

# AGENDA

## LOS ANGELES COUNTY BOARD OF EDUCATION

9300 Imperial Highway, Downey, CA 90242

Phone (562) 922-6128 Fax (562) 469-4399

### Board Member Remote Participation:

TO LISTEN BY TELEPHONE: (669) 900-9128

Meeting ID: 822 2518 9839

Passcode: 241814

TO LISTEN TO THE AUDIO STREAM ONLINE: <https://tinyurl.com/LACOEBoardMeeting>

Meeting ID: 822 2518 9839

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No. 9: 2024-2025

The full Board agenda will only be accessible through the LACOE Board of Education website at the following link: <https://www.lacoe.edu/Board-of-Education>. Procedure for addressing the Board is posted on the LACOE Board of Education [website](#). To request a disability-related accommodation under the ADA, please call Ms. Beatrice Robles at 562 922-6128 at *least* 24 hours in advance.

## Board Meeting

October 1, 2024

3:00 p.m.

### I. PRELIMINARY ACTIVITIES – 3:00 p.m.

Dr. Johnson  
Dr. M. Perez  
Dr. R. Perez  
Dr. Johnson

- A. Call to Order
- B. Pledge of Allegiance
- C. Ordering of the Agenda
- D. Approval of the Minutes
  1. September 17, 2024

### II. COMMUNICATIONS: BOARD OF EDUCATION / SUPERINTENDENT / ASSOCIATIONS

### III. PRESENTATIONS (None)

### IV. HEARINGS (None)

### V. REPORTS / STUDY TOPICS

Ms. Andrade

- A. Report on Board Policy (BP), BP 0410 (Nondiscrimination in LACOE Programs and Activities), BP/AR/E 1312.3 (Uniform Complaint Procedures), BP/AR 5145.3 (Nondiscrimination/Harassment), BP/AR 5145.7 (Sex Discrimination and Sex-Based Harassment), BP 5146 (Married/Pregnant/Parenting Students), BP/AR 0420.4 (Charter Schools), BP/AR 3516 (Emergencies and Disaster Preparedness Plan), BP/AR 5113 (Absences and Excuses), BP/AR 6158 (Independent Study) and BP 6164.2 (Guidance/Counseling Services) (Enclosure)

### VI. CONSENT CALENDAR RECOMMENDATIONS (None)

### VII. RECOMMENDATIONS

Dr. Johnson

- A. Approval of the California School Boards Association (CSBA) Regional 14 Director Position Endorsement by the Los Angeles County Board of Education for Nomination Submitted for Dr. Monte E. Perez

**VIII. INFORMATIONAL ITEMS**

Dr. R. Perez  
Dr. R. Perez

- A. Governmental Relations
- B. Los Angeles County Board of Education Meeting Schedule, Establishment of Meeting Times, Future Agenda Items, Follow up

**IX. INTERDISTRICT AND EXPULSION APPEAL HEARINGS**

Dr. Johnson

- A. Los Angeles County Board of Education’s Decision on Interdistrict Attendance Appeals (Closed Session) (Enclosure)
  - 1. Xavier L. v. Compton USD (Spanish Interpreter)
  - 2. Greenlee J. v. Compton USD
  - 3. Brian B. v. Compton USD
  - 4. Madison B. v. Long Beach USD
  - 5. Lennon D. v. West Covina USD
  - 6. Wade F. v. ABC USD

Dr. Johnson

**X. ADJOURNMENT**

**MINUTES**  
**LOS ANGELES COUNTY BOARD OF EDUCATION**  
**9300 Imperial Highway**  
**Downey, California 90242-2890**  
**Tuesday, September 17, 2024**

A meeting of the Los Angeles County Board of Education was held on Tuesday, September 17, 2024, at the Los Angeles County Office of Education Board Room.

**PRESENT:** Dr. Yvonne Chan, Mr. James Cross, Mrs. Andrea Foggy-Paxton\*, Ms. Betty Forrester, Dr. Theresa Montaña\*, Dr. Monte E. Perez\*, and Dr. Stanley L. Johnson, Jr.; Student Board Member: Ms. Jimena\* (*\*remote*)

**OTHERS PRESENT:** Dr. Ruth Perez, Deputy Superintendent; Administrative Staff: Ms. Beatrice Robles, Principal Executive Assistant, Office of the Superintendent.

**PRELIMINARY ACTIVITIES**

**CALL TO ORDER**

Dr. Johnson called the meeting to order at 3:00 p.m.

Dr. Johnson read the LACOE Land Acknowledgement.

**PLEDGE OF ALLEGIANCE**

Mrs. Foggy-Paxton led the Pledge of Allegiance.

**ORDERING OF THE AGENDA**

Dr. Perez indicated that there were no changes to the Board Agenda.

It was **MOVED** by Mr. Cross, **SECONDED** by Dr. Chan, and **CARRIED** to approve the Board agenda as presented.

*Yes vote: Ms. Jimena, Dr. Chan, Mr. Cross, Mrs. Foggy-Paxton, Ms. Forrester, Dr. Montaña, Dr. Perez, and Dr. Johnson.*

**APPROVAL OF THE MINUTES -**

- September 10, 2024 – *The minutes were approved as presented.*

It was **MOVED** by Mr. Cross, **SECONDED** by Ms. Forrester, and **CARRIED** to approve the September 10, 2024 minutes as presented.

*Yes vote: Ms. Jimena, Dr. Chan, Mr. Cross, Mrs. Foggy-Paxton, Ms. Forrester, Dr. Montaña, Dr. Perez, and Dr. Johnson.*

**COMMUNICATIONS: BOARD / SUPERINTENDENT**

Ms. Jimena invited everyone to attend the 64-hour Film Festival at LACHSA.

Dr. Chan Mr. Cross, Dr. Montañó, Dr. Perez, and Dr. Jonson all expressed their appreciation for being able to attend the CSBM Conference in Monterey. They all indicated that the workshops were great and that they all had a wonderful time.

Dr. Perez, Deputy Superintendent, provided the following highlights to the County Board:

### **Constitution Day**

- Constitution Day is on September 17<sup>th</sup>, marking 237 years since the Constitution was signed.
- On September 7<sup>th</sup>, teachers from Los Angeles and Ventura Counties gathered at the Regan Library for a one-day conference celebrating Constitution Day.
- I had the privilege of representing Dr. Duardo and delivering opening remarks on the critical role of civic instruction in a democratic society.
- During the event, teachers attended workshops, heard a student panel on the importance of civics in schools, and explored how civic engagement can boost student success.

### **Capturing Kids Hearts Training**

- On September 6<sup>th</sup> and 7<sup>th</sup>, we hosted a two-day Capturing Kids' Hearts training for our entire school staff.
- Over 300 members of the LACOE team participated in this impactful experience.
- The training focused on building relationships, creating a positive school culture, and equipping staff with tools to support students emotionally and academically.
- This initiative is part of our commitment to fostering environments where students feel valued, safe and ready to succeed.

### **GLA Foundation – Stitch Platform**

- GLAEF recently announced the launch of Stitch, a new free resource for L.A. County youth!
- Stitch is a user-friendly platform connecting students to a variety of enrichment programs, including after-school activities, arts, and STEM opportunities.
- It features an interactive map to easily find programs by location.
- Designed for educators, parents, and community groups to access resources for TK-12 grade students.
- Stitch is a 100% free resource, co-created by trusted organizations, providing dynamic learning experiences across L.A. County.
- It is a one-stop shop for diverse, enriching activities outside the classroom.

## **COMMUNICATIONS: PUBLIC**

The following individuals address the County Board: David Olivares, LACOE Teacher and Sarah Bradwshaw, CSBA.

## **PRESENTATIONS (None)**

## **HEARINGS (None)**

**REPORTS / STUDY TOPICS (None)**

**CONSENT CALENDAR RECOMMENDATIONS**

**ADOPTION OF BOARD RESOLUTION NO. 9 TO RECOGNIZE OCTOBER 2024 AS FILIPINO AMERICAN HISTORY MONTH**

The Superintendent recommended that the County Board Approve Board Resolution No. 9.

**ADOPTION OF BOARD RESOLUTION NO. 10 TO RECOGNIZE OCTOBER 25, 2024 AS LARRY ITLIONG DAY**

The Superintendent recommended that the County Board Approve Board Resolution No. 10.

**ADOPTION OF BOARD RESOLUTION NO. 11 TO RECOGNIZE OCTOBER 13-19, 2024 AS WEEK OF THE SCHOOL ADMINISTRATOR IN LOS ANGELES COUNTY**

The Superintendent recommended that the County Board Approve Board Resolution No. 11.

**ADOPTION OF BOARD RESOLUTION NO. 12 TO RECOGNIZE OCTOBER 16-22, 2024, AS DIGITAL CITIZENSHIP WEEK**

The Superintendent recommended that the County Board Approve Board Resolution No. 12.

**ADOPTION OF BOARD RESOLUTION NO. 13 TO RECOGNIZE NATIONAL DISABILITY EMPLOYMENT AWARENESS DURING THE MONTH OF OCTOBER 2024**

The Superintendent recommended that the County Board Approve Board Resolution No. 13.

**ADOPTION OF BOARD RESOLUTION NO. 14 TO RECOGNIZE NATIONAL DROPOUT PREVENTION DURING THE MONTH OF OCTOBER 2024**

The Superintendent recommended that the County Board Approve Board Resolution No. 14.

**ADOPTION OF BOARD RESOLUTION NO. 15: RECOGNITION OF OCTOBER 2024 AS CYBER SECURITY AWARENESS MONTH**

The Superintendent recommended that the County Board Approve Board Resolution No. 15.

**ADOPTION OF BOARD RESOLUTION NO. 16 TO RECOGNIZE OCTOBER 7, 2024 AS NATIONAL CHILD HEALTH DAY**

The Superintendent recommended that the County Board Approve Board Resolution No. 16.

**ADOPTION OF BOARD RESOLUTION NO. 17 TO RECOGNIZE OCTOBER 2, 2024, AS CLEAN AIR DAY**

The Superintendent recommended that the County Board Approve Board Resolution No. 17.

**ADOPTION OF BOARD RESOLUTION NO. 18 TO RECOGNIZE OCTOBER 2024 AS HEAD START AWARENESS MONTH**

The Superintendent recommended that the County Board Approve Board Resolution No. 18.

It was **MOVED** by Dr. Chan, **SECONDED** by Mr. Cross, and **CARRIED** to approve the Consent Calendar Recommendations.

*Yes vote: Ms. Jimena, Dr. Chan, Mr. Cross, Mrs. Foggy-Paxton, Ms. Forrester, Dr. Montañó, Dr. Perez, and Dr. Johnson.*

Dr. Chan said in relation to the National Dropout Prevention Board Resolution, she would like data or information in correlation of dropout rate and incarceration rate as well as more information on circumstances.

**RECOMMENDATIONS (None)**

**INFORMATIONAL ITEMS**

**GOVERNMENTAL RELATIONS**

Ms. Pam Gibbs provided a Governmental Relations update to the County Board.

**LOS ANGELES COUNTY BOARD OF EDUCATION MEETING SCHEDULE, ESTABLISHMENT OF MEETING TIMES, FUTURE AGENDA ITEMS, AND BOARD FOLLOW UP**

Dr. Perez indicated that the next Board meeting would be on October 1, 2024.

The County Board took a short break.

Ms. Jimena, Student Board Member left the Board meeting.

**LOS ANGELES COUNTY BOARD OF EDUCATION'S DECISION  
ON INTERDISTRICT ATTENDANCE APPEALS**

**IRIS Y. V. EL MONTE CITY SCHOOL DISTRICT**

The proceedings were conducted in closed session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education. Dr. Sonya Smith, Director III for Student Support Services, Los Angeles County Office of Education, was also present.

The appellant was not present but was represented by her parents Mr. Zhong Wei Yu and Mrs. Sio Jun Ma. Ms. Ilbea Fedele, Child Welfare Coordinator, represented El Monte City School District. Mr. Lawrence Pang provided Translation Services.

Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll call vote was taken. Voting yes were: Dr. Chan, Mr. Cross, Mrs. Foggy-Paxton, Ms. Forrester, Dr. Montano, Dr. Perez, and Dr. Johnson. The Appeal was granted.

**RICHARD P. V. HACIENDA LA PUENTE UNIFIED SCHOOL DISTRICT**

The proceedings were conducted in closed session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education. Dr. Sonya Smith, Director III for Student Support Services, Los Angeles County Office of Education, was also present.

The appellant was not present but was represented by his mother, Mrs. Alma Soto. Dr. Karen Dabney-Lieras, Executive Director of Student Family Services, represented Hacienda La Puente Unified School District.

Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll call vote was taken. Voting yes were: Dr. Chan, Mr. Cross, Mrs. Foggy-Paxton, Ms. Forrester, Dr. Montano, Dr. Perez, and Dr. Johnson. The Appeal was granted.

**XAVIER Z. V. WHITTIER CITY SCHOOL DISTRICT**

The proceedings were conducted in closed session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education. Dr. Sonya Smith, Director III for Student Support Services, Los Angeles County Office of Education, was also present.

The appellant was not present but was represented by his parents Mr. Julio Zambrano and Ms. Iris Gonzalez. Ms. Karla Paomino, Student Services Coordinator, represented Whittier City School District.

Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll call vote was taken. Voting yes were: Dr. Chan, Mr. Cross, Mrs. Foggy-Paxton, Ms. Forrester, Dr. Montano, Dr. Perez, and Dr. Johnson. The Appeal was granted.

**MANAIA R. V. MONTEBELLO UNIFIED SCHOOL DISTRICT**

The proceedings were conducted in closed session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education. Dr. Sonya Smith, Director III for Student Support Services, Los Angeles County Office of Education, was also present.

The appellant was not present but was represented by her parents, Mr. Gilbert Ramirez and Ms. Antonette Jones. Ms. Diana Garay, Attendance and Pupil Data Coordinator, represented Montebello Unified School District.

Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll call vote was taken. Voting yes were: Dr. Chan, Mr. Cross, Mrs. Foggy-Paxton, Ms. Forrester, Dr. Montano, Dr. Perez, and Dr. Johnson. The Appeal was granted.

**LOS ANGELES COUNTY BOARD OF EDUCATION'S DECISION  
ON EXPULSION APPEALS (Closed Session)**

**CASE NO. 2324-0009 V. LYNWOOD UNIFIED SCHOOL DISTRICT**

The expulsion proceedings were conducted in open session, pursuant to the request of the family, to reach a decision on the Expulsion appeal. Both Ms. Vibiana Andrade, General Counsel, and Mr. Patrick Saldana, Deputy General Counsel, provided legal advice to the Los Angeles County Board of Education. Dr. Sonya Smith, Director III of Student Support Services, and Ms. Melissa Schoonmaker, Project Director III, Child Welfare and Attendance Unit, Los Angeles County Office of Education, was also present.

Fact-finding was conducted by a three-member administrative hearing panel. A copy of the record, a summary of findings and conclusions, and a recommendation by the administrative hearing panel were provided to all parties. The administrative panel recommended to uphold the district's decision to expel the student.

The appellant was not present, but was represented by Mr. Mr. Joel Perez, Ms. Maria Cortez and Ms. Monique McDavid, Attorney. Dr. Maribel Martinez, Director of Student Services and Mr. Jose Jauregui, Assistant Director of Student Services, represented Lynwood Unified School District. The representatives addressed the County Board and responded to questions from the Board.

No action was taken by the County Board in Closed Session.

Four affirmative votes of the Board are required for an expulsion appeal to be granted. A no vote grants the appeal and overturns the expulsion. A yes vote denies the appeal and upholds the district's action. A roll call was taken. Voting yes were: Dr. Chan, Mr. Cross, Mrs. Foggy-Paxton, Ms. Forrester, Dr. Montano, Dr. Perez, and Dr. Johnson. The County Board's decision was to adopt the recommendation of the administrative panel and uphold the district Board's decision to expel.

**ADJOURNMENT**

It was **MOVED** by Dr. Chan, **SECONDED** by Mr. Cross, and **CARRIED** to adjourn the Board meeting.

*Yes vote: Dr. Chan, Mr. Cross, Mrs. Foggy-Paxton, Ms. Forrester, Dr. Montano, Dr. Perez, and Dr. Johnson.*

The meeting adjourned at 5:57 p.m.

Board Meeting — October 1, 2024

Item V. Reports / Study Topics

- A. Report on Board Policy (BP), BP 0410 (Nondiscrimination in LACOE Programs and Activities), BP/AR/E 1312.3 (Uniform Complaint Procedures), BP/AR 5145.3 (Nondiscrimination/Harassment), BP/AR 5145.7 (Sex Discrimination and Sex-Based Harassment), BP 5146 (Married/Pregnant/Parenting Students), BP/AR 0420.4 (Charter Schools), BP/AR 3516 (Emergencies and Disaster Preparedness Plan), BP/AR 5113 (Absences and Excuses), BP/AR 6158 (Independent Study) and BP 6164.2 (Guidance/Counseling Services) (Enclosure)

The Board Policies reflect changes to bring policies into compliance with Education Code and other appropriate statutes, regulations and court decisions.

**Report on Board Policies**

#	Title	Executive Cabinet
1.	BP 0410 Nondiscrimination in LACOE Programs and Activities	Ms. Vibiana Andrade
2.	BP/AR/E 1312.3 Uniform Complaint Procedures	Ms. Vibiana Andrade
3.	BP/AR 5145.3 Nondiscrimination/Harassment	Ms. Vibiana Andrade
4.	BP/AR 5145.7 Sex Discrimination and Sex-Based Harassment	Ms. Vibiana Andrade
5.	BP 5146 Married/Pregnant/Parenting Students	Ms. Vibiana Andrade
6.	BP/AR 0420.4 Charter Schools	Ms. Vibiana Andrade
7.	BP/AR 3516 Emergencies and Disaster Preparedness Plan	Ms. Karen Kimmel
8.	BP/AR 5113 Absences and Excuses	Dr. Maricela Ramirez
9.	BP/AR 6158 Independent Study	Dr. Maricela Ramirez
10.	BP 6164.2 Guidance/Counseling Services	Ms. Alicia Garoupa

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

BP 0410(a)

**NONDISCRIMINATION IN LACOE PROGRAMS AND ACTIVITIES**

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

The County Board is committed to equal opportunity for all individuals in education. LACOE programs, activities, and practices shall be free from unlawful discrimination and harassment including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, ethnic group identification, ethnicity, citizenship and immigration status (except where required by law), age, religion, marital status, pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery, parental, family, or marital status, reproductive health decision-making, physical or mental disability, medical condition, sex, sex stereotypes, sex characteristics, sexual orientation, gender, gender identity or expression, or genetic information, veteran or military status; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. These terms are defined by state or federal statute.

- (cf. 1240 – Volunteer Assistance)*
- (cf. 4030 - Nondiscrimination in Employment)*
- (cf. 4032 - Reasonable Accommodation)*
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*
- (cf. 5131.2 - Bullying)*
- (cf. 5145.3 - Nondiscrimination/Harassment)*
- (cf. 5145.7 - Sexual Harassment)*
- (cf. 5146 - Married/Pregnant/Parenting Students)*
- (cf. 6145 – Extracurricular and Cocurricular Activities)*
- (cf. 6145.2 - Athletic Competition)*
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*
- (cf. 6164.6 - Identification and Education Under Section 504)*

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

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

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the County Board or LACOE on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements

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

of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

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

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

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

*(cf. 1330 - Use of Facilities)*

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

*(cf. 1312.3 – Uniform Complaint Procedures)*

Pursuant to 34 CFR 104.8 and ~~34 CFR~~ 106.8, the County Superintendent or designee will notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about LACOE's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted in LACOE's schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on LACOE's website and, when available, LACOE-supported social media.

