occupying the leased property during the period for which such lease payment is due. The local agency's obligation

to make lease payments is abated, or reduced, during any period in which the local agency does not have full beneficial use and occupancy of the leased property. These leases are often referred to as "Offner-Dean" leases, after two leading California court cases holding that such leases do not constitute debt for California constitutional purposes.

- **Annual Appropriation Leases.** The second type of lease that avoids classification as debt is known as an "annual appropriation lease." Under such a lease, the local agency is obligated only for payments due in the then-current fiscal year. The local agency has the right, at least once during each fiscal year, to unilaterally terminate the lease by not appropriating the lease payments for the following year. Upon any such termination, the leased property is returned to the lessor.

Either an abatement lease or an annual appropriation lease may be used for lease financing. Because an Offner-Dean lease provides greater security, it is the type most often used in California. The use of lease financing has been frequently recognized by the courts as not implicating the constitutional debt limitation; therefore, the legal community and the municipal finance market accept such financings without the need for a validation proceeding.

**Lease financing may be an alternative to judgment obligation notes or bonds for some local agencies.** Some local agencies may want to pursue lease financing to finance their childhood sexual assault obligations. The structure avoids the delay of the CCP 860 validation proceeding and potential legal challenges to the financing that may result from such a proceeding. Moreover, the timing

issues under the Local Agency Refunding Law relating to refunding indebtedness do not apply to a lease financing, which may add flexibility to the financing. On the other hand, lease financing requires a lease asset. Using a lease option, therefore, ties up local agency assets that could otherwise be available for future capital financings. Or, in some cases, the only school site in a small school district may already be the security for an existing lease financing. Thus, each local agency would need to compare the advantages and disadvantages of lease financing when deciding to pursue financing for its childhood sexual assault obligations.

However, lease financing of childhood sexual assault obligations is currently not available to some local agencies. Education Code (EC) 17456 prohibits school districts from using the proceeds of lease financing for general operating purposes, which would prohibit school districts from lease financing their AB 218 obligations. Moreover, some city charters may similarly restrict use of lease financing.

***Given the unique challenges brought about by AB 218, the Legislature should consider recommendations regarding common financing methods that would help local agencies more easily implement a financing option.*** Historically, judgment obligation bond validation actions, as described above, have involved underlying tort actions that have already reached judgment. Thus, a local agency typically would issue bonds to refund a single judgment or a handful of judgments on an as-needed basis following the completion of a CCP 860 validation proceeding. However, the sheer number of lawsuits and the large potential total liability some local agencies will have from claims as a result of AB 218 make this approach impracticable. Issuing bonds after judicial validation on a case-by-case, piecemeal basis would cost time and money, and significantly burden judicial resources. The solution is for a local agency to bring one CCP 860 validation

proceeding relating to the refunding of all prospective judgments that could potentially be entered against the local agency.

It is recommended that the Legislature clarify that a CCP 860 validation proceeding may be brought by a public agency before tort action judgments are entered against the public agency. This would help enable the public agency to put in place a financing mechanism or program for the timely refunding of a large number of tort action judgments as and when such judgments are entered. It would also facilitate public agencies in efficiently and effectively managing the unprecedented number of actions stemming from the enactment of AB 218. It is also important not to narrow legislative action to just AB 218 obligations. Over time, AB 218 will cease to be a consideration, but claims resulting from future childhood sexual assaults and other extraordinary tort liability will impact public agencies in a similar fashion. As described above, AB 452 eliminated the statute of limitations for the recovery of civil damages suffered because of childhood sexual assault for claims that arise on or after January 1, 2024.

The Education Code prohibition against school districts using lease financing proceeds for general operating purposes was put into place to prevent school districts from financing working capital expenditures and furthering a school district's financial distress. However, in the present situation, it is recommended that the Legislature consider a limited exception to the prohibition in EC 17456 for situations where an otherwise financially stable school district is faced with an extraordinary liability such as one brought about by AB 218. The Legislature should provide such school districts with another financing option to amortize the liability and lessen the financial effects on programs and services. Such an exception could be narrowly tailored to apply to school districts only in extraordinary situations, only if they otherwise meet the state's standards and criteria for fiscal solvency, and only with

the approval of the county superintendent of schools or state superintendent of public instruction, as applicable.

***The existing state and local payment intercept provisions should be extended to local agencies to increase the security and credit of public financings.*** EC 17199.4 provides both a mandatory and voluntary intercept mechanism for local educational agencies participating in public financings handled by the California School Finance Authority. The mechanism allows the state controller to intercept appropriate funds and amounts due to the local agency and redirect those funds to bondholders to pay debt service obligations. There is also an optional local process that county treasurers may agree to perform to intercept local property taxes and make payments to bondholders according to the terms established. These mechanisms increase the security and credit of the public debt. It is recommended that the Legislature extend these intercept mechanisms to apply to public financings for local agencies rather than limit the mechanism to the California School Finance Authority.

## State Agencies' Financing Role

***The state treasurer should help local agencies facing AB 218 settlements and judgments gain access to capital markets.*** Although federal and state statutes regarding public finance do not distinguish between local agencies that use the financial tools associated with public debt financings, the municipal finance market may be less receptive to certain financings by small agencies. Small agencies may pursue private placement arrangements for notes or bonds whereby the agency sells its debt to one or a small group of investors through a negotiated arrangement; however, there may be instances when a small agency requires an intermediary, such as the state treasurer, to issue debt on its behalf.

The advantage of the State Treasurer's Office is that its public finance services and products can be made available to all local

public agencies. Furthermore, the state treasurer has the potential to enable local agencies to access the state's intercept payment mechanisms, has recognized experience as an intermediary issuer, and provides for the safety and security of an issuance by the State of California. These are all desirable features for small agency financings. Currently, the state treasurer administers intermediary issuer-like programs for affordable housing, schools and community colleges, earthquake insurance, victim compensation, and excess liability insurance, among others.

The California School Finance Authority is one example of the treasurer's intermediary financing programs. At the same time, the authority has challenges meeting the timing constraints of a settlement or judgment. The authority has certain blackout periods because of disclosure requirements related to the state budget.

***The Legislature should consider expanding other state agencies' financing roles.***

The California Infrastructure and Economic Development Bank has broad authority to issue revenue bonds, provide financing to public agencies, provide credit improvements, and acquire or lease facilities. Historically, the bank has focused on infrastructure and economic development, but it has also been the intermediary financing authority for state emergency apportionments to school districts and community colleges under state receivership. The bank does offer public agency revenue bonds for qualified purposes and, as stated on its website, has "unique programs of specific state and local government agencies used for the furtherance of governmental and qualified purposes." The Legislature should expand or direct an appropriate role for the bank in financing childhood sexual assault settlements and judgments.

***The Legislature could appropriate funds, or allow payment of obligations from more restrictive funds, to help local educational agencies.*** The Legislature always has the

option of appropriating specific funds to local agencies to support a change in state policy such as the retroactive nature of AB 218. The Legislature may also consider allowing the expenditure of funds from existing, more restricted appropriations to pay tort liabilities or to establish committed reserves for tort liabilities. Finally the Legislature may appropriate unrestricted funds through an augmented cost of living adjustment or other discretionary funds that local educational agencies may use for this and other purposes.

The Legislature could also consider providing an appropriation that establishes a revolving fund within the state treasury for public agencies to access to make timely payments on settlements and judgments. The revolving fund would be replenished by reimbursement from a local agency using proceeds from allowed public debt offerings. Such an approach would need to be structured to comply with statutory provisions regarding obligations imposed by law and not subject to the constitutional debt limit. There may also be complications to this approach that would require CCP 860 validation. Rules related to a revolving fund need to be established regarding eligible public agencies, ability to repay, limits on the dollar amount or number of times one agency can access the fund, repayment terms, reporting, interest rate and, for school districts and community colleges, the interaction with emergency apportionment loans.

## Public Finance Market

***An investment market exists for judgment obligation bonds or other forms of public debt used to finance a settlement or judgment.*** California public agencies have issued only a handful of judgment obligation bonds in the last twenty years. No school or community college districts are on record as issuing or placing judgment obligation bonds until last year. Higher education institutions, both public and private, have financed sexual assault settlements costing multiple hundreds

of millions of dollars in part by issuing debt. Examples include taxable revenue bonds offered by the University of California.

The municipal finance market is usually indifferent to the reason for public debt. The market assumes that the reason for and decision to issue public debt was properly vetted by the local legislative body. However, the investment market may react to certain types of debt structures (e.g., leases with abatements) by imposing higher yield requirements. In addition, some investors may have investment policies with socially-conscious investing restrictions and thus avoid debt associated with judgments or settlements. Like any new public debt trend, if judgment obligation bonds or other forms of debt issued by California public agencies due to childhood sexual assault settlements and judgments were to emerge as a frequent offering, a specialized market may develop among an informed investment community. Smaller agencies may find higher yield penalties (higher interest) than larger issuers; however, this is likely driven more by credit analysis than by the purpose of the issuance.

***The availability and terms of credit are based on affordability and structure of indebtedness.*** Interviews with analysts from one of the big three credit rating services indicated that judgment obligation bonds are generally seen as credit positive because they provide an effective way to amortize a judgment or settlement burden over time.

When credit raters assess a public agency's credit for existing or new debt, they do not consider credit impacts from pending claims or judgments; only final resolutions are considered in the analysis. However, local public agencies with financial trends and ratios above or below the median and facing litigation may experience credit weakening. Investors focus on credit and assurance of being paid back. Among the predictors of risk is affordability (i.e., the local agency's ability to manage annual debt service) and debt levels.

Some of the settlement and judgment amounts related to childhood sexual assault claims exceed reasonable affordability tests. For example, a \$75 million debt issuance to cover a judgment against a school district with \$15 million in annual revenue would require annual debt service of \$5.4 million in principal and interest for 20 years. This would result in 36% of the district's revenue being pledged to this one debt obligation. Because school districts spend 85% of their revenue on personnel, most of whom directly serve students, only \$2.3 million of the \$15 million in annual revenue would be left for nonpersonnel expenses, including debt service. Thus the annual amount available would pay for only about half of the annual debt service. As a result, the district in this example would have to substantially reduce personnel and the associated programs and services for students.

Creditors are looking for stability and security. Avoiding hidden risks is an important component of their investment decisions. Therefore, a debt issuer's demonstrated commitment to better prevention of risks, including the risk of childhood sexual assault, should be presented in the context of credit (see the discussion of prevention measures later in this report).

California schools have long been considered good investments—stable or positive. However, recently, and for the first time, Moody's Investor Services assigned the kindergarten through grade 12 traditional school sector a negative outlook for 2025. This acknowledges the financial environment of greater constraint, driven in part by overall decline in enrollment and increasing fixed operating costs.

***The most robust disclosure of pending claims is found in the issuance of debt, not in annual financial statements.***

Governmental agency financial statement disclosure of the liability associated with childhood sexual assault is generally viewed as weak. Governmental Accounting Standards Board Statement No. 10, Accounting and Financial Reporting for Risk Financing and Related Insurance Issues, requires public agencies to report an estimated loss from a claim as an expenditure and as a liability if both of the following conditions are met:

1. Information available before the financial statements are issued indicates that it is probable that an asset has been impaired or a liability had been incurred at the date of the financial statements. It is implicit in this condition that it must be probable that one or more future events will also occur, confirming the fact of the loss.
2. The amount of the loss can be reasonably estimated.

In a sample of school district annual financial statements, few included any disclosure or valuation of liability for pending claims of childhood sexual assault. However, school districts and other public agencies making offerings of municipal securities have increased their disclosures of such risks. This conforms to the intent of the disclosure regulations issued by the Securities and Exchange Commission and other federal and state antifraud provisions. Material facts include risk factors that investors and the municipal finance market rely on.