## **NONDISCRIMINATION IN LACOE PROGRAMS AND ACTIVITIES** (continued)

*(cf. 1113 – Web Sites)*  
*(cf. 1114 – LACOE Approved Social Media)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 4031 - Complaints Concerning Discrimination in Employment)*  
*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*  
*(cf. 5145.6 - Parental Notifications)*

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

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

### **Access for Individuals with Disabilities**

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

*(cf. 7110 - Facilities Master Plan)*

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

*(cf. 6020 - Parent Involvement)*

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

*(cf. 6020 - Parent Involvement)*  
*(cf. 9320 - Meetings and Notices)*  
*(cf. 9322 - Agenda/Meeting Materials)*

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

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

Hugo Aceves  
(Name)

ADA Title II Coordinator, Risk Management)  
(Title or Position)

12830 Columbia Way, Downey, CA 90242  
(Address)

(562) 922-6153  
(Telephone number)

Aceves\_Hugo@lacoed.edu  
(Email)

*Legal Reference:*

*EDUCATION CODE*  
200-262.4 Prohibition of discrimination  
48980 Parent/Guardian notifications  
48985 Notices to parents in language other than English  
51007 Legislative intent: state policy  
51204.5 Social sciences instruction; contributions of specified groups  
51501 Nondiscriminatory subject matter  
60010 Instructional materials; definition  
60040-60052 Requirements for instructional materials  
*GOVERNMENT CODE*  
8310.3 California Religious Freedom Act  
11000 Definitions  
11135 Nondiscrimination in programs or activities funded by state  
11138 Rules and regulations  
12900-12996 Fair Employment and Housing Act  
54953 Meetings; Americans with Disabilities Act accessibility  
54953.2 Brown Act compliance with Americans with Disabilities Act  
*PENAL CODE*  
422.55 Definition of hate crime  
422.6 Interference with constitutional right or privilege  
*CODE OF REGULATIONS, TITLE 5*  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs  
*UNITED STATES CODE, TITLE 20*  
1400-1482 Individuals with Disabilities in Education Act  
1681-1688 Discrimination based on sex or blindness, Title IX  
2301-2415 Carl D. Perkins Vocational and Applied Technology Act  
6311 State plans

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

*Legal references (continued)*

6312 *Local education agency plans*  
UNITED STATES CODE, TITLE 29  
794 *Section 504 of the Rehabilitation Act of 1973*  
UNITED STATES CODE, TITLE 42  
2000d-2000d-7 *Title VI, Civil Rights Act of 1964*  
2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*  
2000h-2000h-6 *Title IX*  
12101-12213 *Americans with Disabilities Act*  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.101-35.190 *Americans with Disabilities Act*  
36.303 *Auxiliary aids and services*  
CODE OF FEDERAL REGULATIONS, TITLE 34  
100.1-100.13 *Nondiscrimination in federal programs, effectuating Title VI*  
104.1-104.39 *Section 504 of the Rehabilitation Act of 1973*  
106.1-106.61 *Discrimination on the basis of sex, effectuating Title IX, especially:*

*Management Resources:*

CSBA PUBLICATIONS  
*Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022*  
*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*  
*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*  
*Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students, Recently Asked Questions, August 2023*  
*Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024*  
*Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024*  
*Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024*  
CALIFORNIA CIVIL RIGHTS DEPARTMENT PUBLICATIONS  
*California Law Prohibits Workplace Discrimination and Harassment*  
CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS  
*Policy and Procedures Letter No. 23-004, February 2023*  
*Policy and Procedures Letter No. 21-017R, December 2021*  
CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATION  
*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018*  
*Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024*  
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
*Dear Colleague Letter: Race and School Programming, August 2023*  
*Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010 Dear Colleague Letter, May 26, 2011*  
*Supporting Transgender Youth in School, June 2021*  
*Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023*  
*Dear Colleague Letter: Transgender Students, May 2016*  
*Dear Colleague Letter: Harassment and Bullying, October 2010*  
*Dear Colleague Letter: Electronic Book Reader, June 29, 2010*  
*Protecting Students from Harassment and Hate Crime, January 1999*  
*Nondiscrimination in Employment Practices in Education, August 1991*

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

*Legal references (continued)*

*Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024*

*Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023*

*U.S. DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION PUBLICATIONS*

*Guidance on Web Accessibility and the ADA, March 2022*

*2010 ADA Standards for Accessible Design, September 2010*

*Accessibility of State and Local Government Websites to People with Disabilities, February 2020*

*Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments, April 2024*

*WORLDWIDE WEB CONSORTIUM PUBLICATIONS*

*Web Content Accessibility Guidelines, December 2008*

*Web Content Accessibility Guidelines, September 2023*

*WEB SITES*

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

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

*California Civil Rights Department: <https://calcivilrights.ca.gov/>*

*California Department of Health Care Services (<https://www.dhcs.ca.gov>)*

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

*Pacific ADA Center: <http://www.adapacific.org>*

*U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>*

*U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>*

*U.S. Equal Opportunity Commission: [www.eeoc.gov](http://www.eeoc.gov)*

*World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>*

## **NONDISCRIMINATION IN LACOE PROGRAMS AND ACTIVITIES**

LACOE is committed to equal opportunity for all individuals in education. LACOE programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, citizenship and immigration status (except where required by law), age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. These terms are defined by state or federal statute.

**Community Relations**

BP 1312.3(a)

**UNIFORM COMPLAINT PROCEDURES**

The County Board recognizes that LACOE has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The County Board encourages the early resolution of complaints whenever possible. LACOE shall investigate complaints alleging noncompliance with applicable state and federal laws and/or alleging discrimination, harassment, intimidation, or bullying and shall seek to resolve those complaints in accordance with LACOE’s Uniform Complaint Procedures (UCP). (5 CCR 4620)

**Complaints Subject to UCP**

LACOE’s UCP shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)

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

2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)

3. After School Education and Safety programs (Education Code 8482-8484.65)

4. Agricultural career technical education (Education Code 52460-52462)

5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work Experience Education)*

6. Child care and development programs (Education Code 8200-8488)

7. Compensatory education (Education Code 54400)

*(cf. 6171 - Title I Programs)*

8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)

9. Course periods without educational content (Education Code 51228.1-51228.3)

**UNIFORM COMPLAINT PROCEDURES (continued)**

10. Discrimination, harassment, intimidation, or bullying in LACOE programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, ~~marital status, pregnancy, parental status,~~ physical or mental disability, medical condition, ~~sex, sexual orientation, gender, gender identity, gender expression,~~ or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

Discrimination includes, but is not limited to, the County Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. Additionally, discrimination includes, but is not limited to, the County Board's adoption or approval of use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library if the use would subject a student to unlawful discrimination pursuant to Education Code 220. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with LACOE, be directly filed with the California Superintendent of Public Instruction (SPI). (Education Code 243, 244)

The UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

*(cf. 0410 - Nondiscrimination in LACOE Programs and Activities)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*  
*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and newcomer students ~~participating in a newcomer program~~ (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

*(cf. 6173 - Education for Homeless Children and Youth)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6173.2 - Education of Children of Military Families)*

12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)

**UNIFORM COMPLAINT PROCEDURES** (continued)

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

14. Migrant education (Education Code 54440-54445)
15. Physical education instructional minutes (Education Code 51210, 51222, 51223)

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

16. Student fees (Education Code 49010-49013)

*(cf. 3260 - Fees and Charges)*

17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)

*(cf. 6178.2 - Regional Occupational Program)*

19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

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

20. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

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

21. State preschool programs (Education Code 8207-8255)

*(cf. 5148.3 - Birth to Five Early Care and Education)*

22. State preschool health and safety issues in license-exempt programs (Education Code 8212)
23. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
24. Any other state or federal educational program the SPI or designee deems appropriate

The County Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used

## **UNIFORM COMPLAINT PROCEDURES (continued)**

to resolve any complaint ~~involving sexual assault or~~ where there is a reasonable risk that a party to the mediation would feel compelled to participate. The County Superintendent or designee shall ensure that the use of ADR is consistent with federal, state, and local ~~federal~~ laws and regulations.

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

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

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

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

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

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

*(cf. 3580 - LACOE\_Records)*

### **Non-UCP Complaints**

The following complaints shall not be subject to LACOE's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, Protective Services Division, or the appropriate law enforcement agency. (5 CCR 4611)

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

**UNIFORM COMPLAINT PROCEDURES (continued)**

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to the Department of Social Services (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity ~~in which LACOE exercises substantial control over the context and respondent,~~ was subjected to sexual conduct known to LACOE that may reasonably constitute sex discrimination under Title IX, including sex-based harassment as defined in 34 CFR 106.2.30

Discrimination on the basis of sex includes sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Such a complaint shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX ~~Sexual~~ Sex Discrimination and Sex-Based Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44)

4. ~~Any~~ Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be investigated and resolved by LACOE in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.

Employment complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, failure or refusal to implement a due process hearing order to which LACOE is subject, or a physical safety concern that interferes with LACOE's provision of FAPE, shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

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

6. Any complaint alleging noncompliance of LACOE's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)

**UNIFORM COMPLAINT PROCEDURES (continued)**

7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the LACOE food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)
8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with BP 1312.4 - Williams Uniform Complaint Procedures and applicable administrative regulations. (Education Code 35186)

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

*Legal Reference:*

*EDUCATION CODE*

*200-262.4 Prohibition of discrimination*

*8200-8488 Child care and development programs*

*8500-8538 Adult basic education*

*18100-18203 School libraries*

*32280-32289.5 School safety plan*

*35186 Williams uniform complaint procedures*

*46015 Parental leave for students*

*48645.7 Juvenile court schools*

*48853-48853.5 Foster youth*

*48985 Notices in language other than English*

*48900.5 Suspension; other means of correction*

*49010-49014 Student fees*

*49060-49079 Student records*

*49069.5 Rights of parents*

*49490-49590 Child nutrition programs*

*49701 Interstate Compact on Educational Opportunity for Military Children*

*51204.5 Social sciences instruction; contributions of specified groups*

*51210 Courses of study grades 1-6*

*51222 Physical education, secondary schools*

*51223 Physical education, elementary school*

*51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, course credits; graduation requirements*

*51226-51226.1 Career technical education*

*51228.1-51228.3 Course periods without educational content*

*51501 Nondiscriminatory subject matter*

*52059.5 Statewide system of support*

*52060-52077 Local control and accountability plan*

*52075 Complaint for lack of compliance with local control and accountability plan requirements*

*52300-52462 Career technical education*

*52500-52617 Adult schools*

*54400-54425 Compensatory education programs*

*54440-54445 Migrant education*

*54460-54529 Compensatory education programs*

*59000-59300 Special schools and centers*

*60010 Instructional materials; definition*

*60040-60052 Requirements for instructional materials*

**UNIFORM COMPLAINT PROCEDURES (continued)**

*Legal references (continued)*

64000-64001 Consolidated application process; school plan for student achievement  
65000-65001 School site councils  
GOVERNMENT CODE  
11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act  
HEALTH AND SAFETY CODE  
1596.7925 California Child Day Care Act; health and safety regulations  
PENAL CODE  
422.55 Hate crime; definition  
422.6 Interference with constitutional right or privilege  
CODE OF REGULATIONS, TITLE 2  
11023 Harassment and discrimination prevention and correction  
CODE OF REGULATIONS, TITLE 5  
3200-3205 Special education compliance complaints  
4600-4670 Uniform complaint procedures  
4680-4687 Williams uniform complaint procedures  
4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs  
4900-4965 Nondiscrimination in elementary and secondary education programs  
15580-15584 Child nutrition programs complaint procedures  
UNITED STATES CODE, TITLE 20  
1221 Application of laws  
1232g Family Educational Rights and Privacy Act  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6576 Title I Improving the academic achievement of the disadvantaged  
6801-7014 Title III language instruction for English Learners and immigrant students  
UNITED STATES CODE, TITLE 29  
794 Section 504 of Rehabilitation Act of 1973  
UNITED STATES CODE, TITLE 42  
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
6101-6107 Age Discrimination Act of 1975  
11431-11435 McKinney-Vento Homeless Assistance Act  
12101-12213 Americans with Disabilities Act  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.107 Nondiscrimination on basis of disability; complaints  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy Act  
100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:  
106.8 Designation of responsible employee and adoption of grievance procedures  
106.30 Discrimination on the basis of sex in education programs and activities; Definitions  
106.44 Response to notice of sexual harassment  
106.45 Titles IX sexual harassment complaint procedures  
110.25 Notification of nondiscrimination on the basis of age

*Legal References (continued next page)*

**UNIFORM COMPLAINT PROCEDURES (continued)**

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Sample UCP Board Policies and Procedures*

*Uniform Complaint Procedure Program Instrument*

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

*Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021*

*Part 1: Questions and Answers Regarding the Department's Title IX Regulations, January 2021*

*Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014*

*U.S. DEPARTMENT OF JUSTICE PUBLICATIONS*

*Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007*

*Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024*

*WEB SITES*

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

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

*California Department of Fair Employment and Housing: <https://www.dfeh.ca.gov>*

*California Department of Social Services: <https://www.cdss.ca.gov>*

*Student Privacy Policy Office: <https://www2.ed.gov/about/offices/list/opepd/sppo>*

*U.S. Department of Agriculture: <https://www.usda.gov>*

*U. S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>*

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

## Community Relations

AR 1312.3(a)

### UNIFORM COMPLAINT PROCEDURES

Except as may otherwise be specifically provided in other LACOE Administrative Regulations, these Uniform Complaint Procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying County Board policy.

*(cf. 1312.1 - Complaints Concerning LACOE Employees)*  
*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

### Compliance Officers

LACOE designates the following compliance officer responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual also serves as the compliance officer specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 - ~~Sexual~~ Sex Discrimination and Sex-Based Harassment for handling complaints regarding ~~sexual~~ sex discrimination and sex-based harassment.

*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*  
*(cf. 5145.71 - Title IX Sexual Harassment Complaints Procedures)*

~~Diana Velasquez, Executive Director, Educational Programs~~  
~~9300 Imperial Highway, EC-222~~  
~~Downey, CA 90242~~  
~~Tel. 562/803-8451 Fax. 562/401-5742~~

Lauren Sheahan  
Title IX Coordinator  
Los Angeles County Office of Education  
9300 Imperial Highway, Downey, CA 90242  
(562) 803-8506  
Sheahan\_Lauren@laoe.edu

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

In no instance shall an administrator be designated to investigate a complaint if that administrator is mentioned in the complaint or has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint filed against or implicating the compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the County Superintendent or designee who shall determine how the complaint will be investigated.

**UNIFORM COMPLAINT PROCEDURES (continued)**

The County Superintendent or designee will ensure that employees designated to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching

decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the County Superintendent or designee.

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

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

**Notifications**

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

The County Superintendent or designee shall annually provide written notification of LACOE's UCP to students, employees, parents/guardians of LACOE students, LACOE advisory committee members, school advisory committee members, and other interested parties.

The notice shall include:

1. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws prohibiting harassment, intimidation, or bullying if applicable.
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other

**UNIFORM COMPLAINT PROCEDURES (continued)**

public agencies, such as the U.S. Department of Education’s Office for Civil Rights (OCR) in cases involving unlawful discrimination.

4. Include statements that:
  - a. LACOE is primarily responsible for compliance with state and federal and state laws and regulations governing educational programs, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in ~~the section~~ “Complaints Subject to UCP” in the accompanying Board policy
  - b. A complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
  - c. A UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
  - d. LACOE will post a standardized notice of the educational rights of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in a LACOE school, children of military families, students who are migratory, and ~~students enrolled in a newcomer program~~ students, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process.
  - e. Complaints will be investigated in accordance with the LACOE's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant.
  - f. A UCP complaint of unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date the alleged discrimination, harassment, intimidation, or bullying occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. The time for filing may be extended for up to 90 days by the County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - g. A student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of LACOE’s educational program, including curricular and extracurricular activities.

**UNIFORM COMPLAINT PROCEDURES (continued)**

- h. LACOE is required to adopt and annually update a Local Control and Accountability Plan (LCAP), in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- i. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, LACOE staff shall assist him/her in the filing of the complaint.
- j. If a complaint is not filed in writing but LACOE receives notice of any allegation that is subject to the UCP, LACOE shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.
- k. If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, LACOE will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.
- l. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the office liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades, when he/she transfers between schools or between LACOE and another district.
- m. A foster youth, student experiencing homelessness, former juvenile court school student, or child of a military family who transfers into a LACOE high school or between LACOE high schools as applicable shall be notified of LACOE's responsibility to:
  - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
  - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency
  - (3) If the student has completed his/her second year of high school before the transfer, provide the student information about LACOE adopted

**UNIFORM COMPLAINT PROCEDURES** (continued)

coursework and County Board imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

- n. The complainant has a right to appeal LACOE’s investigation report to the California Department of Education (CDE) for programs within the scope of the UCP as specified in the accompanying Board policy, by filing a written appeal, including a copy of the original complaint and LACOE’s decision, within 30 days of receiving LACOE’s decision.
- o. The appeal to the CDE must include a copy of the complaint filed with LACOE and a copy of LACOE’s decision.
- p. Copies of LACOE’s UCP are available free of charge.
- q. A statement that complaints will be investigated in accordance with LACOE’s UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
- r. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable

*(cf. 5145.6 - Parental Notifications)*

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

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

*(cf. 6173.2 - Education of Children of Military Families)*

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 and 34 CFR 106.8 shall be posted on the LACOE website, published in handbooks, catalogs, announcements, bulletins, and application forms, and may be provided through LACOE-supported social media, if available.

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

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

## **UNIFORM COMPLAINT PROCEDURES (continued)**

All UCP-related complaints shall be investigated, resolved and a written report issued to the complainant within 60 calendar days of the LACOE's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (EC 234.1; 5 CCR 4631)

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

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation, unlawful discrimination, or bullying confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

### **Filing of Complaints**

Any individual, public agency, or organization may file a written complaint of alleged noncompliance with federal or state laws or regulations governing educational programs by LACOE at (5CCR 4630):

~~Diana Velasquez, Executive Director, Educational Programs  
Title IX Coordinator  
Los Angeles County Office of Education  
9300 Imperial Highway, EC-222  
Downey, CA 90242  
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The complaint shall be presented to the above-named compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints, except for those that allege sex discrimination, including sex-based harassment, shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, LACOE staff shall assist in the filing of the complaint. (5 CCR 4600; 34 CFR 106.2)

**UNIFORM COMPLAINT PROCEDURES** (continued)

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

1. A written complaint alleging LACOE’s violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board Policy (item #1 of the section “Complaints Subject to UCP”) may be filed by any individual, public agency, or organization. (5 CCR 4600)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance.

A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school, the Executive Director, Educational Programs, or the County Superintendent.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. (5 CCR 4630)

For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (Education Code 49013, 51223, 52075; 5 CCR 4630)

*(cf. 3260 - Fees and Charges)*  
*(cf. 3320 – Claims and Actions Against LACOE)*  
*(cf. 0460 – Local Control and Accountability plan)*  
*(cf. 1220 – Citizen Advisory Committees)*  
*(cf. 0420 – School Plans/Site Councils)*

34. Any complaint alleging the occurrence of unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. The time for filing may be extended for up to 90 days by the County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

5. A complaint may be filed by a person who alleges that they personally suffered unlawful discrimination, harassment, intimidation, or bullying, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)

### **UNIFORM COMPLAINT PROCEDURES (continued)**

46. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
57. When the complainant or alleged victim of unlawful discrimination, harassment, intimidation, or bullying requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit LACOE's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, LACOE will nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
68. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, LACOE staff shall assist them in the filing of the complaint. (5 CCR 4600)

### **Mediation**

LACOE recognizes that Alternative Dispute Resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint that is acceptable to all parties. An ADR process, such as mediation, may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint ~~involving an allegation of sexual assault~~ or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process. Within three business days after the compliance officer receives the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation.