# School and Community College District Emergency Apportionment

***The state is constitutionally obligated to ensure that school districts continue to provide instructional services to students.***

California's constitution and statutes protect school districts from insolvency by using state emergency apportionments (also known as state emergency loans). These are commonly referred to as the receivership statutes (Articles 2 and 2.5 and 2.7 of Chapter 3 of Part 24 of the Education Code). A less defined but similar receivership protection is extended to California's community colleges. Since 1990, nine school districts and one community college district have required state loans. Upon accepting a state loan and depending on the loan's size, a district must comply with certain conditions until the loan is repaid. Charter schools and other local public agencies do not have the same protection. See the box below for more details regarding the requirements for emergency apportionments.

The receivership process includes a provision for an emergency apportionment and for the local county superintendent of schools, through an administrator, to take temporary control of a school district's governance and operations, or for a trustee to provide added oversight to the district's governing board. Whether the receivership process involves the more intense intervention of an administrator or the less intense oversight of a trustee is determined by the amount of the emergency apportionment required to ensure the district will meet its financial obligations. If the apportionment exceeds 200% of the district's required reserves, an administrator is required.

Until now, districts requiring state loans have exhibited ongoing and unmitigated systemic failures in all operational areas: fiscal management, pupil achievement, personnel management, facilities management, and governance and community relations. To

date, the loan amounts required to correct these deficiencies have triggered the more intense intervention of an administrator.

***State loan conditions are designed to remedy fiscal insolvencies caused by systemic failures in governance and management, not those caused by sudden or unexpected events.*** School districts encounter fiscal crises as a result of two things: governance and management failures over time, or a sudden event. Underinsured and uninsured settlements or judgments related to past childhood sexual assault fall into the latter category—a sudden event. It is anticipated that any emergency apportionment needed due to an AB 218 settlement or judgment would exceed 200% of a district's required reserve, and thus the more intense intervention with an administrator would be required under current law.

***Intensive interventions associated with a large emergency apportionment may not be appropriate for school districts requiring state loans solely due to AB 218 obligations.*** The loss of local control, intense intervention with an administrator, and annual follow-up required in the case of a higher emergency loan amount appear unwarranted for districts that are otherwise governed well and meet the state standards and criteria for fiscal solvency.

Normally, receivership intervention has two major purposes. The first is to help the district overcome and correct its governance, student academic performance, human resources management, facilities management and fiscal challenges. The second is to ensure that the district can meet its annual obligations to repay the state or the bondholders that provided the emergency apportionment funds.

It is unlikely that the circumstances surrounding a childhood sexual assault offense from years earlier are related to deficiencies in an agency's current governance, policies, systems and practices. The exception may be personnel management practices.

***The two major purposes of receivership intervention can be accomplished through an alternative statute.*** It is recommended that the Legislature adopt an alternative statute for school districts requesting emergency apportionments solely due to childhood sexual assault obligations. An alternative receivership statute should include the following provisions:

1. Specify the Legislature's intent that this statute be used only for districts that require an emergency appropriation solely due to settlements and judgments resulting from childhood sexual assault claims.
2. Continue to require the existing prerequisite conditions for receipt of any loan funds (e.g., EC 41320).
3. Create new professional and legal standards established by the State Board of Education, upon the recommendation of the Fiscal Crisis and Management Assistance Team, specific to preventing and eliminating childhood sexual assault. These include human resources policies, adherence to hiring standards, employee supervision, campus safety practices, employee and student awareness training on grooming and prevention measures, mandated reporting policies and practices, and district culture.
4. Require the Fiscal Crisis and Management Assistance Team to complete an initial assessment of the district's compliance with the new professional and legal standards.
5. Follow the trustee model to help the district as outlined in EC 41320.1.
6. Replicate current trustee responsibilities, with modifications to focus on the district's progress in correcting any deficiencies identified in the initial assessment.

As an alternative to enacting the new statutory provisions recommended above, the Legislature could consider including these provisions in each district-specific emergency apportionment legislation on a case-by-case basis (similar to how the state authorized the one community college emergency appropriation).

***State law provides two methods for the state to finance emergency apportionments.*** EC 41329.52 provides the more common method, a two-part financing, which includes an initial interim loan from the state general fund to the school district. This is paid back in full, with interest, from the proceeds of a lease financing between the school district and the California Infrastructure and Economic Development Bank. The lease financing is then paid back by the school district over time.

The second method is an alternative to lease financing and subject to the availability of funds. EC 41329.53 allows a district to receive an emergency apportionment from the state general fund on a long-term basis.

To ensure the two methods are cost-neutral to the district, in the case of a state general fund loan, the bank is responsible for determining the interest rate based on an analysis of the interest rate, costs of issuance, and any credit enhancement costs that would have occurred with the alternative lease financing. Both methods require repayment within 20 years.

***State loan terms may not be realistic for larger settlement or judgment values.***

As childhood sexual assault claims are settled and adjudicated across the state, an emergency apportionment may be the only financing alternative for some districts. School districts that are unable to reach reasonable settlements for uninsured and

underinsured claims will have to seek resolution in the courts. Some school districts may encounter jury awards that cannot be supported by their current resources or by the reasonable public financing alternatives outlined in this report, leaving the district with no option but to request an emergency apportionment.

Unlike the municipal finance market, state emergency loans do not consider the creditworthiness of the district. But affordability is an important consideration, and the amount of the settlement or judgment of childhood sexual assault claims will influence the affordability calculation. Balancing affordability with the ability to maintain the integrity of instruction and student services poses a significant concern.

Education Code 41320(e) requires the county superintendent of schools to certify that the action taken to correct the district's financial problems is realistic. Current statute also requires loan repayment within 20 years, regardless of which of the two methods the state uses to fund the emergency loan. However, some districts' unrestricted resources, the main source for loan repayment, may not realistically be able to support the debt service payments needed for a 20-year loan.

***Extend the repayment terms when the emergency apportionment amount is high.*** As noted above, both methods for funding an emergency apportionment (EC 41329.52 and 41329.53) require that repayment not exceed 20 years.