Before initiating the mediation of a complaint alleging retaliation, unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

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

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

## **UNIFORM COMPLAINT PROCEDURES (continued)**

### **Investigation of Complaint**

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To resolve a complaint alleging retaliation, unlawful discrimination, harassment, intimidation or bullying, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation. At appropriate intervals, the compliance officer shall inform parties of the status of the investigation.

A complainant's refusal to provide LACOE's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

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

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

### **Report of Findings**

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

## **UNIFORM COMPLAINT PROCEDURES (continued)**

prepare and send to the complainant a written investigation report, as described in the section “Investigation Report” below, within 60 calendar days of LACOE’s receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the investigation report at the same time it is provided to the complainant.

### **Investigation Report**

The investigation report shall contain the investigative findings and LACOE’s decision, including corrective action(s), if any, and suggested remedies, if applicable. (5 CCR 4631)

In consultation with LACOE legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected.

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

The Investigation Report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered.
2. A conclusion providing a clear determination for each allegation as to whether LACOE is in compliance with the relevant law
3. Corrective actions, whenever LACOE finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant’s right to appeal LACOE’s investigation report to the CDE, except when the LACOE has used the UCP to address a complaint not specified in 5 CCR 4610. The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

**UNIFORM COMPLAINT PROCEDURES (continued)**

5. Procedures to be followed for initiating an appeal to the CDE are:
  - a. Persons or organizations disagreeing with the investigative findings must file an appeal in writing and include a copy of the original complaint, as well as a copy of LACOE's decision.
  - b. The appeal should be sent to:

California Department of Education  
1430 N Street  
Sacramento, CA 95814

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

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

1. The manner in which the misconduct affected one or more students' education
2. The type, frequency, and duration of the misconduct
3. The relationship between the alleged victim(s) and offender(s)
4. The number of persons engaged in the conduct and at whom the conduct was directed
5. The size of the school, location of the incidents, and context in which they occurred
6. Other incidents at the school involving different individuals, such as corrective actions(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination, including harassment, intimidation, or bullying, the decision may, as required by law, include:

1. The corrective actions imposed on the individual found to have engaged in the conduct that relates directly to the subject of the complaint.
2. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint.
3. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence.

**UNIFORM COMPLAINT PROCEDURES (continued)**

4. Notice of the complainant’s right to appeal LACOE’s decision to the CDE within 15 calendar days and procedures to be followed for initiating such an appeal

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

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

1. The complainant may pursue available civil law remedies outside of LACOE’s complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60-day moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

**Corrective Actions**

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

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

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation

**UNIFORM COMPLAINT PROCEDURES** (continued)

6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

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

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

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

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

**UNIFORM COMPLAINT PROCEDURES (continued)**

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, LACOE shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

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

**Appeals to the California Department of Education**

Any complainant who is dissatisfied with LACOE’s final investigation report of a UCP complaint regarding all specified federal and state educational programs subject to the UCP may file an appeal in writing with the CDE within 30 calendar days of receiving LACOE’s investigation report at California Department of Education, 1430 N Street, Sacramento, CA 95814. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of LACOE’s investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. LACOE failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, LACOE’s investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in LACOE’s investigation report are not supported by substantial evidence.
4. The legal conclusion in LACOE’s investigation report is inconsistent with the law.
5. In a case in which LACOE found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by the CDE that LACOE’s investigation report has been appealed, the County Superintendent or designee shall forward the following documents to the CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint

**UNIFORM COMPLAINT PROCEDURES (continued)**

2. A copy of the investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of LACOE’s Uniform Complaint Procedures
6. Other relevant information requested by the CDE

If notified by CDE that LACOE’s investigation report failed to address allegation(s) raised by the complainant, LACOE shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Where applicable, within 35 calendar days of receiving the CDE’s decision or report, the complainant may submit a request for reconsideration by the Superintendent of Public Instruction at the CDE. The CDE’s decision or report will notify the complainant if there is a right to request reconsideration. The request for reconsideration must designate the finding(s), conclusion(s), or corrective action(s) in the CDE’s decision or report for which reconsideration is requested, and the specific basis for requesting reconsideration. The request must also state whether the findings of fact are incorrect and/or the law is misapplied.

**Health and Safety Complaints in License-Exempt Preschool Programs**

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP LACOE classroom notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE web-site. (Education Code 8212; 5 CCR 4691)

LACOE's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

**UNIFORM COMPLAINT PROCEDURES** (continued)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the County Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or County Superintendent's designee shall report the resolution of the complaint to the complainant and CDE's assigned filed consultant within 45 working days of the initial filing of the complaint. If the preschool administrator makes this report, the information shall be reported at the same time to the County Superintendent or designee. (Education Code 8212; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves a limited-English-proficient student or parent/guardian, then the LACOE response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the County Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of LACOE's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

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

On a quarterly basis, the County Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to

**UNIFORM COMPLAINT PROCEDURES** (continued)

the County Board at a regularly scheduled meeting and to the County Superintendent. (5 CCR 4693)

# Exhibit 1

**Community Relations**

E(1) 1312.3

## **UNIFORM COMPLAINT PROCEDURES**

### **NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS**

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8212, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

If you choose to file a complaint alleging that any of the above conditions are not being met, your complaint will be addressed through the LACOE's uniform complaint procedures as required by law. A complaint form may be obtained at the school office or downloaded from the LACOE website.

You may also download a copy of the CDE complaint form when available from the following website: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either LACOE's complaint form or the complaint form from the CDE.

## Exhibit 2

Community Relations

E(2) 1312.3(a)

### UNIFORM COMPLAINT PROCEDURES

#### PRESCHOOL COMPLAINT FORM: UNIFORM COMPLAINT PROCEDURES

Education Code 8212 requires that LACOE's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested?  Yes  No

Contact information: (if response is requested)

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

Address: \_\_\_\_\_

Phone number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

E-mail address, if any: \_\_\_\_\_

Date problem was observed: \_\_\_\_\_

Location of the problem that is the subject of this complaint:

School name/address: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or LACOE for the appropriate LACOE complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

- The preschool does not have outdoor shade that is safe and in good repair.
- Drinking water is not accessible and/or readily available throughout the day.
- The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.

**UNIFORM COMPLAINT PROCEDURES** (continued)

- Restroom facilities are not available only for preschoolers and kindergartners.
- The preschool program does not provide visual supervision of children at all times.
- Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
- Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation.

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Please file this complaint at the following location:

\_\_\_\_\_

(preschool administrator or designee)

\_\_\_\_\_

(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

\_\_\_\_\_

(Signature)

\_\_\_\_\_

(Date)

## Students

BP 5145.3(a)

### NONDISCRIMINATION/HARASSMENT

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a LACOE school or program, and to acts which occur off campus or outside of LACOE school-related or school-sponsored activities but which may have an impact or create a hostile environment at the LACOE school.

LACOE is committed to providing a safe school environment that allows all students equal access to opportunities in admission and access to LACOE's academic and other educational support programs, services, guidance and counseling programs, athletic programs, testing procedures, and other activities. LACOE programs and activities shall be free from discrimination, including harassment, intimidation, and bullying, of any student by anyone, based on the ~~with respect to~~ a student's actual or perceived race, color, ancestry, national origin, ethnicity, ethnic group identification, citizenship status, immigration status, age, religion, marital, family, or parental status, pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery, physical or mental disability, sex, sex stereotypes, sex characteristics, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. Specifically, state law prohibits discrimination on the basis of gender in enrollment, counseling, and the availability of physical education, athletic activities, and sports. Transgender students shall be permitted to participate in gender-segregated school programs and activities (e.g., athletic teams, sports competitions, and field trips) and to use facilities consistent with the student's gender identity. LACOE assures that lack of English language skills will not be a barrier to admission or participation in LACOE programs. Unlawful discrimination against a student in any LACOE school, program, or activity, including discriminatory harassment, intimidation, and bullying, is prohibited. Any form of retaliation against an individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination is also prohibited.

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

*(cf. 5145.7 - Sexual Harassment)*

Unlawful discrimination may result from physical, verbal, nonverbal, or written conduct against a student based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or the student's association with a person or group with one or more of these actual or perceived characteristics. Unlawful discrimination also occurs when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

**NONDISCRIMINATION/HARASSMENT** (continued)

*Gender identity* of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

*Gender expression* means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in any LACOE school, program, or activity, or the provision or receipt of educational benefits or services, such as prohibiting a student from enrolling in a class or course on the basis of the student's sex.

Because unlawful discrimination could occur when disciplining students, including suspension and expulsion, the County Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 - Discipline, Board Policy and Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

When, as permitted by law, LACOE maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, students may choose to access facilities and participate in such programs and activities consistent with the student's gender identity. In addition, students may choose to participate in accordance with their gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips.

Each student's gender identity shall be the gender asserted by the student. Transgender and gender-nonconforming students shall be afforded the same rights, benefits, and protections as all LACOE students.

Complaints of unlawful discrimination, including discriminatory harassment, intimidation, or bullying or retaliation may be filed in accordance with LACOE's uniform complaint procedures (UCP) pursuant to BP 1312.3 – Uniform Complaint Procedures. Such complaints must be filed no later than six months after knowledge of the alleged discrimination was first obtained. These terms are defined by state or federal statute. For a complaint form or additional information, contact the Title IX Coordinator or your site principal. The Coordinator is:

Diana Velasquez, Executive Director, Educational Programs  
9300 Imperial Highway, EC-223  
Downey, CA 90242  
Phone: (562) 803-8451; Fax: (562) 469-4346  
Email: [ComplianceSupportServices@lacoed.edu](mailto:ComplianceSupportServices@lacoed.edu)

**NONDISCRIMINATION/HARASSMENT (continued)**

Lauren Sheahan  
Title IX Coordinator  
Los Angeles County Office of Education  
9300 Imperial Highway, Downey, CA 90242  
(562) 803-8506  
Sheahan\_Lauren@lacoed.edu

~~For~~ Complaints alleging of sex discrimination, including sex-based harassment, under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. ~~sexual harassment, it is the responsibility of LACOE's Title IX Coordinator to determine whether the complaint should be addressed through UCP or, if the alleged conduct meets the federal definition of sexual harassment pursuant to 34 CFR 106.30, the complaint procedures established in 34 CFR 106.44-106.45.~~

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action shall be taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

*(cf. 0410 - Nondiscrimination in LACOE Programs and Activities)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

The County Board prohibits discrimination, intimidation, or harassment or bullying of any student by any employee, student, or other person in LACOE. Prohibited harassment includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

The County Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including, but not limited to, instruction, guidance, and supervision. In Juvenile Court Schools, LACOE shall work with the County Probation Department on practices and procedures for incarcerated students.

**NONDISCRIMINATION/HARASSMENT** (continued)

*(cf. 5145.2 - Freedom of Speech/Expression)*

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

*(cf. 6145.2 - Athletic Competition)*

The Principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for the student's protection from threatened or potentially harassing or discriminatory behavior.

The County Superintendent or designee shall facilitate students' access to the educational program by annual notifications publicizing LACOE's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. The County Superintendent or designee shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. In addition, the Superintendent or designee shall post LACOE's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the LACOE website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6; 34 CFR 106.8)

The County Superintendent or designee shall regularly review the implementation of LACOE's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. The County Superintendent or designee shall report the findings and recommendations to the County Board after each review.

Students who engage in discrimination, including discriminatory harassment, intimidation, or bullying, or retaliation in violation of law or County Board policy or procedures or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or involuntary release to the student's district of residence when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

**Antidiscrimination Measures**

To prevent or address unlawful discrimination in LACOE schools, programs, and activities, LACOE will do the following:

1. Designation of a coordinator/compliance officer to handle complaints alleging unlawful discrimination
2. Posting of information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status as required pursuant to Education Code 221.61, and a link to the Title IX information included on

**NONDISCRIMINATION/HARASSMENT** (continued)

- the California Department of Education’s (CDE) website, in a prominent and conspicuous location on the LACOE’s website in a manner that is easily accessible for parents/guardians and students, as required pursuant to Education Code 221.61 (Education Code 221.6, 221.61, 234/6)
3. Publicizing of LACOE’s nondiscrimination policies and complaint procedures
  4. Provision of training and information about LACOE’s nondiscrimination policies and complaint procedures, including information related to state and federal laws pertaining to the rights of transgender and gender-nonconforming students, to students, parents/guardians, LACOE employees, and others as applicable
  5. Establishment of a complaint process that ensures a prompt and fair resolution of complaints
  6. Provision of annual notification required by law
  7. Maintenance of student records in accordance with law
  8. Posting of LACOE’s policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on LACOE’s website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
  9. Posting of the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on LACOE’s website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
  10. Posting of a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)

**Record-Keeping**

The County Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable LACOE to monitor, address, and prevent repetitive prohibited behavior in LACOE schools.

*(cf. 4118 - Suspension/Dismissal/Disciplinary Action)*  
*(cf. 4119.21/4219.21/4319.21- Professional Standards)*

**NONDISCRIMINATION/HARASSMENT (continued)**

- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)*
- (cf. 5131 - Conduct)*
- (cf. 5144 - Discipline)*
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*
- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 5131 - Conduct)*
- (cf. 5131.2 - Bullying)*
- (cf. 5137 - Positive School Climate)*
- (cf. 5146 - Married/Pregnant/Parenting Students)*
- (cf. 6164.6 - Identification and Education Under Section 504)*

Legal References:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination*
- 32261 Interagency School Safety Demonstration Act of 1985*
- 35292.5 School Restrooms; all-gender restrooms*
- 48900.3 Suspension or expulsion for act of hate violence*
- 48900.4 Suspension or expulsion for threats or harassment*
- 48900.5 Suspension; other means of correction*
- 48904 Liability of parent/guardian for willful student misconduct*
- 48907 Student exercise of free expression*
- 48950 Freedom of speech*
- 48985 Translation of Notices*
- 51500 Prohibited instruction or activity*
- 51501 Prohibited means of instruction*
- 60044 Prohibited instructional materials*

CIVIL CODE

- 1714.1 Liability of parents/guardians for willful misconduct of minor*

GOVERNMENT CODE

- 11135 Nondiscrimination in programs or activities funded by state*

PENAL CODE

- 422.55 Definition of hate crime*
- 422.6 Crimes, harassment*

CODE OF REGULATIONS, TITLE 5

- 432 Student Record*
- 4600-4687 Uniform Complaint Procedures*
- 4900-4965 Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

- 1681-1688 Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 29

- 794 Section 504 of Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

- 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended*
- 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964*
- 6101-6107 Age Discrimination Act of 1975*

- 12101-12213 Title II equal opportunity for individuals with disabilities*

CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.107 Nondiscrimination on basis of disability; complaints*

CODE OF FEDERAL REGULATIONS, TITLE 34

- 100.3 Prohibition of discrimination on basis of race, color or national origin*
- 104.7 Designation of responsible employee for Section 504*
- 104.8 Notice*

## **NONDISCRIMINATION/HARASSMENT (continued)**

### Legal References (continued)

~~106.18- 106.82~~ Discrimination on the basis of sex; effectuating Title IX Designation of responsible employee for Title IX

~~106.9~~ Notification of nondiscrimination on basis of sex

110.25 Prohibition of discrimination based on age

### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

### Management Resources:

#### CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024

Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024

Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024

#### CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention - Laws and Regulations, April 2004

#### CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024

#### FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

#### NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Notice of Non-Discrimination, January 1999

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Title IX Coordinators, April 2015

Resolution Agreement Between the Arcadia Unified School District, U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, (2013) OCR 09-12-1020, DOJ 169-12C-70

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, Fact Sheet, August 2010

Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023

Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024

Dear Colleague Letter: Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023

#### U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2003

**NONDISCRIMINATION/HARASSMENT (continued)**

Legal References (continued)

WEB SITES

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

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

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

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

First Amendment Center: <http://www.firstamendment.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

**Students**

AR 5145.3(a)

**NONDISCRIMINATION/HARASSMENT**

**General Provisions**

1. LACOE is required by Title IX not to discriminate on the basis of sex, LACOE does not discriminate on the basis of sex, and LACOE’s Non-Discrimination/Harassment policy extends to admission and employment. Inquiries about the application of Title IX to LACOE may be referred to LACOE’s Title IX Coordinator, the U.S. Assistant Secretary of Education, or both.
2. LACOE designates the individual identified below as the Compliance Officer. ~~The Compliance Officer is employee~~ responsible for coordinating LACOE’s efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding LACOE’s nondiscrimination policies. The individual shall also serve as the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination; ~~including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, citizenship status, immigration status, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics of~~ a student, and the Title IX Coordinator specified in Administrative Regulation 5145.7 – Sex Discrimination and Sex-Based Harassment as the responsible employee to handle complaints alleging unlawful sex discrimination and sex-based harassment, as permitted by law. The ~~coordinator~~/compliance officer may be contacted at: (Education Code 234.1; 5 CCR 4621)

~~Diana Velasquez, Executive Director, Educational Programs and Title IX Coordinator  
9300 Imperial Highway, EC-223  
Downey, CA 90242  
Phone: (562) 803-8451; Fax: (562) 469-4346  
Email: ComplianceSupportServices@lacoedu~~

Lauren Sheahan  
Title IX Coordinator  
Los Angeles County Office of Education  
9300 Imperial Highway, Downey, CA 90242  
(562) 803-8506  
Sheahan\_Lauren@lacoedu

3. To prevent unlawful discrimination, harassment, intimidation, retaliation, and bullying of students at LACOE schools’ programs or in school activities and to ensure equal access of all students to the educational program, LACOE shall implement the following measures:

**NONDISCRIMINATION/HARASSMENT (continued)**

- a. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding LACOE's nondiscrimination policy; what constitutes prohibited discrimination, harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines to provide a discrimination-free environment for all LACOE students.

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

- b. Provide to students a handbook that contains age-appropriate information that clearly describes LACOE's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)
- c. Annually notify all students and parents/guardians of LACOE's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from LACOE's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, LACOE will address any individual student's interests and concerns in private.

*(cf. 5145.6 - Parental Notifications)*

- d. Publicize LACOE's Nondiscrimination Policy and related complaint procedures, including the ~~coordinator~~/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them on LACOE's website and other prominent locations and providing easy access to them through LACOE-supported communications. (Education Code 234.1)
- e. Post a section on social media bullying that includes references to possible forums for social media bullying, including Internet websites with free registration and ease of registration and Internet websites offering peer-to-peer instant messaging, comment forums or sections, and image or video posting platforms, in a prominent location on the COE's web site in a manner that is easily accessible to parents/guardians and students.

**NONDISCRIMINATION/HARASSMENT** (continued)

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

*(cf. 1114 - LACOE-Sponsored Social Media)*

- f. Each LACOE site shall provide notice of this Non-Discrimination Policy along with the name, title, address, and phone number of the site administrator in charge of handling complaints and investigations for nondiscrimination and the Executive Director, Educational Programs.

This notice shall also include a statement of policy, definitions, and the potential disciplinary consequences of substantiated complaints (see below).

- g. LACOE shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in LACOE's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

When 15 percent or more of a school's students speak a single primary language other than English, LACOE's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language. In all other instances, LACOE shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency. (Education Code 234.1, 48985)

- h. At the beginning of each school year, inform school employees that any employee who witnesses any act of discrimination, harassment, intimidation, or bullying against a student is required to intervene if it is safe to do so. (Education Code 234.1)
- i. At the beginning of each school year, inform each Principal or designee of LACOE's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure the student's safety from threatened or potentially harassing, intimidating, or discriminatory behavior.
- j. At the beginning of each school year, inform each Principal or designee of LACOE's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure the student's safety from threatened or potentially discriminatory behavior.
- k. Post LACOE's policies and procedures prohibiting discrimination, harassment, student ~~sexual~~ sex-based harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on LACOE's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

**NONDISCRIMINATION/HARASSMENT (continued)**

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

*(cf. 1113 - Websites)*

*(cf. 1114 - LACOE Approved Social Media)*

*(cf. 5131.2 - Bullying)*

- l. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on LACOE's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
  
- m. Post in a prominent location on LACOE's website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, sex characteristics, sexual orientation, gender, gender identity, pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery, and parental, marital, and family status, including the following: (Education Code 221.6, 221.61, 234.6)
  - (1) The name and contact information of LACOE's Title IX Coordinator, including the phone number and email address
  
  - (2) The rights of students and the public and the responsibilities of LACOE under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the website of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
  
  - (3) A description of how to file a complaint of noncompliance under Title IX, which shall include:
    - (a) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
  
    - (b) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's website
  
    - (c) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

**NONDISCRIMINATION/HARASSMENT** (continued)

- (4) A link to the Title IX information included on the California Department of Education's (CDE) website
- (5) By April 1, 2025, post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to LACOE (Education Code 33353)
- (6) Post in a prominent location on LACOE's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)
  - a. LACOE does not discriminate on the basis of sex in any education program or activity that it operates
  - b. Inquiries about the application of Title IX may be referred to LACOE's Title IX Coordinator and/or OCR
  - c. The name or title, office and email address, and telephone number of LACOE's Title IX Coordinator
  - d. How to locate LACOE's nondiscrimination policy and LACOE's grievance procedures for Title IX complaints
  - e. How to report conduct that may constitute sex discrimination under Title IX
  - f. How to make a complaint of Title IX sex discrimination

If necessary due to the format or size of any publication specified above, LACOE may include only the statement that LACOE prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on LACOE's website.

LACOE shall not distribute a publication stating that LACOE treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

**NONDISCRIMINATION/HARASSMENT (continued)**

- n. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on LACOE’s website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
- o. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics (Education Code 234.1)
- p. For the 2025-2026 school year through the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3.

LACOE shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for free and reduced lunch program, transportation, and educational instruction.

**Enforcement of LACOE Policy**

~~LACOE shall take appropriate actions to reinforce BP 5145.3 Nondiscrimination/Harassment. As needed, these actions may include any of the following:~~

- ~~1. Removing vulgar or offending graffiti~~
- ~~2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond~~
- ~~3. Disseminating and/or summarizing LACOE’s policy and regulation regarding unlawful discrimination~~
- ~~4. Ensuring that LACOE administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with the laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school’s response to unlawful discrimination or harassment.~~

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

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

## **NONDISCRIMINATION/HARASSMENT (continued)**

*(cf. 5125 - Student Records)*

5. ~~Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of LACOE policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true~~

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

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

*(cf. 5144 - Discipline)*

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

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

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

### **Process for Initiating and Responding to Complaints**

Any student who feels they have been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the ~~Executive Director, Educational Programs Compliance Officer, Title IX Coordinator,~~ the Principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the ~~Executive Director, Educational Programs Programs Compliance Officer, Title IX Coordinator,~~ or Principal, regardless of whether or not the alleged victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, retaliation, or bullying or to whom such an incident is reported or who otherwise learns or suspects of an incident shall immediately report the incident to the ~~Executive Director, Educational Programs Compliance Officer, Title IX Coordinator,~~ or Principal, within one ~~school~~ workday, regardless of whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the Principal, ~~or Executive Director of Educational Programs Compliance Officer,~~ or Title IX Coordinator, they shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures, or, for complaints of sexual sex discrimination, including sex-based harassment, that meet the federal the right to initiate the Title IX definition, grievance procedures as specified in AR 5145.71 - Title IX Sexual Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Once notified verbally or in writing, the ~~Executive Director, Educational Programs Compliance Officer, or Title IX Coordinator,~~ shall immediately begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim

## **NONDISCRIMINATION/HARASSMENT (continued)**

measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination. Even if the student chooses not to file a formal complaint, the Principal, or Executive Director, Educational Programs, shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Any report or complaint of unlawful discrimination involving the Principal, ~~Executive Director, Educational Programs~~ Compliance Officer, or Title IX Coordinator, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the County Superintendent or designee who shall determine how the complaint will be investigated.

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

### **~~Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students~~**

~~*Gender identity* means a person's gender-related identity, appearance, or behavior, as determined from the person's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.~~

~~*Gender expression* means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth. (Education Code 210.7)~~

~~*Gender nonconforming student* means a student whose gender expression differs from stereotypical expectations.~~

~~*Gender transition* refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.~~

~~*Intersex student* means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.~~

~~*Nonbinary student* means a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether or not the student identifies as transgender, was born with intersex traits, uses gender neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.~~

~~*Transgender student* means a student whose gender identity or gender expression is different~~

**NONDISCRIMINATION/HARASSMENT** (continued)

~~from that traditionally associated with the assigned sex at birth.~~

~~Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law. Examples of types of conduct which are prohibited in LACOE and which may constitute gender-based harassment include, but are not limited to:~~

- ~~1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity~~
- ~~2. Disciplining or disparaging a transgender student or excluding the transgender student from activities, because the student's mannerisms, hairstyle, or style of dress correspond to the student's gender identity, or disciplining or disparaging a non transgender student or excluding the student from activities, because the student's mannerisms, hairstyle, or style of dress do not conform to stereotypes for the student's gender or are perceived as indicative of the other sex.~~
- ~~3. Blocking a student's entry to the bathroom that corresponds to the student's gender identity because the student is transgender or gender nonconforming~~
- ~~4. Taunting a student because they participate in an athletic activity more typically favored by a student of the other sex~~
- ~~5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information~~
- ~~6. Using gender-specific slurs~~
- ~~7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression~~

~~LACOE's Uniform Complaint Procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against intersex, nonbinary, transgender and gender nonconforming students.~~

~~Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by LACOE of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's gender identity, discriminatory enforcement of a dress code, and other instances of gender-based harassment.~~

~~To ensure that intersex, nonbinary, transgender and gender nonconforming students are~~

**NONDISCRIMINATION/HARASSMENT** (continued)

afforded the same rights, benefits, and protections provided to all students by law and Board policy, LACOE shall address each situation on a case-by-case basis, in accordance with the following guidelines:

- ~~1. Right to privacy: A student's intersex, nonbinary, transgender or gender-nonconforming status is the student's private information. LACOE shall develop strategies to prevent unauthorized disclosure of students' private information. Such strategies may include, but are not limited to, collecting or maintaining information about student gender only when relevant to the educational program or activity, protecting or revealing a student's gender identity as necessary to protect the health or safety of the student, and keeping a student's unofficial record separate from the official record.~~

~~LACOE shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when LACOE has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, LACOE shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by LACOE pursuant to 34 CFR 99.31. Any LACOE employee to whom a student's intersex, nonbinary, transgender, or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a LACOE employee by a student, the employee shall seek the student's permission to notify the Executive Director, Educational Programs. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation and shall inform the student that honoring the student's request may limit LACOE's ability to meet the student's needs related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming student. If the student permits the employee to notify the Executive Director, Educational Programs, the employee shall do so within three school days.~~

~~As appropriate, the Executive Director, Educational Programs, shall discuss with the student any need to disclose the student's intersex, nonbinary, transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. Any decision to disclose the student's status to others shall be based on the student's best interest. LACOE shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desired assistance in doing so.~~

~~(cf. 1340—Access to LACOE Records)~~

~~(cf. 3580—LACOE Records)~~

**NONDISCRIMINATION/HARASSMENT** (continued)

- ~~2. Determining a Student's Gender Identity: The Executive Director, Educational Programs, shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless LACOE personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the Executive Director, Educational Programs, shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to the student's parents/guardians.~~
- ~~3. Addressing a Student's Transition Needs: The Executive Director, Educational Programs, shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify potential issues, including transition related issues, and to develop strategies for addressing them. The meeting shall discuss the intersex, nonbinary, transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Executive Director, Educational Programs, shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as an intersex, nonbinary, transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.~~
- ~~4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: LACOE may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intramural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with the student's gender identity. To address any student's privacy concerns in using sex-segregated facilities, LACOE shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, LACOE shall not require a student to utilize these options because the student is intersex, nonbinary, transgender, or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. However, a student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in~~

**NONDISCRIMINATION/HARASSMENT** (continued)

~~the activity.~~

~~(cf. 6145 – Extracurricular and Coextracurricular Activities)  
(cf. 6145.2 – Athletic Competition)  
(cf. 6153 – School Sponsored Trips)  
(cf. 7110 – Facilities Master Plan)~~

5. ~~Student Records: Upon each student's enrollment, LACOE is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name.~~

~~A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061) However, at the written request of a student or, if appropriate, the student's parents/guardians, LACOE shall use the student's preferred name and pronouns consistent with the student's gender identity on all other LACOE-related documents. When proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.~~

~~(cf. 5125 – Student Records)  
(cf. 5125.1 – Release of Directory Information)~~

6. ~~Names and Pronouns: If a student so chooses, LACOE personnel shall be required to address the student by a name and the pronouns consistent with the student's gender identity, without the necessity of a court order or a change to the student's official LACOE record. However, inadvertent slips or honest mistakes by LACOE personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying LACOE Board policy.~~
7. ~~Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.~~

~~(cf. 5132 - Dress Code)~~

## Students

BP 5145.7(a)

### SEXUAL HARASSMENT    SEX DISCRIMINATION AND SEX-BASED HARASSMENT

~~Under Title IX, sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following: (1) An employee of LACOE conditioning the provision of a LACOE aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).~~

~~Outside of the Title IX context, sexual harassment is defined as unwelcome attention of a sexual nature that interferes with the educational performance, learning environment and/or full participation in a LACOE program or activity by any individual. Sexual harassment may, for example, be physical (including but not limited to pinching, touching, patting, or blocking movements), visual (including but not limited to posters, cartoons, sketches, gestures or other visual displays of a clearly sexual nature), or verbal (including but not limited to spoken or written comments of a clearly sexual nature) and may be used to intimidate or to coerce.~~

#### **Student Sexual Harassment**

~~The Los Angeles County Office of Education is committed to maintaining a welcoming, safe, and supportive school environment that is free from harassment and discrimination. LACOE prohibits, at school or at school-sponsored or school-related activities, sex discrimination and sexual sex-based harassment, as defined in the accompanying administrative regulation, targeted at any student, based on the student's: actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status by anyone. This includes student-to-student or peer sexual harassment as well as harassment between a student and any LACOE participant. Law enforcement will be contacted in actions involving suspected abuse. LACOE shall take all complaints of sexual harassment seriously, investigate and address identified sexual harassment, and if the investigation results in the determination that sexual harassment has occurred, take reasonable, immediate corrective action to stop the harassment, eliminate a hostile environment, and prevent future sexual harassment.~~

~~LACOE also prohibits retaliatory behavior or action against any person who reports, files a complaint or complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, or otherwise supports a complainant in alleging sexual harassment reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71) To the extent possible, complaints shall be kept confidential. For situations of harassment or suspected harassment involving LACOE staff, Superintendent Policy on Personnel is applicable.~~

**SEXUAL HARASSMENT**     **SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

*(cf. 5141.4 – Child Abuse Prevention And Reporting)*  
*(cf. 0410 – Nondiscrimination in LACOE Programs and Activities)*  
*(cf. 5131 – Conduct)*  
*(cf. 5131.2 – Bullying)*  
*(cf. 5145.3 – Nondiscrimination/Harassment)*

LACOE strongly encourages students who feel that they are being or have experienced sex discrimination, including sex-based harassment, on school grounds or at a school-sponsored or school-related activity, or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, LACOE’s Title IX Coordinator, or any other available school employee.

Confidential employees are employees whose communications are privileged or confidential under federal or state law. (34 CFR 106.2) Any employee who is not a confidential employee who receives a report or observes an incident of sex discrimination, including sex-based harassment, by or against a person in a LACOE education program or activity shall report the incident to the Title IX Coordinator within one workday.

Any confidential employee who receives a report of sex discrimination, including sex-based harassment, by or against a person in a LACOE education program or activity shall inform the person who provided the report of the following: (1) The employee’s status as confidential for purposes of Title IX and Title IX regulations, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; (2) How to contact LACOE’s Title IX Coordinator and how to make a complaint of sex discrimination; and (iii) That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures. 34 CFR 106.44(d).

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if LACOE has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances.

LACOE shall ensure that all LACOE staff are trained regarding LACOE’s sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment. (34 CFR 106.8)

~~SEXUAL HARASSMENT~~ SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)

~~Sexual harassment can occur on school grounds, at a school sponsored or school related activity, or off campus. Sexual harassment falls under Title IX if it occurs in a LACOE education program or activity, which includes locations, events, or circumstances over which LACOE exercises substantial control over both the respondent and the context in which the sexual harassment occurs. “Respondent” is defined by 34 CFR 106.30 to mean an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.~~

~~Once notified of an off-campus instance of sexual harassment against a student, LACOE must assess whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment; and, if so, address that hostile environment in the same manner in which it would address a hostile environment created by on-campus misconduct.~~

~~Examples of continuing effects of off-campus sexual harassment may include a perpetrator discussing off-campus harassing conduct with other students; anxiety caused by group assignments that subject a victim to additional contact with a perpetrator; or inappropriate social media posts that cross over into on-campus conversations. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. A single incident of off-campus sexual violence may create an on-campus hostile environment, where the perpetrator’s mere presence on campus has the continuing effect of subjecting the victim to continued anxiety or trauma.~~

~~The foregoing procedure relating to continuing effects on campus would not apply to sexual harassment falling under Title IX.~~

~~LACOE strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school sponsored or school related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, LACOE’s Title IX Coordinator, or any other available school employee. Contacting law enforcement may also be appropriate depending on the circumstances. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.~~

~~Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 – Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 – Uniform Complaint Procedures, as applicable, and shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances. “Complainant” is defined by 34 CFR 106.30 to mean an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.~~

**~~SEXUAL HARASSMENT (continued)~~**

~~Legal Reference: Title VI, Title VII, Title IX, Education Code 40, 41, 221.5 et seq., 33032.5, 35294 et seq., 48900 et seq.~~

~~(cf. 5141.4 – Child Abuse Prevention and Reporting)~~

~~(cf. 1312.3 – Uniform Complaint Procedures)~~

~~(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)~~

~~Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and LACOE procedures specified in AR 1312.3 – Uniform Complaint Procedures or AR 5145.71 – Title IX Sexual Harassment Complaint Procedures, as appropriate. Each LACOE site is responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 or AR 5145.71 – Title IX Sexual Harassment Complaint Procedures, as appropriate, and where to obtain a copy of the procedures.~~

~~(cf. 1312.3 – Uniform Complaint Procedures)~~

~~(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)~~

~~LACOE shall inform students and parents/guardians of LACOE’s sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on LACOE’s website, and including it in student and staff handbooks. All LACOE staff shall be trained regarding the policy.~~

~~In taking action to reinforce LACOE’s sexual harassment policy, staff will take the following actions:~~

- ~~1. — Removing vulgar or offending graffiti~~
- ~~2. — Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond~~

~~(cf. 4131/4231/4331 – Staff Development)~~

- ~~3. — Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school’s response to parents/guardians and the community~~

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

~~(cf. 5125 – Student Records)~~

- ~~4. — Taking appropriate disciplinary action~~

~~— In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.~~

~~(cf. 4118 – Suspension/Disciplinary Action)~~

~~(cf. 4218 – Dismissal/Suspension/Disciplinary Action)~~

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

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

~~SEXUAL HARASSMENT~~ SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)

**Instruction/Information**

LACOE will ensure that all LACOE students receive age-appropriate ~~instruction and~~ information on sex discrimination and sexual sex-based harassment. Such instruction and information shall include:

1. What acts and behavior constitute sex discrimination and sexual sex-based harassment, including the fact that sex discrimination and sexual sex-based harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sex discrimination or sexual sex-based harassment under any circumstance
3. Encouragement to report observed instances of sex discrimination and sexual sex-based harassment, even when the victim of the harassment has not complained
4. A clear message that student safety is LACOE’s primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sex discrimination or sexual sex-based harassment incident will be addressed separately and will not affect the manner in which the sex discrimination or sexual sex-based harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant’s noncompliance with the writing, timeline, or other formal filing requirements, every sex discrimination and sexual sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of sex discrimination or sexual sex-based harassment, shall be investigated and ~~prompt~~ action shall be taken to ~~stop and/or~~ respond to ~~any~~ harassment, prevent recurrence, and address any continuing effect on students
6. Information about LACOE’s procedures for investigating complaints and the person(s) to whom a report of sex discrimination and/or sexual sex-based harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while LACOE’s investigation of a sex discrimination or sexual sex-based harassment complaint continues
8. A clear message that, when needed, LACOE will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sex discrimination and/or sexual sex-based harassment and/or other students during an investigation

**SEXUAL HARASSMENT SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)**

*(cf. 5137—Positive School Climate)*

*(cf. 5145.3—Nondiscrimination/Harassment)*

*(cf. 6142.1—Sexual Health and HIV/AIDS Prevention Instruction)*

**Disciplinary Actions**

Upon completion of an investigation of sex discrimination and/or sex-based harassment, any student found to have engaged in sex discrimination, and/or sex-based harassment or sexual violence, in violation of this policy, shall be subject to disciplinary action. Disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of sex discrimination and/or sex-based harassment, any employee found to have engaged in sex discrimination against, and/or sex-based harassment or sexual violence toward, any student, shall be subject to disciplinary action, up to and including dismissal, in accordance with law, the applicable collective bargaining agreement, and the Superintendent's policy.

**Notice of LACOE Policy**

A copy of the LACOE's sexual harassment policy and regulation shall:

1. ~~Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)~~
2. ~~Be displayed in a prominent location in the main administrative building or other area where notices of LACOE rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)~~
3. ~~Be posted on the LACOE and school web sites and, when available, on LACOE-supported social media~~
4. ~~Be provided as part of any orientation program conducted for student enrollment (Education Code 231.5)~~
5. ~~Appear in any publication that sets forth the program/school's or LACOE's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)~~
6. ~~Be included in the specialized high school LACHSA and IPoly's student handbook~~
7. ~~Be made available to the County Superintendent for distribution to employees and employee organizations~~

~~SEXUAL HARASSMENT~~ SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)

~~8. This Notice will include a statement of policy, definitions, how to file a complaint, confidentiality of any investigations into complaints, LACOE's policy against retaliation for complaints, and the disciplinary consequences of substantiated claims of harassment and false claims~~

~~Legal Reference: Title VI, Title IX, OCR Guidelines, Education Code 212.5, 221.5, 220, 230, 35294 et seq. [Stats. 1997, c. 736 (SB 187)], 48980.~~

~~Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.~~

~~(cf. 5144—Discipline)~~

~~(cf. 5144.1—Suspension and Expulsion/Due Process)~~

~~Upon investigation of a sexual harassment complaint, an employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.~~

~~(cf. 5131—Conduct)~~

~~(cf. 4117.7—Employment Status Reports)~~

~~(cf. 4118—Dismissal/Suspension/Disciplinary Action)~~

~~(cf. 4119.11/4219.11/4319.11—Sexual Harassment)~~

~~(cf. 4218—Dismissal/Suspension/Disciplinary Action)~~

~~To file a Title IX Complaint or for questions on this policy or related matters contact:~~

~~Dr. Diana Velasquez Title IX Coordinator  
9300 Imperial Highway, EC-222, Downey, CA 90242  
(562) 803-8451  
velasquez\_diana@lacoedu~~

~~(cf. 5131—Conduct)~~

~~(cf. 5144.1—Suspension and Expulsion/Due Process)~~

~~(cf. 5144.2—Suspension and Expulsion/Due Process (Students with Disabilities))~~

**Confidentiality and Record-Keeping**

~~All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)~~

**SEXUAL HARASSMENT      SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

~~(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)  
(cf. 5125 – Student Records)~~

~~In accordance with law and district policies and regulations, LACOE will maintain a record of all reported cases of sexual harassment to enable LACOE to monitor, address, and prevent repetitive harassing behavior in the schools.~~

~~(cf. 3580 – LACOE Records)~~

LACOE shall maintain records in accordance with law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and LACOE policies and regulations, of all reported cases of sex-based harassment to enable LACOE to monitor, address, and prevent repetitive harassing behavior in LACOE schools.