It is recommended that the Legislature provide for a longer repayment period to enable districts to maintain an appropriate

balance between annual debt service and educational program and service needs. The decision about an appropriate repayment term could be part of the prerequisite process when seeking a state emergency loan (EC 41320), including the required public meetings. The Legislature should extend the maximum repayment term of 20 years for emergency apportionments when the loan amount is significantly higher than the school district's ability to pay within that time and based on an analysis performed and disclosed during the process leading to an emergency apportionment.

It should be noted that the 20-year limit is in statutes applicable to emergency appropriations. The state's Infrastructure and Economic Development Bank has internal policies that support repayment terms up to 50 years for certain financing structures.

***The emergency apportionment option is not available to charter schools, county offices of education, or other local agencies.*** Statute does not provide for charter schools, county offices of education, or other local agencies to access the emergency apportionment process. The only option for these agencies will be to use other financing options outlined in this report to finance childhood sexual assault settlements and judgments. If unsuccessful at finding financing, these entities may seek protection through Chapter 9 (governmental agencies) or Chapter 7 or 11 (charter schools) of the United States Bankruptcy Code.

# Emergency Apportionment Requirements for Local Educational Agencies

## School Districts

Articles 2, 2.5, and 2.7 of Chapter 3 of Part 24 of the Education Code provide for emergency apportionments to school districts in fiscal crisis. Based on the apportionment amount, statute establishes two types of intervention upon receipt of an emergency apportionment. For simplicity, these two types of loans and their associated intervention methods are described as Type 1 and Type 2.

### Type 1 Loans

Type 1 loans are emergency apportionment amounts up to and equal to 200% of a district's recommended reserve for economic uncertainties under the state standards and criteria for fiscal solvency. For Type 1 loans, the county superintendent of schools, state superintendent of public instruction, and the president of the State Board of Education appoint, by majority vote, a trustee to monitor and review the district's operations. The trustee may stay and rescind any action of the school district governing board that may affect the district's financial condition.

By October 31 annually, Type 1 loan districts must prepare a report on the district's financial condition for the county superintendent of schools, state superintendent of public instruction, the president of the State Board of Education and the state controller, until the loan, including any interest, is repaid.

### Trustee's Role and Requirements

A trustee remains in place until the following conditions are met:

- The school district establishes adequate fiscal systems and controls.
- The state superintendent of public instruction determines that the district's future compliance with its fiscal recovery plan is likely.
- The county superintendent of schools, state superintendent of public instruction, and president of the State Board of Education terminate the trustee's appointment (no earlier than three years after the trustee's appointment).

The trustee serves under the direction and supervision of the county superintendent of schools.

Following the trustee's term and until the loan is repaid, the county superintendent of schools may stay or rescind any action of the school district governing board that may affect the district's financial condition.

### Type 2 Loans

Type 2 loans are emergency apportionments that are more than 200% of a school district's recommended reserve for economic uncertainties, and consequently result in additional conditions affecting the district's local control. Before applying for a Type 2 loan, the school district governing board must discuss its need at a regular or special public meeting that allows for testimony from interested parties (e.g., parents, employees and the community). For Type 2 loans, the respective county superintendent of schools assumes temporary control of the district and, with concurrence of the state superintendent of public instruction and the president of the State Board of Education, appoints an administrator to resolve the district's challenges. The district's superintendent is released, and the school district governing board serves in an advisory role with no legal rights, powers, or duties.

To evaluate the progress of a district with a Type 2 loan in implementing its recovery plans, EC 41327.1 requires the Fiscal Crisis and Management Assistance Team to conduct an annual comprehensive assessment of five operational areas (financial management, pupil achievement, personnel management, facilities management, and community relations and governance) using professional and legal standards adopted by the State Board of Education that define a good educational program and fiscal and management practices. Statute authorizes the county superintendent of schools, with concurrence from the state superintendent of public instruction and the president of the State Board of Education, to return authority to the governing board for any of the five areas if performance under the recovery plan for that area has been demonstrated to the satisfaction of the county superintendent of schools.

#### **Administrator's Role and Requirements**

The administrator is tasked with implementing substantial changes in the school district's fiscal policies and practices, including, if necessary, filing a petition under Chapter 9 of the federal Bankruptcy Code for an adjustment of indebtedness. The administrator remains in place for at least one complete fiscal year following the loan's acceptance and until the county superintendent determines that the district's compliance with recovery plans is probable. At that point, with the concurrence of the county superintendent of schools, state superintendent of public instruction, and president of the State Board of Education, the governing board regains its governance authority, a superintendent is hired, the administrator's appointment is terminated, and a trustee is assigned in the same manner as for a district with a Type 1 loan.

As in the case of an appointed trustee, an administrator serves under the direction and supervision of the county superintendent of schools.

#### **Prerequisites for Receiving Loan Funds**

School districts must request an emergency apportionment. As a condition of receiving an emergency apportionment, the school district must submit the following to the county superintendent of schools: a report by an independent auditor on the school district's financial conditions and budgetary controls; a management review written by a qualified management consultant who is approved by the county superintendent of schools; and a fiscal plan adopted by the school district governing board to resolve the district's financial problems.

Upon their approval of these documents, the county superintendent submits them to the state superintendent of public instruction, the Joint Legislative Audit Committee, the Joint Legislative Budget Committee, the director of finance, the president of the State Board of Education, and the state controller. The county superintendent of schools, with the concurrence of the state superintendent of public instruction, must certify to the director of finance that the proposed action is realistic and will place the school district on a sound financial basis. Upon the state superintendent of public instruction's approval of the repayment schedule, and the trustee or administrator's appointment, the state controller disburses the emergency loan proceeds to the school district.

#### **Community College Districts**

Statutes specific to community college district emergency appropriations are less defined. In the case of the one community college district loan issued since 1990, the acceptance conditions in the authorizing legislation were established specifically for that district.