*Legal References:*

*EDUCATION CODE*

*200-262.4 Prohibition of discrimination on the basis of sex*

*220.1 Prohibition of retaliation related to educational equity*

*220.3 Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression*

*220.5 Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression*

*35292.5 School restrooms; all-gender restrooms*

*48900 Grounds for suspension or expulsion*

*48900.2 Additional grounds for suspension or expulsion; sexual harassment*

*48904 Liability of parent/guardian for willful student misconduct*

*48980 Notice at beginning of term*

*48985 Notices, report, statements and records in primary language*

*49060-49079 Student records*

*CIVIL CODE*

*51.9 Liability for sexual harassment; business, service and professional relationships*

*1714.1 Liability of parents/guardians for willful misconduct of minor*

*GOVERNMENT CODE*

*12950.1 Sexual harassment training*

*CODE OF REGULATIONS, TITLE 5*

*432 Student Records*

*4600-4687 Uniform complaint procedures*

*4900-4965 Nondiscrimination in elementary and secondary education programs*

*UNITED STATES CODE, TITLE 20*

*1092 Definition of sexual assault*

*1221 Application of laws*

*1232g Family Educational Rights and Privacy Act*

*1681-1688 Title IX of the Education Amendments of 1972*

*UNITED STATES CODE, TITLE 34*

*12291 Definition of dating violence, domestic violence, and stalking*

*UNITED STATES CODE, TITLE 42*

*1983 Civil action for deprivation of rights*

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

**SEXUAL HARASSMENT** **SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

*Legal References (continued)*

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy  
106.1-106.82 Nondiscrimination on the basis of sex in education programs

**COURT DECISIONS**

*Donovan v. Poway Unified School District*, (2008) 167 Cal.App.4th 567  
*Flores v. Morgan Hill Unified School District*, (2003, 9th Cir.) 324 F.3d 1130  
*Reese v. Jefferson School District*, (2000, 9th Cir.) 208 F.3d 736  
*Davis v. Monroe County Board of Education*, (1999) 526 U.S. 629  
*Gebser v. Lago Vista Independent School District*, (1998) 524 U.S. 274  
*Oona by Kate S. v. McCaffrey*, (1998, 9th Cir.) 143 F.3d 473  
*Doe v. Petaluma City School District*, (1995, 9th Cir.) 54 F.3d 1447

**Management Resources:**

**CSBA PUBLICATIONS**

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*

*Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022*

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*

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

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

*Dear Colleague Letter: Sexual Violence, April 4, 2011*

*Sexual Harassment: It's Not Academic, September 2008*

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

*Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016*

*Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896 of Federal Register*

**WEB SITES**

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

**Students**

AR 5145.7(a)

**SEXUAL HARASSMENT      SEX DISCRIMINATION AND SEX-BASED HARASSMENT**

~~LACOE designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 5145.71 – Title IX Sexual Harassment Complaint Procedures, as well as to oversee, investigate, and/or resolve sexual harassment complaints processed under AR 1312.3 – Uniform Complaint Procedures. The Title IX Coordinator may be contacted at:~~

~~Dr. Diana Velasquez Title IX Coordinator  
9300 Imperial Highway, EC 222, Downey, CA 90242  
(562) 803-8451  
velasquez\_diana@lacoed.edu~~

~~(cf. 1312.3 – Uniform Complaint Procedures)  
(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)~~

~~LACOE shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of its Title IX Coordinator. (34 CFR 106.8)~~

~~The Los Angeles County Office of Education (LACOE) does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.~~

**Definitions**

- ~~1. — Complainant: the person(s) subject to sexual harassment.~~
- ~~2. — Alleged Harasser: person(s) identified as sexually harassing the Target.~~
- ~~3. — LACOE Participant: includes students, employees of LACOE, guests and other individuals involved in LACOE programs and activities.~~
- ~~4. — Unwelcome: unwanted and inappropriate.~~
- ~~5. — Program: any program sponsored by LACOE.~~
- ~~6. — Activity: any activity sponsored by LACOE.~~
- ~~7. — Sexual harassment: unwelcome attention of a sexual nature that interferes with the educational performance, learning environment and/or full participation in a LACOE program or activity by any individual. Sexual harassment may, for example, come in physical (including but not limited to pinching, touching, patting, or blocking movements), visual (including but not limited to posters, cartoons, sketches, gestures or other visual displays of a clearly sexual nature), or verbal (including but not limited~~

**SEXUAL HARASSMENT**      **SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

~~to spoken or written comments of a clearly sexual nature) forms and may be used to intimidate or to coerce.~~

*Legal Reference: Title VI, Title IX, OCR Guidelines, Education Code 212.5, 221.5, PC 243.4*

Sex discrimination includes treating a student differently with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services based on the student’s sex, sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or the student’s association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student’s ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student’s academic performance; or otherwise adversely affects a student’s educational opportunities.

**Prohibited Conduct**

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

1. Quid pro quo harassment: A LACOE employee, agent, or other individual authorized by LACOE to provide an aid, benefit, or service in LACOE’s education program or activity conditioning the provision of a LACOE aid, benefit, or service on a student’s participation in unwelcome sexual conduct
2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from LACOE’s education program or activity. Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of LACOE policy if it has a continuing effect on a student’s ability to participate in or benefit from LACOE educational programs or activities.

**SEXUAL HARASSMENT** **SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 34 CFR 106.2

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any LACOE program or activity

Examples of types of conduct that are prohibited at LACOE and that may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation, including subjecting students and/or staff to details about sexual exploits or conduct
4. ~~Sexual~~ Sex-based jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading ~~sexual~~ sex-based rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body

~~SEXUAL HARASSMENT~~ SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)

8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference or conduct with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

~~Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of LACOE's policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.~~

~~For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, *sexual harassment* is defined as any of the following forms of conduct that occurs in an education program or activity in which a LACOE school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)~~

- ~~1. A LACOE employee conditioning the provision of a LACOE aid, benefit, or service on the student's participation in unwelcome sexual conduct~~
- ~~2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to LACOE's education program or activity~~
- ~~3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291~~

~~(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)~~

**Instruction/Information**

~~Students in all LACOE programs shall receive age-appropriate information on sexual harassment. Such instruction and information shall include:~~

- ~~1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence~~

**SEXUAL HARASSMENT     SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

2. ~~A clear message that students do not have to endure sexual harassment under any circumstance~~
3. ~~Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained~~
4. ~~A clear message that student safety is LACOE’s primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved~~
5. ~~A clear message that, regardless of a complainant’s noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students~~
6. ~~Information about LACOE’s procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made~~
7. ~~Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while LACOE’s investigation of a sexual harassment complaint continues~~
8. ~~A clear message that, when needed, supportive measures will be implemented to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation~~

**Title IX Coordinator**

LACOE designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX. The Title IX Coordinator(s) may be contacted at:

Lauren Sheahan  
Title IX Coordinator  
Los Angeles County Office of Education  
9300 Imperial Highway, Downey, CA 90242  
(562) 803-8506  
Sheahan\_Lauren@lacoed.edu

~~SEXUAL HARASSMENT~~ SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)

**Notifications**

~~The County Superintendent or designee shall notify students and parents/guardians that LACOE does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to LACOE may be referred to LACOE's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)~~

To prevent unlawful sex discrimination and sex-based harassment in LACOE programs and activities, LACOE shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment.

~~A copy of LACOE's sexual harassment policy and regulation shall:~~

In addition to the measures to prevent discrimination specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment, LACOE shall ensure that a copy of LACOE's sex discrimination and sex-based harassment policy and regulation:

1. ~~Be~~ Is included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

*(cf. 5145.6 - Parental Notifications)*

2. ~~Be~~ Is displayed in a prominent location in the main administrative building or other area where notices of LACOE rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. ~~Be~~ Is summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. ~~Be~~ Is posted, along with the name, title, and contact information of the Title IX Coordinator, in a prominent location on LACOE's web site in a manner that is easily accessible to parents/guardians and students.

**SEXUAL HARASSMENT** **SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

5. ~~Be~~ Is provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. ~~Appears~~ in any school or ~~district~~ LACOE publication that sets forth the school's or LACOE's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. ~~Be~~ Is included, along with the name, title, and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

The County Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on LACOE's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

**Reporting Complaints** **Reports and Complaints**

~~Any~~ A student or a student's parent/guardian(s) who believes that the student has been subjected to ~~sexual harassment~~ sex discrimination, including sex-based harassment, in a LACOE program or activity or who has witnessed sex discrimination, including sex-based harassment by another student, an employee, or a third party or who has witnessed sexual harassment, is strongly encouraged to report the incident to a teacher, the principal, ~~or~~ the program administrator, LACOE's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal/program administrator or other school employee shall forward the report to LACOE's Title IX Coordinator. Any school employee who observes any incident of ~~sexual harassment~~ sex discrimination or sex-based harassment involving a student shall, within one school day, report this observation to the principal/program administrator or LACOE's Title IX Coordinator as specified in the accompanying board policy. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

In any case of ~~sexual harassment~~ sex discrimination or sex-based harassment involving the principal/program administrator, Title IX Coordinator, or any other person to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall ~~instead~~ also forward the report to Labor Relations.

~~If the Title IX Coordinator determines a~~ When a report or complaint of sexual harassment sex discrimination or sex-based harassment involves off-campus conduct, the Title IX Coordinator shall assess whether ~~and~~ the conduct may create or contribute to the creation of a hostile school environment,; If the Title IX Coordinator determines that a hostile environment may be

**SEXUAL HARASSMENT     SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)**

~~created~~, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

~~When a verbal or informal report of sexual harassment is submitted, the student or parent/guardian shall be informed of the right to file a formal written complaint in accordance with the applicable COE complaint procedure.~~

**Complaint Procedures**

All complaints and allegations of ~~sexual harassment~~ sex discrimination and sex-based harassment by and against students shall be investigated and resolved in accordance with law and LACOE procedures. ~~The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved under AR 5145.71 – Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 – Uniform Complaint Procedures.~~

~~If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.~~

**Issues Unique to Intersex, Nonbinary, Transgender, and Gender-Nonconforming Students**

Gender identity of a student means the student’s gender-related identity, appearance, or behavior as determined from the student’s internal sense, regardless of whether that gender-related identity, appearance, or behavior is different from that traditionally associated with the student’s physiology or assigned sex at birth.

Gender expression means a student’s gender-related appearance and behavior, whether stereotypically associated with the student’s assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student’s gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Intersex student means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

**SEXUAL HARASSMENT**      **SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

Nonbinary student means a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

LACOE prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, sex stereotypes, sex characteristics, sexual orientation, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature.

Examples of the types of conduct that are prohibited by LACOE and which may constitute sex-based hostile environment harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Assaulting a student because of the student's gender, sex characteristic, sexual orientation, gender identity, or gender expression

To ensure that intersex, nonbinary, transgender, and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and LACOE Board policy, LACOE shall address each situation on a case-by-case basis, in accordance with the following guidelines:

**SEXUAL HARASSMENT**      **SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

1. Right to privacy: A student’s intersex, nonbinary, transgender, or gender-nonconforming status is the student’s private information

LACOE shall develop strategies to prevent unauthorized disclosure of students’ private information. Such strategies may include, but are not limited to, collecting or maintaining information about student gender only when relevant to the educational program or activity, protecting or revealing a student’s gender identity as necessary to protect the health or safety of the student, and keeping a student’s unofficial record separate from the official record.

LACOE shall only disclose the information to others with the student’s prior written consent, except when the disclosure is otherwise required by law or when LACOE has compelling evidence that disclosure is necessary to preserve the student’s physical or mental well-being. (Education Code 220.3, 220.5; 34 CFR 99.31, 99.36)

LACOE shall only allow disclosure of a student’s personally identifiable information to employees in accordance with law. Any LACOE employee to whom a student’s intersex, nonbinary, transgender, or gender-nonconforming status is disclosed shall keep the student’s information confidential. When disclosure of a student’s gender identity is made to a LACOE employee by a student, the employee shall seek the student’s permission to notify the Title IX Coordinator. If the student refuses to give permission, the employee shall keep the student’s information confidential, unless the employee is required to disclose or report the student’s information pursuant to this administrative regulation and shall inform the student that honoring the student’s request may limit LACOE’s ability to meet the student’s needs related to the student’s status as an intersex, nonbinary, transgender, or gender-nonconforming student. If the student permits the employee to notify the Title IX Coordinator, the employee shall do so within three school days.

As appropriate given the student’s need for support, the Title IX Coordinator may discuss with the student any need to disclose the student’s intersex, nonbinary, transgender, or gender-nonconformity status or gender identity or gender expression to the student’s parents/guardians and/or others, including other students, teacher(s), or other adults on campus. LACOE shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and request assistance in doing so.

2. Determining a Student’s Gender Identity: The Title IX Coordinator shall accept the student’s assertion of gender identity and begin to treat the student consistent with that gender identity unless LACOE personnel present a credible and supportable basis for believing that the student’s assertion is for an improper purpose

**SEXUAL HARASSMENT**      **SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

3. Addressing a Student’s Transition Needs: The Title IX Coordinator Officer shall arrange a meeting with the student and, if appropriate, the student’s parents/guardians
4. to identify and develop strategies for ensuring that the student’s access to educational programs and activities is maintained

The meeting shall discuss the intersex, nonbinary, transgender, or gender-nonconforming student’s rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student’s access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Title IX Coordinator shall identify specific school site employee(s) to whom the student may report any problem related to the student’s status as an intersex, nonbinary, transgender, or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student’s educational needs and providing equal access to programs and activities, educate appropriate staff about the student’s transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

5. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When LACOE maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity

To address any student’s privacy concerns in using sex-segregated facilities, LACOE shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, LACOE shall not require a student to utilize these options because the student is intersex, nonbinary, transgender, or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student’s gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student’s right to participate in a sex-segregated activity in accordance with the student’s gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

Beginning July 1, 2026, each school shall provide and maintain at least one all-gender restroom for student use that meets the requirements of Education Code 35292.5.

**SEXUAL HARASSMENT**      **SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

6.      Student Records: Upon each student’s enrollment, LACOE is required to maintain a mandatory permanent student record (official record) that includes the student’s gender and legal name

A student’s legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. A student’s gender as entered on the student’s official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061)

However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student’s legal name or gender, any change to the student’s record shall be limited to the student’s unofficial records such as attendance sheets, report cards, and school identification.

7.      Names and Pronouns: If a student so chooses, LACOE personnel shall be required to address the student by a name and the pronoun(s) consistent with the student’s gender identity, without the necessity of a court order or a change to the student’s official LACOE record

However, inadvertent slips or honest mistakes by LACOE personnel in the use of the student’s name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying board policy.

8.      Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student’s gender identity, subject to any dress code adopted on a school site

**Students**

BP 5146(a)

**MARRIED/PREGNANT/PARENTING STUDENTS**

The County Board recognizes that responsibilities related to marriage, pregnancy, or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The County Board therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

Education Code 221.51, as added by AB 2289 (Ch. 942, Statutes of 2018), codifies federal and state regulations that prohibit LACOE from applying any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.

*(cf. 5113.1 - Chronic Absence and Truancy)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6011 - Academic Standards)*

LACOE shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's current, potential, or past pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions or related recovery. In addition, LACOE shall not adopt any rule concerning a student's actual, ~~or~~ potential, or past parental, family, or marital status that discriminates against and/or treats students differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

*(cf. 0410 - Nondiscrimination in LACOE Programs and Activities)*  
*(cf. 5127 - Graduation Ceremonies and Activities)*

The County Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

*(cf. 5145.6 - Parental Notifications)*

Any employee who is informed by a student, or a person who has a legal right to act on behalf of a student, of a student's pregnancy or related conditions shall provide that person with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific acts to prevent sex discrimination, including sex-based harassment, and ensure the student's equal access to LACOE's education program or activity. (34 CFR 106.8)

When notified of a student's pregnancy or related conditions, the Title IX Coordinator shall provide the student, and if applicable the person who has a legal right to act on behalf of the student and who notified the Title IX Coordinator of the student's pregnancy or related conditions, with LACOE's notice of nondiscrimination, as specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment. The Title IX Coordinator shall also

## **MARRIED/PREGNANT/PARENTING STUDENTS (continued)**

coordinate actions specified in 34 CFR 106.40 to prevent discrimination against, and ensure equal access to, the student, including the following: (34 CFR 106.44)

1. Notifying the student that LACOE is required to not discriminate in its education program or activity against any student based on the student’s current, potential, or past pregnancy or related conditions. However, a student’s voluntary participation in a separate portion of LACOE’s education program or activity does not constitute prohibited discrimination if LACOE ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.
2. To the extent consistent with 34 CFR 106.40(b)(3), ensuring that pregnancy or related conditions are treated in the same manner and under the same policies as any other temporary medical condition with respect to any medical or hospital benefit, service, plan, or policy LACOE administers, operates, offers, or participates in with respect to students admitted to LACOE’s education program or activity
3. Informing the student that LACOE may not require the student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in LACOE’s class, program, or extracurricular activity unless the certified level of physical ability of health is necessary for participation in the class, program, or extracurricular activity; LACOE requires such certification of all participating students; and, the information obtained is not used as a basis for Title IX discrimination

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved. (Family Code 7002)

### **Education and Support Services for Pregnant and Parenting Students**

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student’s child.

*(cf. 6158 - Independent Study)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

Any alternative education program, activity, or course that is offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other LACOE students. A student’s participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

~~When necessary, LACOE shall provide accommodations to enable a pregnant or parenting student to access the educational program. A pregnant student shall have access to any services~~

**MARRIED/PREGNANT/PARENTING STUDENTS** (continued)

~~available to other students with temporary disabilities or medical conditions. A lactating student shall have access to a private location, other than a restroom, to breastfeed or express milk for an infant child.~~

~~If required for students with any other temporary disabling condition, †The County Superintendent or designee may shall not require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the regular education program or activity, unless the certified level of physical ability is necessary for participation and such certification is required of all students. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)~~

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

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

**Absences**

Pregnant or parenting students shall be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

~~(cf. 5113 - Absences and Excuses)~~

**Parental Leave**

A student who is pregnant or parenting student, or has a related condition, shall be entitled to eight weeks of parental leave in order to protect the health of the student ~~who gives or expects to give birth and/or~~ the infant, and to allow the ~~pregnant or parenting~~ student to care for and bond with the infant. The period of the leave shall be the greater of eight weeks, or the length of time deemed medically necessary by the student's healthcare provider, or, if LACOE has a leave policy for which the student qualifies, the amount of time provided for in such policy. Such leave may be taken before the birth of the student's infant if there is a medical necessity

and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. ~~The County Superintendent or designee may grant parental leave beyond eight weeks if deemed medically necessary by the student's physician.~~ (Education Code 46015; 34 CFR 106.40)

### **MARRIED/PREGNANT/PARENTING STUDENTS (continued)**

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. No student shall be required to take all or part of the parental leave. (Education Code 46015; 34 CFR 106.40)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A student who is pregnant or parenting student, or has related conditions, shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a student who is pregnant or parenting, or has related conditions, student, may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the LACOE. Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015; 34 CFR 106.40)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the County Superintendent or designee makes a finding that the student is reasonably able to complete LACOE graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)*

### **Accommodations**

When necessary, LACOE shall provide reasonable accommodations to enable a student who is pregnant or parenting, or with related medical conditions, student to access the educational program. LACOE shall consult with the student when identifying potential modifications. Any modification accepted by the student shall be implemented. Any proposed modification that would fundamentally alter the nature of LACOE's education program or activity shall not be implemented. (34 CFR 106.40)

Reasonable modifications may include, but are not limited to: (34 CFR 106.40)

1. Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
2. Intermittent absences to attend medical appointments
3. Access to online or homebound education

**MARRIED/PREGNANT/PARENTING STUDENTS (continued)**

4. Changes in schedule or course sequence
5. Extensions of time for coursework and rescheduling of tests and examinations
6. Allowing a student to sit or stand, or carry or keep water nearby
7. Counseling
8. Changes in physical space or supplies, such as access to a larger desk or a footrest
9. Elevator access
10. Any other change to policies, practices, or procedures

A student who is pregnant student or who has a related condition shall have access to any services available to other students with temporary ~~disabilities~~ or medical conditions. (34 CFR 106.40)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such. Reasonable accommodations include, but are not limited to: (Education Code 222; 34 CFR 106.40)

1. Access to a private and secure room, other than a restroom, that is clean, shielded from view, and free from intrusion by others to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump or any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

**Complaints**

Any complaint alleging discrimination on the basis of a student's current, potential, or past pregnancy, family or marital or parental status, LACOE noncompliance with the requirements

**MARRIED/PREGNANT/PARENTING STUDENTS (continued)**

~~of Education Code 46015 shall be addressed through LACOE’s uniform complaint procedures in accordance with 5 CCR 4600-4687-4670 and BP/AR 1312.3 – Uniform Complaint~~

~~Procedures. or 34 CFR 106.40, or LACOE noncompliance with the requirement to provide reasonable accommodations for lactating students, shall be investigated and resolved in accordance with the Title IX grievance procedures as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures and/or Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures, as applicable. (Education Code 222, 46015; 5 CCR 4600-4670; 34 CFR 106.44, 106.45)~~

*(cf. 1312.3 - Uniform Complaint Procedures)*

~~Any complaint alleging LACOE noncompliance with the requirements to provide reasonable accommodations for lactating students also may be filed in accordance with LACOE’s procedures in AR1312.3 – Uniform Complaint Procedures. A complainant who is not satisfied with LACOE’s decision may appeal the decision to the California Department of Education (CDE). If LACOE or CDE finds merit in an appeal, the LACOE shall provide a remedy to the affected student. (Education Code 222, 46015; 5 CCR 4600-4670)~~

*(cf. 0500 - Accountability)*

*(cf. 6162.5 - Student Assessment)*

*Legal Reference:*

*EDUCATION CODE*

*221.51 Nondiscrimination; married, pregnant, and parenting students*

*222 Reasonable accommodations; lactating students*

*222.5 Pregnant and parenting students, notification of rights*

*230 Sex discrimination*

*8200-8498 Child Care and Development Services Act*

*46015 Parental leave*

*48205 Excused absences*

*48206.3 Temporary disability, definition*

*48220 Compulsory education requirement*

*48410 Persons exempted from continuation classes*

*48980 Parental notifications*

*49553 Nutrition supplements for pregnant/lactating students*

*51220.5 Parenting skills and education*

*51745 Independent study*

*52610.5 Enrollment of pregnant and parenting students in adult education*

*CIVIL CODE*

*51 Unruh Civil Rights Act*

*FAMILY CODE*

*7002 Description of emancipated minor*

*HEALTH AND SAFETY CODE*

*104460 Tobacco prevention services for pregnant and parenting students*

*CODE OF REGULATIONS, TITLE 5*

*4600-4670 Uniform complaint procedures*

*4670 Uniform complaint procedures*

## **MARRIED/PREGNANT/PARENTING STUDENTS (continued)**

### *Legal References (continued)*

4950 *Nondiscrimination, marital and parental status*  
*CODE OF REGULATIONS, TITLE 22*  
101151-101239.2 *General licensing requirements for child care centers*  
101351-101439.1 *Infant care centers*  
*UNITED STATES CODE, TITLE 20*  
1681-1688 *Title IX, Education Act Amendments*  
*UNITED STATES CODE, TITLE 42*  
1786 *Special supplemental nutrition program for women, infants, and children*  
*CODE OF FEDERAL REGULATIONS, TITLE 7*  
246.1-246.28 *Special supplemental nutrition program for women, infants, and children*  
*CODE OF FEDERAL REGULATIONS, TITLE 34*  
106.1-106.82 *Discrimination on the basis of sex; effectuating Title IX*  
106.40 *Marital or parental status*  
*ATTORNEY GENERAL OPINIONS*  
87 *Ops. Cal. Atty. Gen. 168 (2004)*  
*COURT DECISIONS*  
*American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307*

### *Management Resources:*

*CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS*  
*Pregnant Students and Confidential Medical Services, 2013*  
(<https://www.cwlc.org/dev2019/download/pregnant-students-and-confidential-medical-services/>)  
*Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements, 2012*  
*The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002*  
(<https://www.cwlc.org/dev2019/download/the-civil-rights-of-pregnant-and-parenting-teens-in-california-schools/>)  
*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*  
*Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013* (<https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.html>)

### FEDERAL REGISTER

*Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896*  
(<https://www.federalregister.gov/documents/2024/04/29/2024-07915/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>)

### *WEB SITES*

*California Department of Education:* <http://www.cde.ca.gov>  
*California Women's Law Center:* <http://www.cwlc.org/>  
*U.S. Department of Agriculture, Women, Infants, and Children Program:* <http://www.fns.usda.gov/wic>  
*U.S. Department of Education:* <http://www.ed.gov>

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

BP 0420.4(a)

**CHARTER SCHOOLS**

**Purpose and Scope**

The County Board when considering charter petitions shall be guided by the intent of the Legislature: that quality charter schools are and should be an integral part of the California educational system. The County Board encourages charter schools in order to create an opportunity to implement accountability-based school-level reform, support innovations which improve student learning, and provide choice for parents. These schools shall operate under the provisions of their charters, applicable state and federal laws, and the general oversight of the County Board.

The County Board shall only grant a charter if it is satisfied that doing so is consistent with sound educational practice and the petition complies with the applicable requirements of Education Code.

The County Board supports this effort by establishing a clearly defined system for reviewing petitions and determining the effectiveness of the charter schools it authorizes. Charter schools are public schools; as such, their performance is subject to review and comparison with any other publicly funded school and its demographic composition should reflect the school district in which it is located.

**Chartering Authority** – The agency that grants the charter for a charter school. Under most circumstances, the chartering authority has primary responsibility for monitoring and oversight of the charter school and the authority to reauthorize the charter as well as to revoke the charter if the school does not meet the conditions of its charter or of law. The County Board receives some types of charter petitions directly and receives others only on appeal after denial by a school district board. The County Board delegates the administrative functions of receiving, reviewing, and reporting on charter petitions to the County Superintendent. Petitioner is responsible for certifying that the petition is complete. The County Board may act as the chartering authority to the following:

**Direct County Charter** – A charter school that serves pupils for whom LACOE would otherwise be responsible for providing direct education and related services. Students must have been expelled, referred by the district or social worker, and/or currently be on probation. A petition for this type of charter school is submitted directly to the County Board. (Education Code 47605.5)

**Countywide Charter** – A charter school that operates at one or more sites within the geographic boundaries of the county and provides instructional services not generally provided by LACOE. There must be reasonable justification for why the charter could not be established by petition to a local school district. A petition for this type of charter school is submitted directly to the County Board. (Education Code 47605.6)

## **CHARTER SCHOOLS** (continued)

**County Conversion Charter** – An existing public school operated by LACOE that converts to a charter school. The petition must be supported by over 50% of the teachers employed at the school and is submitted directly to the County Board. (Education Code 47605.5)

**Previously Denied Charter Petition on Appeal** – The County Board considers petitions for the establishment of a charter school if a school district board denied the petition based on written factual findings, and the petitioner wishes to appeal that decision. The County Board may receive petitions on appeal for new and non-renewed charter schools. The County Board shall review and may approve only the same petition that was denied by the school district board except for those changes necessary to reflect the County Board as the authorizer. To ensure the petition is the same one denied by the school district board, the petitioner shall submit or have the district submit, a certified copy of the petition acted upon by the local district board; receipt of this certified copy of the petition triggers the timeline for County Board action. If the petition submitted on appeal contains new or different material terms as defined by the Education Code, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the County Board. If the County Board grants the charter, it shall be the chartering authority that has primary responsibility and oversight of the charter school. (Education Code 47605(j)(1)). If the County Board denies the petition, the petitioner may appeal to the State Board of Education (SBE).

### **Timelines**

**Public Hearing** – No later than 60 calendar days after receiving a petition that complies with all requirements set forth in law, the County Board shall hold a public hearing on the provisions of the charter. At the public hearing, the County Board shall consider the level of support for the petition by teachers, parents/guardians, and the school district(s) where the charter school petitioner proposes to place school facilities. A petition is deemed received on the day the petitioner submits a petition to LACOE's Charter School Office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6).

**County Board Decision** – No later than 90 calendar days after receiving a petition that complies with all requirements set forth in law, the County Board shall either grant or deny the charter. The date of the decision may be extended an additional 30 calendar days if both parties agree to the extension. (Education Code 47605, 47605.6) The request for an extension must be made prior to the County Board taking a vote to approve or deny the charter petition.

## **CHARTER SCHOOLS (continued)**

At least 15 days before the public hearing at which the County Board will grant or deny the charter, the County Board shall make public all staff recommendations, including the recommended findings, regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605, 47605.6)

**Appeal of Denied Petition to Establish a Charter School** – The County Board must receive the petition for the establishment of a charter school that was denied by a school district board, not later than 30 calendar days after the denial action. Any appeal for the establishment of a charter school received more than 30 calendar days after denial will not be acted upon by the County Board. At the same time the petition is submitted to the County Board, the petitioner shall also provide a copy of the petition to the school district.

The County Board shall review the petition pursuant to Education Code 47605(b) and (c). If the petition submitted on appeal contains new or different material terms, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. “Material terms” of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in Education Code 47605(a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the County Board of Education as the chartering authority.

If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the County Board. The County Board shall review the appeal petition pursuant to Education Code 47605(c). If the denial of the petition was made pursuant to paragraph (8) of subdivision (c), the County Board shall also review the school district’s findings pursuant to paragraph (8) of subdivision (c).

If the County Board denies a petition, the petitioner may appeal that denial to the SBE.

The petitioner shall submit the petition to the SBE within 30 days of a denial by the County Board. The petitioner shall include the findings and documentary record from the governing board of the school district and the County Board and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the County Board, or both, abused their discretion. The governing board of the school district and County Board shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and County Board denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and County Board no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is submitted to the SBE, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the County Board.

**CHARTER SCHOOLS** (continued)

If the appeal contains new or different material terms, the SBE shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the SBE.

Within 30 days of receipt of the appeal submitted to the SBE, the governing board of the school district or County Board may submit a written opposition to the SBE detailing, with specific citations to the documentary record, how the governing board of the school district or the County Board did not abuse its discretion in denying the petition. The governing board of the school district or the County Board may submit supporting documentation or evidence from the documentary record that was considered by the governing board of the school district or the County Board.

The SBE’s Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the SBE whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the SBE, the SBE shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the SBE.

The SBE shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the SBE hears the appeal, the SBE may affirm the determination of the governing board of the school district or the County Board, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the SBE, the SBE shall designate, in consultation with the petitioner, either the governing board of the school district or the County Board in which the charter school is located as the chartering authority.

If either the County Board of Education or the SBE fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

**Renewal Petitions** – If the petition for the renewal of a charter school, which at a minimum is comprised of all requirements in Education Code 47607 and the California Code of Regulations, Title 5 section 11966.5, was denied by a school district board, the County Board must receive the petition no later than 30 calendar days after the school district board makes written factual findings. A petition for renewal not submitted to the County Board within this time shall be considered denied with no further options for administrative appeal. ~~The County Board and the charter petitioner may extend this date by an additional 30 calendar days only by written mutual agreement. The date of the decision may be extended an additional 30 calendar days if both parties agree to the extension.~~ If the school district board did not comply with the statutory and regulatory timelines for making written factual findings for denial of a

## **CHARTER SCHOOLS (continued)**

renewal petition, the petition is deemed approved by the school district board and the County Board has no jurisdiction to hear an appeal.

~~The County Board must take action to approve the extension or may initiate the request for an extension. The County Board delegates the authority to receive the request for an extension to the County Superintendent of Schools. The County Superintendent must receive the request no later than 30 calendar days from the date the school district made its written findings of fact.~~

No later than 60 calendar days after receiving a renewal petition, whether submitted to the County Board as the authorizer or on appeal, the County Board shall hold a public hearing on the provisions of the charter. Within 90 days of the receipt of the petition, the County Board shall either grant or deny the charter. The date of the decision may be extended an additional 30 calendar days if both parties agree to the extension. The request for an extension must be made prior to the County Board taking a vote to approve or deny the charter petition.

If the County Board denies or takes no action, the charter school may submit the petition for renewal to the SBE. The renewal of a countywide charter is exempt from this provision.

The renewal petition for charter schools authorized by the County Board may be submitted no earlier than the date the California Department of Education (CDE) releases the schools' California Assessment of Student Performance and Progress (CAASPP) data for the school year prior to the last year of the term of the charter and no later than January 31<sup>st</sup> of the last year of the term of the charter. A charter school may apply for renewal prior to the release of the CAASPP data referenced above if it can demonstrate the school has met the statutory criteria for renewal without the information contained in this report.

### **Approval or Denial of Petitions**

All meetings of the County Board at which the granting, revocation, appeal, or renewal of a charter petition is to be discussed shall be subject to the State open meeting laws. (Education Code 46708)

The County Board shall grant a charter for the operation of a direct county charter, county conversion charter, or previously denied charter petition appeal only if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The County Board shall consider the academic needs of the students the school proposes to serve. In granting charter petitions, the County Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving students according to CDE standards. Prior to authorizing any charter, the County Board shall verify that the charter includes adequate ~~proceed~~ processes and measures for monitoring and holding the charter school accountable for fulfilling the terms of its charter and for complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include fiscal

**CHARTER SCHOOLS** (continued)

accountability systems, multiple measures for evaluating the educational program, regular reports to the County Board, and inspections and observations of any part of the charter school.

The County Board may grant a charter for the operation of a countywide charter if the County Board is satisfied that granting the charter is consistent with sound educational practice and the charter school has reasonable justification for why it could not be established by petition to a school district under Education Code 47605. The County Board may impose any additional requirements beyond those of Education Code 47605.6 that it considers necessary for the sound operation of a countywide charter.

The County Board shall deny any charter petition that:

1. Proposes to operate a charter school as or by a for-profit corporation, and for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)
2. Authorizes the conversion of a private school to a charter school. (Education Code 47602)
3. Proposes to offer nonclassroom-based instruction. (This section remains in effect until January 1, 2026 and is currently set to be repealed after that date) (Education Code 47612.7)

In addition, the County Board shall deny a petition for a countywide charter, and may otherwise deny a petition ~~servicing LACOE students~~, if the County Board makes written factual findings setting forth specific facts to support one or more of the following:

1. The charter school presents an unsound educational program that presents a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for the students who attend the school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the required number and type of signatures.
4. The petition does not contain an affirmation that the charter school shall be nonsectarian, shall not charge tuition, and shall not discriminate on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, immigration status, or association with a person or group with one or more of these actual or perceived characteristics.
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(c) or Education Code 47605.6 in the case of a countywide charter.

**CHARTER SCHOOLS** (continued)

- Under Education Code 47605(c)(5)(G) and 47605.6(c)(5)(H), which described the plan to achieve a Racial and Ethnic balance reflective of the general population residing within the geographic boundaries of the school district in which the charter proposes to locate (or in the case of a countywide charter, the geographic boundaries of LACOE), the plan should strive to achieve the racial and ethnic balance of the students enrolled in the school district (or in the case of a countywide charter, all school districts in Los Angeles county) as reported by CDE. In the case of a direct county charter, the plan should be based on the Racial and Ethnic balance of adjudicated and expelled youth served by LACOE and any of its charter schools that are authorized to serve this student population.
6. The County Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll disabled students who reside outside the Special Education Local Plan Area (SELPA) in which LACOE or in the case of a Previously Denied Charter Petition Appeal, the district that denied the petition participates. (Education Code 47605.7, 47647)
  7. The approval or denial of a charter petition shall not be controlled by collective bargaining agreements or subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)
  8. In granting charter petitions, the County Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for academically low-achieving students according to standards established by the CDE. (Education Code 47605(i))
  9. The County Board shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)
  10. The County Board may approve a petition for the establishment of a countywide charter only if it finds that it meets the conditions as specified (Education Code 47605.6(a)). The criteria for the establishment of a countywide charter are further clarified as set forth in the Superintendent's Administrative Regulations 0420.4, which are incorporated by reference.
  11. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Educational Employment Relations act.
  12. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written

**CHARTER SCHOOLS** (continued)

factual finding shall detail specific facts and circumstances that analyze and consider the following factors:

- a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings
  - b. Whether the proposed charter school would duplicate a program currently offered within the COE; or the District (as applicable), when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate
13. LACOE and/or the District (as applicable) is not positioned to absorb the fiscal impact of the proposed charter school. LACOE and/or the District meets this criterion if it has a negative interim certification pursuant to Education Code 1240, or has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in LACOE and/or the District having a negative interim certification.

A petition to establish a charter school, other than a countywide charter serving LACOE students that is denied by the County Board may be appealed to the SBE within ~~180~~ 30 days of the denial. (Education Code 47605; 5 CCR 11967). If the County Board denies a petition for a countywide charter, the petitioner shall not elect to submit the petition for the establishment of the charter school to the state board. (Education Code 47605.6(k))

**Additional Requirements for Countywide Charters**

In addition to the requirements described above, the following conditions apply to countywide charter school petitions: (Education Code 47605.6)

1. The County Board shall only consider a petition for a countywide charter if each of the school districts where the petitioner proposes to operate a facility has received at least 30 days' notice of the intent to operate a charter school.
2. An existing public school may not be converted to a countywide charter school.
3. The County Board shall only approve a petition for a countywide charter if it finds that the charter school will provide educational services to a student population that will benefit from those services, and the petition includes a reasonable justification why its students cannot be served as well by a charter school that operates in only one school district in the county.
4. The County Board may require any elements that it considers necessary to the sound operation of a countywide charter school.

**CHARTER SCHOOLS** (continued)

5. A countywide petition may be denied for any other basis that the County Board finds justifies the denial.

**Additional Requirements**

In addition to the foregoing, the County Board must consider the additional requirements of Education Code 47605(d) through (m) for all charters except where the Education Code refers to the State Board. These additional requirements include, but are not limited to, submission of a first year operational budget including startup costs, cash flow and financial projections for the first three (3) years of operation; submission of the annual audit report; teacher credentialing requirements, and the description and location of the proposed charter.

A charter school that receives approval of its petition from the County Board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition.

The initial term of an approved charter may be one (1) to five (5) years at the discretion of the County Board. The term of all charters shall expire on June 30 of the final year of the charter term, unless otherwise specifically stated in the approval action of the County Board.

Charter schools shall comply with all conflict of interest laws that pertain to public agencies including Government Code 1090 and the Political Reform Act. (Government Code 87100 et seq.) The County Board's conflict of interest code includes the filing of the Form 700 Statement of Economic Interests with LACOE.

Charter schools are responsible for complying with the Ralph M. Brown Act and the California Public Records Act.