# Victims' Compensation Fund

**A victims' compensation fund should be established as an alternative means of providing remedies for victims.** Victims deserve a more compassionate and timely remedy than litigation. A frequent point of discussion among public agencies affected by childhood sexual assault claims is the creation of a statewide victims' compensation fund. All victims alleging injury have a right to a trial, so use of a compensation fund would be a voluntary alternative to the judicial process. A victims' compensation fund would work to resolve claims through a reasonable process that invites the victim to present their claim in an uncontested environment that focuses on care and compassion, and where remedies are offered, discussed and decided on.

The fund could assemble specialists and experts in care and resolution of these types of claims. Additionally, and important for more recent victims, the fund could offer victims comprehensive services to help them succeed and advance through the trauma of the offense. Services the fund could arrange for and cover include counseling, therapy, other medical and behavioral health related assistance, and child welfare. Limited eligibility criteria should be established, including cooperation with law enforcement to support prosecution and possibly with the perpetrator's public agency employer to support employment actions. Victims should not need a lawyer to submit a claim, though legal representation should not disqualify a claimant.

Participation in the fund would likely need to be mandatory for all public agencies subject to childhood sexual assault claims, including public schools, charter schools, counties, and other municipalities. Without a mandatory support requirement, the fund would be subject to adverse selection. There are alternatives to this approach that may be considered. The fund could be financed through an assessment on liability insurance

premiums paid by public agencies to public entity risk pools, commercial carriers, or self-insured agencies. The important principle is that costs be shared across a broad base. A well-structured fund is likely to be supported, including financially, by the liability insurance industry.

Although a victims' compensation fund may be of some help in resolving current claims filed because of AB 218 or otherwise, it is likely more useful on a prospective basis. A compensation fund may be most helpful to all involved when the offense is more recent and the claim is first presented to the public agency.

The organization administering the fund and its processes would also need to aggregate all data to inform future policymakers and help develop prevention strategies. This organization could house the statewide data repository recommended above.

There are limited victims' compensation funds in California. Some are managed by the state treasurer's office and others by nonprofit organizations. One example is the California Victim Compensation Board. However, what this recommendation envisions is more robust than any existing process and service for victims. The existing victim compensation board is the payer of last resort; however, the victim compensation fund recommended here would be the payer of first resort. A frequent example shared is the federally authorized September 11th Victim Compensation Fund for victims of the September 11, 2001, terrorist attacks in New York, Pennsylvania and at the Pentagon.

The Legislature should commission a study that identifies the structure and attributes of a victims' compensation fund for childhood sexual assaults involving a public agency. The study should be presented to the Legislature no later than January 1, 2026, and the Legislature should consider establishing a victims' compensation fund by July 1, 2026.

# Prevention Considerations

***The goal should be to completely eliminate childhood sexual assault in local public agencies.*** One of the frequent criticisms of AB 218 and AB 452 is that neither bill promoted a state policy priority of eliminating childhood sexual assault offenses, and neither addressed prevention. Preventive measures are essential to eliminating childhood sexual assault and must be increased to fully protect children. Generally, local educational and other public agencies interviewed for this report were supportive of increased prevention measures. Culture must change, and the tone is set at the top. Therefore, the Legislature should ensure that state policies set consistent standards to achieve zero tolerance for childhood sexual assault, and leaders and governing board members of schools and municipalities must do the same.

The recommendations below provide some ways the Legislature may strengthen preventive measures for local agencies.

***Local policies and practices should be improved to foster a positive culture that focuses on safety.*** For schools, policies that set a tone of high expectations for student safety are paramount. But policies alone are not sufficient. Practices must reflect commitment to the policy. To this end, the Legislature should require comprehensive school safety plans (ECs 32280 – 32289.5) that include required policies and procedures designed to improve supervision and protection of children. Policies, procedures and safety plans should be communicated regularly and followed at all times.

The subject of training and appropriate supervision of employees and others on a school campus is raised routinely in settlement negotiations and trials. It is impossible for a principal at a school to supervise and monitor every adult interaction with a student. Classrooms, meeting spaces and interactions are subdivided and scattered

across 10 to 50 acres on a typical school campus. Plaintiffs' attorneys also compare the training risk management organizations (including public entity risk pools) recommend to what an employer is actually offering.

***Expand requirements regarding mandated reporting of child abuse and neglect.*** For local educational agencies and other public and private organizations, certain employees and volunteers are mandated reporters and are required to receive training on child abuse and neglect and the reporting of it pursuant to Penal Code (PC) 11165.7 and EC 44691. Specifically, PC 11165.7(a) provides a list of individuals who are considered mandated reporters based on occupation. Paragraphs 1-5, and 9 provide for certain public school employees to be mandated reporters, yet not all school employees who interact with children are included on the list (e.g., principals and assistant principals are not specified), and the list is inconsistent in which positions it specifies as mandated reporters at private schools. It is recommended that the Legislature amend paragraphs 1-5 and 9 of PC 11165.7(a) to simply include all employees, volunteers and governing board members of a public or private school, including charter schools.

***Increase mandated training to build awareness of, and reporting options for, childhood sexual assault.*** As noted above, some risk management experts believe the risk of childhood sexual assault increases not with the number of students but with the number of adults with access to students. In recent years, schools have expanded services and employees to support social and emotional learning. These types of services are an essential component of whole child educational initiatives and are a large part of an expansion of services in response to the pandemic. Examples include 1) programs to lengthen the school day or year, such as the \$4 billion investment in the Expanded Learning Opportunities Program,

which brings more adults on campus, in many cases employed by third-party community-based organizations; and 2) arts and music programs funded through Proposition 28 (2022), which increase the opportunities for students to engage with community volunteers and nontraditional instruction providers.

These programs encourage positive relationship building and improve adult-to-student ratios, but they also introduce an additional risk of childhood sexual assault. At the same time, an increase in adults can be a positive deterrent to predatory actions, particularly if adults are well trained and knowledgeable about professional boundaries, inappropriate behaviors (including grooming), and how to report concerns.