Charter schools shall not charge students fees, deposits, or other charges for participation in educational activities offered by the charter school, including curricular and extracurricular activities. Charter schools shall maintain policies with regard to student fees and provide a complaint process under the uniform complaint procedures. (Education Code 49010; Government Code Sec. 905)

Charter schools shall not deny a pupil enrollment or readmission solely on the basis that the student has had contact with the juvenile justice system. (Education Code 48645)

Standard Conditions of Authorization – If the County Board approves the establishment or renewal of a charter, the governing board of the charter school shall, prior to commencing operations under the term of that charter, fulfill all the standard conditions of authorization, which may include, but are not limited to, making changes to the petition necessary to reflect the County Board as the authorizer; signing the LACOE Monitoring and Oversight Memorandum of Understanding (MOU) which includes adherence to all requirements

## **CHARTER SCHOOLS (continued)**

established therein; correcting technical deficiencies in the petition as identified in the LACOE staff report; submitting a school safety/student discipline plan which finalizes the reasons a student may and must be suspended or expelled and the policies, procedures, and process for suspending and expelling students; finalizing the curriculum to be used and the scope and sequence of all subjects to be offered; providing evidence of applying to or membership in a SELPA; providing evidence of insurance; and submitting to a facilities inspection. Additionally, the charter school shall commence operations within the timeframe specified in the approval action and commence instruction by September 30 of the first year of operation. Failure of the charter school to fulfill the standard conditions of authorization is grounds for termination or revocation of the charter.

Where provisions of the MOU differ from provisions of the charter, and the difference would not require a material revision to the charter, the provisions of the MOU prevail.

In the case of a countywide charter, the County Board may impose additional conditions of authorization. (Education Code 47605.6 (b))

If the County Board denies the charter, the petitioner may appeal to the SBE except in the case of a countywide charter.

### **Special Education**

The charter shall comply with all applicable requirements of state and federal law regarding the provision of special education services. (Education Code 56000 et. seq., Individual with Disabilities Education Act 20 U.S.C. Chapter 33)

### **Material Revisions to an Authorized Charter**

A material revision is a change to the content of an authorized charter that affects substantively the process or manner in which the charter school operates. A material revision does not include minor administrative updates to the petition or related documents due to changes to reflect the County Board of Education as the chartering authority, or other changes of a technical nature. Some examples of material revisions include changes to the vision, mission, instructional design, accountability plan, location of facilities, governance or operational structure, grade levels or number of pupils to be served, admissions requirements or procedures, and changes that affect the charter school's fiscal status. Requests for material revision must be submitted at least 90 days prior to intended implementation or 60 days with a showing of good cause. Material revisions to an authorized charter may be made only with County Board approval. (Education Code 47605(a)(4), 47607(a)(1))

Material revisions are governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and 47605.6, as applicable. Revisions shall include, but are not limited to a reasonably comprehensive description of any new requirement

## **CHARTER SCHOOLS (continued)**

of charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If an approved charter school proposes to expand operations at one or more additional sites or grade levels, the charter school shall request a material revision to its charter and shall notify the County Board of those additional locations or grade levels. The County Board shall consider approval of the additional locations or grade levels and the impact to the community, including the fiscal impact to the district and LACOE (as applicable) at an open meeting. (Education Code 47605)

The County Board shall, in its sole discretion, determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

### **Waivers**

~~If the governing board of a charter school authorized by the County Board wishes to submit to the SBE an application for a waiver of any Education Code provision, the application must first be presented to the County Board. The County Board shall hold a public hearing on the waiver request no later than 90 days following receipt of the request and prepare a summary of the public hearing to be forwarded with the waiver request to the SBE. If the County Board recommends against approval of the waiver request, it shall set forth written reasons for its disapproval and forward those reasons to the SBE. (Education Code 33050)~~

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

### **Accountability, Monitoring, and Oversight**

Charter schools are governed at the school level in accordance with the provisions of the charter and all applicable laws.

The County Board supports this effort by approving a defined accountability system for monitoring the educational effectiveness, statutory compliance, governance and operational structures, and fiscal condition of the charter schools it authorizes. The County Board also monitors whether the charter school implements the terms of the charter as authorized. The County Board may appoint a single representative on the board of directors of any charter school it authorizes. (Education Code 47604(c))

Charter schools granted by the County Board shall be held accountable for pupil performance, including meeting measurable pupil outcomes and making satisfactory yearly progress on state

## **CHARTER SCHOOLS (continued)**

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

The County Board delegates the administrative function of monitoring and oversight of its charter schools to the County Superintendent. In fulfilling this statutory responsibility, the County Board is guided by the intent of the Legislature that charter schools shall provide innovative, accountability-based reform that improves student learning and provides choice for parents. Monitoring shall be on an ongoing basis in accordance with applicable laws and the MOU and shall begin immediately upon approval of a petition by the County Board with any applicable submissions required of the charter school. The County Board and LACOE staff may inspect or observe any part of the charter school at any time. (Education Code 47607(a)(5))

An annual written report to the County Board regarding fiscal accountabilities, pupil performance, governance, and charter school-specific accountabilities shall be made in accordance with provisions of law and as established in the MOU. The report shall be submitted no later than the first Friday in February in a format satisfactory to the County Board. Fiscal reporting shall be during the sixth month following the close of the fiscal year. The content and format shall be satisfactory to the County Board.

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request assistance from the California Collaborative for Educational Excellence. (Education Code 47607.3, 52072)

### **Charter Renewal**

The County Board shall deny a renewal petition of any charter school operated as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

When a charter school, concurrently with its renewal petition, proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter. The material revision may be made only with the approval of the County Board and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607)

## **CHARTER SCHOOLS** (continued)

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the ~~County~~ COE or the District or a finding that the charter school is demonstrably unlikely to serve the interests of the entire community in which the school is located, as described in Education Code 47605. (Education Code 47607)

The signature requirement for charter authorization petitions is not applicable to petitions for renewal. (Education Code 47607; 5 CCR 11966.4)

In determining whether to grant a charter renewal, the County Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard, giving greater weight to performance on measurements of academic performance. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the County Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. (Education Code 47607)

Following the County Board’s review, a renewal of the charter petition may be granted in accordance with a three-tiered system based on school performance, as follows:

### 1. Renewal of Five to Seven Years

A renewal shall be granted for a period of five to seven years to a charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 and that, for two consecutive years immediately preceding the renewal, or for two of the most recent years for which state data is available preceding the renewal if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year, achieved either of the following: (Education Code 47607)

- a. Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years
- b. For all measurements of academic performance, received status levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the

**CHARTER SCHOOLS** (continued)

state average in each respective year, received status levels that are higher than the state average, provided the charter school has performance levels on at least two measurements of academic performance for at least two subgroups

- c. If the charter school satisfies the above criteria, it shall only be required to update the renewal petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and, as necessary, to reflect the current program offered by the charter school. (Education Code 47607)
2. Renewal of Five Years
    - a. A renewal shall be granted for five years if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)
      - (1) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school
      - (2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers
    - b. For any such charter school, the County Board may deny the renewal petition only upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students at the school, that the closure of the charter school is in the best interest of students, and that the County Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)
  3. Denial with Option for Two-Year Renewal
    - a. The County Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, or for two of the most recent years for which state data is available immediately preceding the renewal if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year, either of the following applies: (Education Code 47607.2)
      - (1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years.

**CHARTER SCHOOLS** (continued)

- (2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average, provided the charter school has performance levels on at least two measurements of academic performance for at least two subgroups.
- b. However, the County Board may grant a two-year renewal to any such charter school if the County Board makes written factual findings, setting forth specific facts to support the findings, that:
  - (1) The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.
  - (2) There is clear and convincing evidence, demonstrated by verified data, showing achievement of the criteria specified in item #2a above

In addition to all the grounds stated above for denial of a charter, the County Board may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. When denying a charter renewal for either of these reasons, the County Board shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The renewal shall be denied if the County Board finds either that the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)

In accordance with law, the County Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

A charter school that is eligible for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the County Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The County Board shall meet with the charter school during the first

## **CHARTER SCHOOLS (continued)**

year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The County Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)

Within 60 days of receiving the renewal petition, the County Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the County Office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The County Board shall either grant or deny the charter renewal within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the County Board. (Education Code 47605)

At least 15 days before the public hearing at which the County Board will grant or deny the charter petition, the County Board shall publish all staff recommendations and recommended findings regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605)

The County Superintendent or designee shall provide notification to the CDE, within 10 calendar days of the County Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

### **School Closure**

If a charter is not renewed and the charter school ceases operation, the County Board and/or the charter school shall implement the school closure procedures specified in the charter and LACOE MOU in accordance with Education Code 47605 and 5 CCR 11962. (Education Code 47604.32)

### **Founding Parents/Founders Preference**

The County Board has discretion to permit admission preferences in addition to those established in Education Code 47605(e)(2)(B) on an individual school basis and only if consistent with the law. Admission preferences are entitled to additional weight in a lottery, but are not exempt from a lottery. Exemptions shall only be allowed if permitted by law. Pupils currently attending the charter school are one example of a permissible exemption. Founding Parents/Founders are one example of an enrollment lottery preference that may be granted.

## **CHARTER SCHOOLS (continued)**

The founders' admission preference, if such a preference is to be offered, must be included in the petition to establish the charter. The petition must provide a reasonably comprehensive description that addresses and complies with the following:

**Founding Period** – The specific time period during which the charter petition team is developing the charter school through the school's first day of instruction. A school may not add to the founding group after the first day of instruction.

**Founding Parents/Founders** – Parents, legal guardians, or individuals who contribute substantial personal time and effort to develop the new charter school during the established Founding Period noted above. There shall be no requirement that Founding Parents/Founders contribute funds as a part of their commitment. Petitioners must prescribe in the charter petition the eligibility criteria for Founding Parents/Founders, including defining the appropriate minimum number of required volunteer hours. Founding Parent status cannot be delegated or transferred to other individuals.

**Preference for Children of Founding Parents/Founders** – The preference may apply during the life of the charter as long as the number of pupils who qualify for this preference does not constitute more than ten (10) percent of the school's enrollment. The admissions preference is applicable to all children of the charter school's Founding Parents/Founders even if the children do not begin attending the charter school until after the school's first year of operation.

### **Dispute Resolution Procedure**

The County Board shall only approve a dispute resolution procedure if it is equitable to both parties. The County Board may condition its approval of a charter petition subject to the petitioner(s) making changes to the dispute resolution procedure that is equitable to both parties. Such changes must be made prior to the first day of the charter term.

Both parties will attempt to settle such dispute by meeting and conferring in a good faith attempt to resolve the dispute.

### **Charter Revocation**

The County Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter. The County Board may revoke a charter in accordance with law.

When the County Board determines, in writing, that any violation under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students, the County Board may immediately revoke the school's charter. When such a determination is made, the County Board shall approve and deliver to the charter school's governing body and the California

## **CHARTER SCHOOLS** (continued)

Department of Education (CDE) a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety. (Education Code 47607; 5 CCR 11968.5.3)

In all other circumstances, the County Board may revoke a charter after providing due process and using the procedures described below. The County Board may revoke a charter if it makes a written factual finding specific to that charter school and supported by substantial evidence that the charter school has done any of the following: (Education Code 47607)

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

The County Board shall also consider revoking the charter of any charter school for which the California Collaborative for Educational Excellence (CCEE) has provided advice and assistance pursuant to Education Code 47607.3 if CCEE has issued either of the following findings: (Education Code 47607.3)

1. That the charter school has failed or is unable to implement the recommendations of the CCEE.
2. That the inadequate performance of the charter school, as based on the California School Dashboard, is so persistent or acute as to require revocation of the charter. In determining whether to revoke a charter, the County Board shall consider increases in student academic achievement for all numerically significant groups of students served by the charter school, as defined in Education Code 52052. (Education Code 47607, 47607.3)

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

### **Revocation Procedures**

If the County Board is considering a revocation of a charter school, it shall take action to approve and deliver a Notice of Violation to the charter school's governing body. The Notice of Violation shall identify:

**CHARTER SCHOOLS** (continued)

1. The charter school's alleged violation(s).
2. All evidence relied upon by the County Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.
3. The period of time that the County Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the County Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

At least 72 hours prior to any meeting at which the County Board will consider issuing a Notice of Violation, the County Board shall provide the charter school with notice and all relevant documents related to the proposed action. ((Education Code 47607; 5 CCR 11965, 11968.5.2)

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the County Board a detailed written response and supporting evidence addressing each identified violation, including, as applicable, a refutation, remedial action taken, or proposed remedial action. (5 CCR 11968.5.2)

At the conclusion of the remedy period specified in the Notice of Violation, the County Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR 11968.5.2)

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body.
2. Continue revocation of the charter, by issuing a Notice of Intent to Revoke to the charter school's governing body within 60 calendar days of the conclusion of the remedy period, if there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the County Board's satisfaction. All evidence relied upon by the County Board for the decision shall be included in the Notice of Intent to Revoke.

If the County Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the County Board and the charter school, the County Board shall issue a final decision on the revocation of the charter. (Education Code 47607; 5 CCR 11968.5.2)

## **CHARTER SCHOOLS (continued)**

If the County Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)

Within 10 calendar days of the County Board’s final decision, the County Superintendent or designee shall provide a copy of the final decision to CDE. (Education Code 47604.32; 5 CCR 11968.5.2) The County Board’s decision may subsequently be appealed to the State Board of Education (“SBE”) by the charter school. Pursuant to Education Code 47607, if the SBE reverses the revocation, the County Board remains the chartering authority.

### **Appeals to the County Board of a District Revocation**

If a school district revokes a charter, the charter school may, within 30 days of the final decision, appeal the revocation to the County Board. The County Board’s decision may subsequently be appealed to the SBE by either the charter school or the district.

The County Board may reverse the revocation if it determines that the district's findings are not supported by substantial evidence, in which case the district may appeal the reversal to SBE. If the County Board upholds the revocation or does not issue a decision within 90 days of its receipt of the appeal, the charter school may appeal to SBE. Pursuant to Education Code 47607, if either the County Board or SBE reverses the revocation, the district remains the chartering authority.

However, a revocation based upon the findings of CCEE pursuant to Education Code 47607.3 may not be appealed. (Education Code 47607, 47607.3; 5 CCR 11968.5.3-11968.5.5)

### **School Closure**

If a charter school ceases operation due to revocation, the County Board and/or the charter school shall implement the school closure procedures specified in the charter and LACOE MOU in accordance with Education Code 47605 and 5 CCR 11962. (Education Code 47604.32)

### **Complaints**

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

## **CHARTER SCHOOLS (continued)**

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision of the charter school resulting from the uniform complaint procedures may appeal the decision to the Superintendent of Public Instruction (SPI). If the charter school finds merit in the complaint or the SPI finds merit in an appeal, the charter school shall provide a remedy to all affected students and parents/guardians. (Education Code 52075)

In keeping with Education Code 47605(e), a charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason and the charter school shall post the CDE approved notice in this regards on their website. Additionally, the charter school shall provide a copy of this notice (1) when a parent, guardian, or pupil inquires about enrollment, (2) before conducting an enrollment lottery, and (3) before disenrollment of a pupil. A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

In keeping with Education Code 221.61, a charter school shall prominently post on their website specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on their school website, including, but not limited to, the name, phone number, and email address of the Title IX Coordinator, the rights of the pupil and the responsibilities of the charter school, and a description of how to file a complaint under Title IX, which shall include all of the following:

- (A) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may be filed beyond the statute of limitations.
- (B) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, Internet Web links to this information on the United States Department of Education Office for Civil Rights' Internet Web site.
- (C) An Internet Web link to the United States Department of Education Office for Civil Rights complaints form, and the contact information for the office, which shall include the phone number and email address for the office.

## **Finance**

The County Superintendent may charge for the actual costs of oversight of a charter school not to exceed any limits imposed in law. The County Board is not required to provide facilities for charter schools, and will not do so. The County Superintendent shall not place upon the County Office any additional financial liability for the operation of charter schools.

**CHARTER SCHOOLS** (continued)

In the case of a countywide charter, the County Board may, at the expense of the charter school, engage a third-party, selected by the County Board, to oversee, monitor, or report to the County Board and County Superintendent on the operations of the charter school pursuant to Education Code 47605.6(c).

**Fiscal Accountability**

The County Board and LACOE will require evidence that the charter school demonstrates effective fiscal accountability. The charter school must demonstrate that:

1. It has established and maintains positive fund and cash balances to ensure solvency. Failure to remain solvent is grounds for revocation of the charter. Additionally, in cases where a fiscal stabilization plan is requested of the charter school, an escrow account may be required.
2. LACOE will not provide funds to meet on-going fiscal operations or obligations to a charter school authorized by the County Board.
3. A charter school authorized by the County Board must provide written notification prior to accepting public, private, or commercial loans or other debt instruments. Loan requests must be consistent with sound fiscal practices and repayment schedules included in budget proposal and other appropriate financial reports.

## INFORMATION ONLY

AR 0420.4(a)

### CHARTER SCHOOLS

The Los Angeles County Board of Education (County Board) delegates the following administrative functions related to charter schools to the County Superintendent:

1. Accepting, reviewing, and reporting the findings of fact on charter petitions submitted to the County Board;
2. Accepting petitioner requests for extensions to timelines as permitted by statute and regulation;
3. Monitoring and overseeing charter schools authorized by the County Board, which includes developing and signing the LACOE Monitoring and Oversight Memorandum of Understanding (MOU), the administrative contract for this function, receiving and responding to requests from other agencies regarding the performance and standing of charter schools, accepting requests for Material Revisions to the Charter, and accepting waivers that are submitted to the State Board of Education (SBE);
4. Accepting the *Notice of Appeal* of a revocation, evaluating and reporting on the revocation process at the school district level, and providing required notifications subsequent to the County Board's action; and
5. Accepting a charter school's response to a Notice of Violation issued by the County Board.

Procedures for submitting petitions, requesting an extension to timelines, submitting a *Notice of Appeal* of a revocation, a sample of the petition review protocol on which findings of fact on petitions are based, and a sample MOU are maintained on the LACOE website at [www.lacoe.edu](http://www.lacoe.edu). Upon notification, LACOE will schedule an appointment with the charter school to receive petition documents. Petitioner is responsible for certifying that the petition is complete.

### Definitions

**Charter Petition** – A charter petition is a proposal for the implementation of a charter school. It offers the petitioner's efforts at providing a reasonably comprehensive description of the essential components of a charter school as defined by law. The proposal does not provide all of the essential elements of a comprehensive plan to implement a public school, nor does it provide for the manner in which the authorizer shall monitor the school. The minimum components of a charter petition are specified in Education Code (EC) and the California Code of Regulations, Title 5 (5 CCR).

## INFORMATION ONLY

AR 0420.4(b)

### CHARTER SCHOOLS (continued)

**Authorized Charter** – An authorized charter is the performance contract for operating a publicly funded charter school under the conditions and provisions approved by the authorizing entity, the County Board. It provides the governing board of the charter school with substantial autonomy over the implementation and operation of the school. In return for autonomy, the charter school commits to being accountable to high academic and organizational performance, applicable provisions of law, and to monitoring and oversight by the County Board and the County Superintendent as specified in the MOU.

#### Timelines

Upon receipt of a charter petition and prior to reviewing the petition for the purpose of reporting on the findings of fact, LACOE verifies that the petition has been submitted to the County Board within the following timelines:

1. The appeal of a petition to establish a charter school must be received within 30 calendar days of the date of denial by the school district board.
2. The appeal of a renewal petition that was denied by a school district board must be submitted within 30 calendar days of the board action to deny.
3. A petition to establish a Direct County Charter, Countywide Charter, or County Conversion Charter may be submitted at any time.
4. A petition to renew a charter authorized by the County Board may be submitted after the California Department of Education (CDE) releases the California Assessment of Student Performance and Progress (CAASPP) results for the year prior to the last year of the charter term but no later than January 31<sup>st</sup> of the last year of the charter term. A charter school may apply for renewal prior to the release of the CAASPP data referenced above if it can demonstrate the school has met the statutory criteria for renewal without the information contained in this report.

LACOE provides a petitioner with written confirmation of receipt of a petition within ten (10) business days.

LACOE shall inform the petitioner of the applicable statutory and regulatory timelines and permissible extensions of those timelines to support the petitioner in making an informed decision. LACOE shall forward requests for extensions of timelines to the County Board for action.