Expanded training should focus on increasing the quality of instruction. Some risk management professionals believe training is best accomplished in person and not through self-paced, minimally-interactive web-based programs. Training should be well-documented to avoid variances in implementation across an organization. For local educational agencies, the most daunting hurdle to quality training is time, especially for teachers who work a specific contract period, usually with minimal nonstudent days. More time means more expense. For twelve-month employees in other local agencies, time may be less of a hurdle.

It is recommended that the Legislature increase the quality and consistency of mandated training to prevent, build awareness of, and increase access to reporting options for, childhood sexual assault.

***Improve training programs to increase knowledge about the varying contexts in which childhood sexual assault occurs.*** The grooming of victims by perpetrators is fundamentally different at the high school level than at the elementary level. At the early childhood and elementary grade levels, there are serious psychological issues and sometimes malice in the hearts of perpetrators who

assault children. At the high school level, experience suggests that more often adult-to-student boundaries break down and what may have started as a well-meaning professional relationship changes to an inappropriate one. Often high school victims are at-risk students who seek additional adult-to-student relationships because of challenges at home.

The approach to prevention training programs must vary to properly prevent and eliminate childhood sexual assault in every context.

***Train students to promote awareness and help provide 24-7 protection.*** Although there was debate in the past about whether it is a best practice, many risk management and child psychology experts now view the training of children as an important component of protection. Overall, students are a close second to teachers as the highest-frequency perpetrators. And in the case of students with disabilities, 61% of perpetrators are other students, with teachers constituting 17%.

Children are in school approximately six hours per day, 180 days per year. The rest of the time, they are involved in other life activities and social environments. Training for students should focus on building awareness and promoting reporting options, and should include parents and legal guardians, families, and the public. Specifically, the training should focus on principles of acceptable behavior, red flag indicators of certain behaviors in adults and children, and how to report concerns in a safe environment.

Recently a great deal of attention has been paid to training students on the subject of cyberbullying and the use, access, context and influences of social media platforms. The Legislature should mandate the same urgency and effort regarding the prevention of childhood sexual assault through training that builds awareness and reporting options.

Criticism of this idea has been that it shifts the burden from adults to children. But not all adults in a child's life are trained or

monitored. Building awareness that sexual assault and exploitation are wrong and promoting reporting are important steps in the defense of children. The Legislature should mandate training of students to promote awareness and help provide 24-7 protection.

**Public and private school organizations and other governmental agencies should establish policies that promote common sense professional boundaries between adults and children.** Several risk management experts interviewed for this report, who are familiar with claim allegations and details, identified the following suggestions for establishing and promoting professional boundaries, specifically in a school setting:

1. Electronic communication between adults and students is needed in the secondary grades. A good example is between a coach and players to advise of a last minute change in game time or transportation plans for an away game. Such communication should only be allowed at the secondary level if the parent or guardian is included. Electronic communication between adults and students includes social media interactions. Such communication is not appropriate for elementary-age students and should be limited to between school employees and parents.
2. Set policies in place to prohibit one-on-one adult-student presence and interactions in isolated areas. Private offices should have uncovered windows, and instructional spaces for one-to-one interaction (e.g., speech and language pathology services) should be clearly in view to those walking by and supervisors. Classrooms should also be visible, all while maintaining a balanced approach to safe school

## District Impact Story

**Some school districts are contracting with insurance archeology services to maximize recoveries for AB 218 claims, as well as strengthening preventive practices to guard against future events.** A unified school district located on the central coast with approximately 9,000 students has hired an outside firm to uncover lost or unknown insurance policies for four AB 218 claims for events that occurred between 1969 and 1981. To date, the district has paid almost \$15,000 for these insurance archeology services and estimates a total potential uninsured exposure of more than \$10 million. Although the district has been able to identify liability coverage for these years, the underlying insurance carriers in all but one case are either insolvent or have not accepted ownership of the claim's coverage. The district also reports that it conducts annual sexual assault and molestation prevention evaluations, including reviews of its prevention policies, employee training, and use of technology. These evaluations also include physical inspections of schools, including classrooms, offices, athletic areas, theaters, gyms, locker rooms, labs, restrooms, common areas, and other areas where students may be present.

environments for all perils. Couches should not be allowed as classroom furniture.

Public entity risk pools have developed solid guidelines in this regard. At a minimum, these guidelines should be instituted locally through policy, but state mandates may be warranted. These recommendations can be made more generic to be applicable to nonschool organizations. The Legislature should establish a statute that promotes professional boundaries between adults and children and strengthens the safety of learning environments.

**Expand screening of applicants and volunteers to strengthen prevention.** The hiring of applicants who are assigned to work around children, and the hiring of all public and private school employees, should include

more screening, background checks, and prior work history requirements. Temporary and substitute employees, walk-on coaches and assistants, and volunteers should be fully vetted the same as any other employee assigned to a school or to work around children.

Assembly Bill 2534 (Chapter 570, Statutes of 2024) is applicable to public school employers and was a start but falls short in its scope and practical application. Existing law limits the requirement that an applicant disclose their complete list of work history to 1) public school employers, and 2) to certificated personnel.

Further, existing law requires every public school employer to contact each previous public school employer the applicant discloses in their work history and inquire whether the applicant was the subject of any report to the Commission on Teacher Credentialing. The bill does not provide a reliable mechanism for the employer to verify a complete work history. The employer must depend on the applicant's truthfulness. The bill also does not require applicants to report, or public school employers to inquire of, out-of-state employers.

**Education Code 44932** describes egregious misconduct by certificated employees. However, the definition and consequences for such behavior by classified employees is not consistently applied in the Education Code.

It is recommended that the Legislature expand the work history verification and inquiry mandate to include all public and private school employers and employees. Further, the Legislature should provide for an electronic database of school employee work history in California's public and private schools. This can be done by expanding the accessibility of the Commission on Teacher Credentialing database for certificated employees or those holding other Commission-issued authorizations; developing a new database and mandating reporting (likely required to capture classified

employment information); or using a combination of data collection systems with aggregation and accessibility to public and private school employers. Many public employers already produce employment and compensation reports for a variety of public and private uses under the California Public Records Act. As such, reporting employment information is not a hardship. Lastly, it is recommended that the Legislature apply the definition of egregious misconduct to all public and private school employees and ensure that instances of egregious misconduct are reported to an appropriate state agency and included in available work history data accessible to school employers as described above.

***The Penal Code's definition of sexual grooming lacks clarity.*** Grooming is the term often used to describe how a perpetrator builds a relationship with a child to abuse or exploit them. It involves a series of nonviolent, calculated activities that engender trust and affection to cross generally accepted relationship boundaries. The Legislature should provide a clearer, improved definition of grooming that specifically addresses grooming in school, childcare, educational, recreational, and incarceration or probation settings.

Consistent with a clearer definition of grooming, the existing reasons an individual is prohibited from being hired for a certificated position (e.g., EC 44830.1), existing reasons a certificated employee may be dismissed (e.g., EC 44932(a)), and the definition of sex offense (e.g., EC 44010) should be expanded to include the following:

- Violations of Penal Code 288.2, 288.3, 288.4 or 528.5 (note: PC 288.2 is already included in EC 44010).
- Once defined, grooming.

Further, consideration should be given to applying the prohibitions to private schools, and to expanding such prohibitions to all employees.

# Summary of Recommendations

The following recommendations are summarized from the above sections of this report.

The Legislature should:

- Require the development and maintenance of a statewide data repository, including mandating cooperation and information sharing by public agencies (page 13).
- Mandate a classification system to provide objective, actuarially based information on childhood sexual assault claims (page 14).
- Amend Government Code 970.6 to provide for the determination of unreasonable hardship by the local governing body tied to established standards (page 22).
- Amend Government Code 970.6 to provide a sliding scale of time for repayment based on the judgment amount, plus interest thereon (page 22).
- Extend the payment due date to 150 days from when a judgment is entered by the court for judgments that are greater than 50% of the local agency's unrestricted reserves (page 23).
- Clarify that a Code of Civil Procedure 860 validation proceeding may be brought by a public agency before tort action judgments are entered against the public agency (page 27).
- Consider a limited exception to the prohibition on the use of lease financing proceeds for general operating purposes in EC 17456 for situations where an otherwise financially stable school district is faced with an extraordinary liability. (page 27).
- Extend state and local payment intercept mechanisms to public financings by local public agencies rather than limit the mechanism to the California School Finance Authority (page 28).
- Expand or direct an appropriate role for the state's Infrastructure and Economic Development Bank in financing childhood sexual assault settlements and judgments (page 28).
- Adopt an alternative receivership statute for school districts requesting emergency apportionments solely due to childhood sexual assault obligations (page 32).
- Extend the maximum repayment term of 20 years for emergency apportionments when the loan amount is significantly higher than the school district's ability to pay and based on analysis performed and disclosed during the process leading to an emergency apportionment (page 33).
- Commission a study that identifies the structure and attributes of a victims' compensation fund for childhood sexual assaults involving a public agency. The study should be presented to the Legislature no later than January 1, 2026, and the Legislature should consider establishing a victims' compensation fund by July 1, 2026 (page 36).
- Ensure that state policies set consistent standards to achieve zero tolerance for childhood sexual assault (page 37).

- Require comprehensive school safety plans to include required policies and procedures designed to improve supervision and protection of children (page 37).
- Amend paragraphs 1-5 and 9 of Penal Code 11165.7(a) to simply include all employees, volunteers and governing board members of a public or private school, including charter schools (page 37).
- Increase the quality and consistency of mandated training to prevent, build awareness of, and increase access to reporting options for, childhood sexual assault (page 38).
- Mandate training of students to promote awareness and help provide 24-7 protection (page 39).
- Establish a statute that promotes professional boundaries between adults and children and strengthens the safety of learning environments (page 39).
- Expand the work history verification and inquiry mandate to include all public and private school employers and employees (page 40).
- Provide for an electronic database of school employee work history in California's public and private schools (page 40).
- Apply the definition of egregious misconduct to all public and private school employees, and ensure that instances of egregious misconduct are reported to an appropriate state agency and included in available work history data accessible to school employers (page 40).
- Provide a clearer, improved definition of grooming that specifically addresses grooming in school, childcare, educational, recreational, and incarceration or probation settings (page 40).

Upon request, the Fiscal Crisis and Management Assistance Team will be pleased to provide proposed statutory amendments for each of the recommendations listed above.

## FCMAT's Role

This report was prepared by Erin Lillibridge, Michael Fine and John Lotze of FCMAT, with significant contributions from Donald Field, Esq., a public finance partner at Orrick, Herrington & Sutcliffe LLP.

The Fiscal Crisis and Management Assistance Team was created in 1991 by the California Legislature to help California's TK-14 LEAs avoid fiscal insolvency. Today, FCMAT helps LEAs identify, prevent and resolve financial, management, program, data, and oversight challenges; provides professional learning; produces and provides software, checklists, manuals and other tools; and offers other related school business and data services.



## FISCAL REPORT

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

### FCMAT Publishes Report on Fiscal Impacts of Childhood Sexual Assault Claims

BY LEILANI AGUINALDO

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posted February 3, 2025

On January 31, 2025, the Fiscal Crisis and Management Assistance Team (FCMAT) published "[Childhood Sexual Assault: Fiscal Implications for California Public Agencies](#)." The report details the fiscal challenges that public agencies have experienced since the passage of Assembly Bill (AB) 218 (Gonzalez, Statutes of 2019). The bill was signed by Governor Gavin Newsom, which, among other things, significantly changed the statute of limitations for civil claims of childhood sexual assault and revived the statute of limitations for old claims until December 31, 2022. Public agencies impacted by these claims include local educational agencies (LEAs) and community colleges but also other local agencies such as cities and counties.

Laws governing claims for childhood sexual assault have changed significantly over the last five years. [Prior to AB 218](#), victims had until their 26th birthday to seek recovery of damages suffered as a result of childhood sexual abuse. The prior law also allowed victims to file a claim within three years of the date of discovery that psychological injury or illness was caused by childhood sexual abuse. AB 218 changed these respective timelines to 40 years old or five years from the date of discovery. While the three-year revival period to file old claims expired on December 31, 2022, this deadline only applies to victims over the age of 40. As the report explains, "victims younger than age 40 before January 1, 2023, or those with repressed memory of the assault, may continue to commence claims up to age 40 or within five years of discovery, as provided. This essentially provides a 14-year window for claims to continue to be filed until victims turn 40 years old and sets no age limit for those who discover psychological injury or illness later." In addition to AB 218, AB 452 (Addis, Statutes of 2023) completely eliminated the statute of limitations for claims for these offenses on or after January 1, 2024.

The report explains the importance of understanding the fiscal implications of childhood sexual assault claims for public agencies: "All local educational agencies are affected, whether they have claims or not. The same is true of other local government agencies such as cities, counties, and certain special districts. The cost and decreasing availability of liability insurance or other risk sharing programs affects current educational and public services, because more of today's tax dollars are being used to pay for yesterday's offenses." The report attempts to quantify the financial burden on public agencies but acknowledges that a statewide database of claims data is not available. Despite this, the report concludes that "the magnitude of the fiscal impact is significant and will affect programs and services." For LEAs, the best estimate of claims to date is \$2-\$3 billion. The amount for other local agencies is considerably higher; one county government alone approximates its claims value at \$3 billion.

Furthermore, many variables affect estimates of the actual impact on individual agencies, such as the amount of the claim for which the local agency is responsible (referred to as self-insured retention), the terms and amounts of coverage the agency has as part of its membership in different risk pools, and settlements or judgments that exceed the coverage limits. Depending on the amount of the obligation and the amount and terms of coverage a public agency has, it is responsible for paying for a portion of the claim if it is insured or underinsured, or the entire claim if it is uninsured. Interwoven in the report are a few examples of school districts facing AB 218-related claims to illustrate the local impact.

The report also provides an overview of how public agencies are insured, explaining the common reliance on public entity risk pools rather than commercial insurance. A pool's member agencies pay premiums and fees for coverage, and the contributed funds and any investment earnings on reserves finance the risk pool's obligations. However, because AB 218 changed the law for past childhood sexual assault claims, funds to address these obligations were never collected during the applicable coverage periods. Risk pools must fund AB 218 settlement and judgment costs through collections from members past and present: "... once a member for a given year, a member agency assumes a lifetime obligation based on the year of membership and any claim exposure associated with that year." For example, one liability risk pool that serves LEAs has collected more than \$300 million over the last four years from current and prior members to handle claims attributed to years through 2016, and it anticipates it may need to collect another \$300-\$400 million to address ongoing and new claims.

Other parts of the report explore the financing considerations and options for local agencies that must pay a settlement or judgment as well as the receivership protection available only to school and community college districts. FCMAT also includes 22 recommendations throughout the report, which it categorizes as follows:

- Mandated childhood sexual assault claim reporting, statewide data repository and data classification
- Amended timelines to pay a judgment to facilitate public financing of all or part of the amount
- Enhanced provisions for public financing of obligations
- Alternate statutory provisions for school districts facing receivership and needing emergency apportionments solely because of AB 218 obligations

- Study and establish a victims compensation fund option
- Preventative measures aimed at completely eliminating childhood sexual assault in local public agencies

The report is the result of statutes associated with the 2024-25 Enacted State Budget that tasked FCMAT with providing recommendations for funding and financing mechanisms that local agencies may utilize for judgments or settlements arising from claims of childhood sexual abuse. The Legislature is expected to hold hearings to discuss the report in the next few months.



# SHASTA COUNTY OFFICE OF EDUCATION

*To be leaders in educational excellence, offering support to schools and community to ensure Shasta County students receive a quality education preparing them for high school graduation and success in career and college.*

**Superintendent**  
Mike Freeman

**Board of Education**

Robert Brown  
Jessica French  
Arthur Gorman  
Jackie LaBarbera  
Laura Manuel  
Michael Orlicky  
Teresa Roberts

January 27, 2025

Governing Board  
Cottonwood Union Elementary School District  
20512 West First Street  
Cottonwood, CA 96022

Dear Board Members:

Pursuant to *Education Code* Section 42131, we have reviewed your district's First Interim Budget and the accompanying positive certification of fiscal solvency to determine whether it complies with the Criteria and Standards for fiscal stability adopted by the State Board of Education, allows your district to meet its financial obligations during the fiscal year, and is consistent with a financial plan that will enable your district to satisfy its multiyear financial commitments. We concur with your assessment that, based on current projections, your district will be able to meet its financial obligations for the current and subsequent two fiscal years and that a positive certification is appropriate.

We remind you that any negotiated compensation changes must meet the public disclosure requirement of *Government Code* Section 3547.5 and the California Code of Regulations Title V, Section 15449, and a budget revision must be completed within 45 days of board approval.

Additionally, in accordance with Ed Code 47604, fiscal oversight of charter schools is primarily the responsibility of the authorizing entity. FCMAT has developed a free, downloadable [Charter School Annual Oversight Checklist](#) and [Indicators of Risk or Potential Insolvency](#) to help both charter schools and their oversight agencies fulfill their responsibilities. We encourage the District to review these resources and ensure they have adequate procedures in place for charter oversight.

We appreciate the submission of your First Interim Budget and look forward to your Second Interim Budget, which is due to our office by March 17, 2025. If you have any questions or concerns, please contact me at 530-225-0209.

Sincerely,

A handwritten signature in blue ink, appearing to read "Deans" or "Evans".

Donell Evans  
Executive Director, District Fiscal Services

cc: Doug Geren, Superintendent  
Jennifer Kiff, Chief Business Official