After receiving a petition for a charter school, LACOE calendars a Public Hearing at which the County Board determines the level of support for the charter by teachers, other employees of the district, and parents/guardians. The Public Hearing is held at a regularly scheduled meeting of the County Board within 60 calendar days of receipt of the petition.

## INFORMATION ONLY

AR 0420.4(c)

### CHARTER SCHOOLS (continued)

LACOE calendars the date for the County Board to take action to approve or deny a petition within 90 calendar days of receipt of a petition for the establishment of a charter school or within 120 calendar days with the written consent of both parties. (EC 47605)

#### Criteria for Determining Receipt of Petitions

Upon notification that a charter school intends to file a petition, LACOE will schedule an appointment with the charter school to receive petition documents. Petitioner is responsible for certifying that the petition is complete. Upon review, LACOE staff will either provide the petitioner with a receipt for a complete submission or provide the petitioner with alternative options.

#### Previously Denied Charter Petition on Appeal (5 CCR 11967)

LACOE considers a previously denied petition to establish or renew a charter to have a complete submission when the petitioner has submitted all of the following:

1. A complete copy of the charter petition *as denied* by the school district board including, if applicable, signatures required and evidence of meeting renewal criteria. All documents considered by the school district board must be submitted to LACOE for review without change or omission. The petitioner is responsible to provide district verification that the petition (including budgets and supporting documents) submitted to the County Board are the same documents upon which the school district board based its denial action. The timeline for County Board action is triggered by receipt of that verified copy.
2. Evidence of the school district board's action to deny the petition (e.g., meeting minutes) and its written factual findings specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial as specified in Education Code 47605(b).
3. A separate narrative describing any necessary changes to the petition to reflect the County Board as the chartering entity.

While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

LACOE may request the petitioner to provide additional information not required by the school district board that denied the charter.

If the petition submitted on appeal contains new or different material terms, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board

## **INFORMATION ONLY**

AR 0420.4(d)

### **CHARTER SCHOOLS (continued)**

of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the County Board. (Education Code 47605)

#### **Direct County Charter**

LACOE considers a petition to have a complete submission when the petitioner has submitted all of the requirements for a petition applicable to a Direct County Charter as specified in Education Code 47605.5. While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

#### **County Conversion Charter**

LACOE considers a petition to have a complete submission when the petitioner has submitted all of the requirements for a petition applicable to a County Conversion Charter as specified in Education Code 47605. While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

#### **Countywide Charter**

LACOE considers a petition to have a complete submission when the petitioner has submitted all of the requirements for a petition applicable to a Countywide Charter as specified in Education Code 47605.6. While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

A petition to establish a countywide charter school pursuant to Education Code section 47605.6 shall:

- (1) Comply with all statutory requirements otherwise applicable to charter schools, except those relating to geographic and site limitations (See Education Code section 47605.6).
- (2) If applicable, comply with all requirements of law relative to the provision of independent study.
  - (A) A charter that does not expressly provide for independent study shall not be interpreted as allowing independent study beyond that which is incidental and required to address the temporary needs of particular students.
  - (B) If the independent study (non-classroom-based instruction) exceeds the percentage specified in Education Code section 47612.5, it shall be funded only in keeping with a determination of funding approved pursuant to Education Code section 47634.2.

**INFORMATION ONLY**

AR 0420.4(e)

**CHARTER SCHOOLS (continued)**

- (3) Describe how an annual independent audit of the countywide charter school will be conducted in keeping with applicable statute and regulation and indicate how the countywide charter school's individual schools will be appropriately included in the audit process.
- (4) Incorporate a plan that provides for initial commencement of instruction in at least two schools, which shall be in at least two different school districts within the authorizing county. The plan for instruction shall describe how the instructional services will provide a countywide benefit, as specified in section (b) that cannot be provided by a charter school operating in only one school district. Existing charter schools previously approved by a charter authorizer may not be included in a petition to establish a countywide charter school
- (5) Include an assurance that the instructional services for similar student populations described in the charter will be essentially similar at each school and, thus, that each pupil's educational experience will be reasonably the same with regard to instructional methods, instructional materials, staffing configuration, personnel requirements, course offerings, and class schedules.
- (6) Describe how the countywide charter school will participate as a member of a special education local plan area, and ensure a coordinated structure for the provision of necessary programs and services specific to students with individualized education programs (IEPs).
- (7) Demonstrate success in operating charter schools previously approved in California as evidenced by improved pupil academic performance and annual financial audits with no audit findings or exceptions. Data that shall be considered in determining the likelihood of a charter operator to successfully operate a countywide benefit charter school include, but are not limited to, a CA Dashboard report without red or orange performance indicators for any student group in two or more state priorities, evidence of having met growth targets over time, and other alternative indicators of success as defined in Education Code section 47607.2.
- (8) Describe how local community input for each school included in the plan was solicited (or will be solicited). Satisfaction of this paragraph shall involve the holding of at least one publicly noticed meeting for each school, with a summary of the input received at the meeting(s) being provided to the Los Angeles County Board of Education (County Board).
- (9) Contain sufficient signatures either of parents, guardians, or of teachers in keeping with Education Code section 47605.6(a) for each school proposed in the first year.

**INFORMATION ONLY**

AR 0420.4(f)

**CHARTER SCHOOLS (continued)**

- (10) Address all charter elements specified in Education Code section 47605.6 adapted appropriately for application at the countywide level.
- (11) Contain or address any provisions or conditions specified by the County Board at the time of charter approval.
- (12) Contain a plan for operations of the countywide charter school that describes the distinction between centralized and individual school level responsibilities and includes a staffing plan to implement the activities at the designated level. This plan shall be a part of the petition as initially approved by the County Board. If amendments to the plan are proposed, these amendments must be submitted to the County Board for approval. The plan shall address countywide charter school operations including, but not limited to:
  - (A) Academic program;
  - (B) Facilities and school operations;
  - (C) Legal and programmatic compliance;
  - (D) Financial administration;
  - (E) Governance; and
  - (F) Decision-making authority.
- (13) Provide a list that includes each school the countywide charter school proposes to operate. This list shall be a part of the petition as initially approved by the County Board. This list shall include:
  - (A) A timeline for the commencement of instruction at each school. Commencement of instruction must begin during the term of the charter.
  - (B) The general location of each school and the school district in which each school is to be located.
  - (C) A description of the potential facilities to be used at each school.
  - (D) The approximate number of pupils that can safely be accommodated by each school facility.

**INFORMATION ONLY**

AR 0420.4(g)

**CHARTER SCHOOLS (continued)**

“Instructional services that are not generally provided by a county office of education” and “that cannot be served as well by a charter school that operates in only one school district in the county,” as referenced in Education Code 47605.6(a)(1), shall include, but not be limited to, the following factors:

- (1) Unique factors and circumstances related to the countywide charter school’s educational program that can only be accomplished as a countywide charter and not as a single district- or single county-authorized charter, including specific benefits to each of the following:
  - (A) The pupils who would attend the countywide charter school;
  - (B) The communities (including the school districts) in which the individual schools would be located (e.g., in terms of pupil demographics and performance);
  - (C) The county, to the extent applicable; and
  - (D) The countywide charter school itself (e.g., in fund raising, community partnerships, or relationships with institutions of higher education).
  
- (2) Neither an administrative benefit to a charter operator, nor a desire by a charter operator to provide services in more than one district, shall be considered sufficient in and of itself to constitute a rationale for a countywide charter.
  - (A) A countywide charter school, regardless of the number of individual schools, is treated as a school district for all purposes, including but not limited to, compliance monitoring, data reporting and collection, student performance data, oversight, and apportionments. For purposes of compliance monitoring and oversight, the County Board, in its review, will look at each individual school’s independent progress in meeting federal and state growth targets, in addition to the Local Education Agency (LEA) as a whole.
  - (B) Following its submission, a petition to establish a countywide charter school may be modified or new schools added that were not included in the original petition only with the approval of the County Board through the material revision process described in EC 47607(a)(2).
  - (C) Each countywide charter school shall provide an annual report to the County Board reflecting student achievement data, performance benchmarks, and other pertinent data supporting stated charter goals.

## **INFORMATION ONLY**

AR 0420.4(h)

### **CHARTER SCHOOLS (continued)**

#### **Direct County and County Conversion Charter**

For a Direct County Charter, County Conversion Charter, LACOE requires that the affirmations, assurances, and required elements be presented in the order specified in Education Code 47605 or 47605.6 and that each element be clearly identified by code section. LACOE also requires specific supporting evidence or documentation aligned with the statutory requirements. The details regarding these supporting documents, which are considered as part of the review process, are published on the LACOE website. The timeline for County Board action is triggered by the receipt of the petition as defined in statute and all supporting documents required by County Board Policy and these Regulations.

Once a petition is submitted and LACOE determines it contains all required documents, LACOE will not consider additional documents from the petitioner for the purpose of writing the findings of fact unless the information is requested by LACOE.

For a petition to establish any type of charter school, LACOE may request that the petitioner provide additional information.

#### **Criteria for the Renewal**

Whether a renewal petition is submitted to the County Board on appeal after denial by a local school district board or submitted to the County Board as the current authorizer, LACOE reviews the petition to determine if the petitioner has fulfilled the requirements of a petition to renew a charter. In addition to the requirements specified in Education Code 47605 or 47605.6, LACOE determines whether the following have been received as applicable:

1. Documentation that the charter school meets at least one (1) of the academic performance criteria specified in Education Code 47607~~(b)~~(c)
2. A copy of the renewal charter petition, including a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. For the appeal of a denied renewal petition, the petition must be as certified as the one denied by the local board. (County Board Policy 0420.4)
3. For the appeal of a denied renewal petition, a copy of the school district board's denial and supporting written factual findings; if the school district board did not make written findings, the County Board will hear the appeal based on the action taken by the school district board.
4. For the appeal of a denied renewal petition, a description of any changes to the renewal petition necessary to reflect the County Board as the authorizer.
5. Evidence regarding the past performance of the school's academics, finances, and operation along with future plans for improvement, if any.

## INFORMATION ONLY

AR 0420.4(i)

### CHARTER SCHOOLS (continued)

#### Petition Review Protocol

LACOE uses a standardized protocol to evaluate whether a charter petition complies with all statutory requirements, the petitioners are demonstrably likely to successfully implement the educational program stated in the charter, the required elements are reasonably comprehensive, affirmations are stated, and assurance conditions are met. The review protocol is based on applicable statutory and regulatory requirements as well as County Board Policy and these Regulations.

For a petition to establish a County Direct, County Conversion, or Countywide Charter, and for a petition to renew a charter authorized by the County Board, the criteria of review protocol is used to determine whether the petition meets the statutory requirements and the elements are reasonably comprehensive.

A petition to establish or renew a Countywide Charter is reviewed pursuant to Education Code 47605.6. The additional criteria specified in Education Code 47605.6(a)(3) and 47605.6(b) are addressed in the findings reported to the County Board.

A Previously Denied Charter Petition Appeal that does not comply with LACOE submission criteria due to conflicting submission requirements of the school district board, may be asked to submit additional materials (e.g., handbooks, bylaws, articles of incorporation, audits) to facilitate a complete and thorough review. The petitioner should address discrepant criteria through its description of changes to the petition necessary to reflect the County Board as the authorizer.

LACOE has adopted and incorporated applicable regulatory criteria of the California Code of Regulations, Title 5 section 11967.5.1 for its review protocol except where LACOE determined the regulations provide insufficient direction, or where the structure or responsibilities of the County Board and LACOE differ from those of the SBE and the CDE.

In these instances, LACOE has developed its own (local) review criteria or added criteria to those developed by CDE to reflect the needs of the County Board as the authorizer and LACOE as the monitoring and oversight agency. These local and additional criteria are as follows:

- 1. Demonstrably Unlikely to Successfully Implement the Program** (EC 47605(c)(2), 47605.6(b)(2); 5 CCR 11967.5.1(c)) In addition to review of the petition and supporting documents, LACOE may conduct a Capacity Interview of the governing board to determine whether it has the capacity to govern the school and/or the leadership team to determine whether it has the necessary experience and knowledge to implement the charter. The findings from the Capacity Interview are used to evaluate whether the petitioners can successfully implement the program.

**INFORMATION ONLY**

AR 0420.4(j)

**CHARTER SCHOOLS (continued)**

2. **Required Signatures** (EC 47605(c)(3), 47605.6(a); 5 CCR 11967.5.1(d)) A petition “contains the requisite number of signatures” if a representative sample of the appropriate signatories verify their interest in the charter at the time they signed the petition. If a representative sample of signatories indicates signatures were not authentic, that they were not meaningfully interested in the school, or the signature process did not comply with the requirements of law including that the charter petition was attached to the signature page, the petition does not contain the requisite number of signatures. (EC 47605, 47605.5, 47605.6)

A parent/guardian can be meaningfully interested in having his/her child attend the school if the child is of an age or in a grade that could now or in the first charter term be served by the school; a teacher can be meaningfully interested in teaching at the school if he/she holds a valid California teaching credential appropriate to the grade levels or subjects offered by the school. Total teacher signatures should represent one-half the FTE of teachers in year one.

The signature requirement set forth in Education Code 47605(a) is not applicable to a petition for the renewal of a charter.

3. **Description of the Educational Program** (EC 47605(c)(5)(A), 47605.6(b)(5)(A); 5 CCR 11967.5.1(f)(1)) The needs and challenges of identified subgroups the school intends to serve must be clearly identified and the petition must describe how the instructional design meets these needs and challenges. The instructional design must be research or evidence-based and present a likelihood of success for the student populations the school states it will serve. The description of how the school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations must address all of the requirements of Education Code 47605(c)(5)(A)(i-iii) or 47605.6(b)(5)(A)(i-iii), the corresponding guidance of the California Code of Regulations, Title 5 section 11967.5.1(f)(1)(A)-(F), and comply with applicable requirements of law.

The petition must indicate whether for the purposes of special education, the school will be a school of the district or its own Local Education Agency (LEA). The description should include a bell schedule, proposed school calendar, the instructional minutes by grade level which meets minimum standards required by law, and a staff development plan that is tailored to meet the school’s mission and instructional design.

4. **Measurable Outcomes** (EC 47605(c)(5)(B), 47605.6(b)(5)(B); 5 CCR 11967.5.1(f)(2)) The measurable outcomes must be based on data that can be verified by LACOE.

## INFORMATION ONLY

AR 0420.4(k)

### CHARTER SCHOOLS (continued)

5. **Governance Structure** (EC 47605(c)(5)(D), 47605.6(b)(5)(E); 5 CCR 11967.5.1(f)(4)) The petition must provide evidence the school has established a governing board or other entity as described in its charter that is effectively engaged in policy making and fiscal and administrative oversight and compliance with specific laws applicable to charter school governance including the Brown Act, the Political Reform Act, Government Code 1090; applicable sections of the Corporations Code including the Nonprofit Integrity Act. The petition should include a copy of the articles of incorporation and bylaws, an organizational chart, board resumes with contact information, and evidence that the school’s governing board has adopted internal controls policies to prevent fraud, embezzlement, and conflict of interest and ensures the implementation and monitoring of those policies.
6. **Health and Safety** (EC 47605(c)(5)(F), 47605.6(b)(5)(G); 5 CCR 11967.5.1(f)(6)) A renewal petition should include a copy of the student/parent handbook, the school safety plan, the employee handbook, and the procedures that the school will follow to ensure the health and safety of students and staff.
7. **Racial and Ethnic Balance** (EC 47605(c)(5)(G), 47605.6(b)(5)(H); 5 CCR 11967.5.1(f)(7)) The petition must include a demographic description of the general population residing in the school district in which the school proposes to locate (or in the case of a countywide charter, the demographics of the county); benchmarks that measure whether the applicant pool is reflective of the district, including a balance of racial and ethnic pupils, special education pupils, English learner pupils, including redesignated English fluent proficient pupils; specific outreach strategies including locations and times, specific media outlets, conducting outreach in appropriate languages and to appropriate socioeconomic groups. The petition should not provide evidence that the plan may establish barriers to access based on race or ethnicity.
8. **Admission Requirements** (EC 47605(c)(5)(H), 47605.6(b)(5)(M); 5 CCR 11967.5.1(f)(8)) Admission preferences, if any, must be clearly defined (siblings, employee’s children, founding parent/founders, etc.) and must not be likely to negatively impact the racial balance the school strives to achieve. The admissions process must not be discriminatory with respect to protected classes and groups. The process for conducting the lottery must be clearly defined and observable. The petition should describe information to be collected through the interest form, application form, and/or enrollment form or a copy of these forms if a renewal petition. If the petition or budget indicates the school will apply for the federally funded Public Charter School (PCS) grant, the admissions criteria should match those criteria or there should be a notation that if the charter is awarded the grant, the school will request a material revision to the charter to align their admission criteria with the grant during the time they receive grant funds.

**INFORMATION ONLY**

AR 0420.4(1)

**CHARTER SCHOOLS (continued)**

- 9. Annual Independent Financial Audits** (EC 47605(c)(5)(I), 47605.6(b)(5)(I); 5 CCR, 11967.5.1(f)(9)) The petition must specify that the independent audit is conducted annually; the auditor must be on the State controller’s list of educational auditors; the auditor will be hired by the Board of Directors of the charter school; and financial reporting to charter agency will be carried out pursuant to Education Code 47604.33. A renewal petition received on appeal must include the two (2) most recent audits, if applicable. A renewal petition for a charter school authorized by the County Board must include the most recent audit, if applicable.
- 10. Retirement Systems** (EC 47605(c)(5)(K), 47605.6(b)(5)(K); 5 CCR 11967.5.1(f)(11)) The petition must clearly comply with the language that is acceptable to the respective retirement systems, as both systems retain the right to reject charter language that does not clearly specify the school’s choices with regard to CalSTRS and CalPERS. The charter may offer one, both, or neither of the public retirement systems, however language must clearly reflect one of the following choices for each retirement system: *(1) Coverage will be offered to eligible employees; (2) The school retains the option to elect the coverage at a future date, or (3) The school will not offer the coverage.* To be considered reasonably comprehensive, the petition must meet both criteria, clearly identify the retirement systems for each type of position, and identify the responsible staff position for ensuring appropriate arrangements for coverage have been made.
- 11. Dispute Resolution Procedures** (EC 47605(c)(5)(N), 47605.6(b)(5)(L); 5 CCR 11967.5.1(f)(14)) To be reasonably comprehensive, the petition must state the following: That in the event that any dispute arises between the charter school and LACOE, both parties agree to use the procedure as stated herein, except for any dispute that is any way related to revocation of the charter school. The party who claims there is a dispute shall first identify the issue in writing with specificity and with supporting facts. The other party shall provide a written response to the identification of the issue within 20 business days. Both parties will attempt to settle such dispute by meeting and conferring in a good faith attempt to resolve the dispute within 15 business days of the date of the written response. At any time that LACOE believes the dispute relates to an issue that could lead to revocation of the charter school, both parties will no longer be subject to this process. LACOE may proceed immediately with the revocation procedures as set forth in law and stated below if LACOE believes the charter school:

  - A. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
  - B. Failed to meet or pursue any of the pupil outcomes identified in the charter.

**INFORMATION ONLY**

AR 0420.4(m)

**CHARTER SCHOOLS (continued)**

- C. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
  - D. Violated any provision of law.
- 12. Closure Procedures** (EC 47605(c)(5)(O), 47605.6(b)(5)(P)) The petition must reflect the definition of procedures for charter school closure pursuant to the California Code of Regulations, Title 5 section 11962.
- 13. Effect on the Authorizer and Financial Projections** (EC 47605(h))
- A. Location and Facilities – Each charter school is required to notify LACOE of all locations, including resource centers, meeting spaces, and satellite facilities. The petition must include copies of lease agreements, Certificates of Occupancy, MOUs, or like agreement/compliance documents for any facility identified in the petition.
  - B. Administrative Services – The petition must include copies of any contracts or MOU for administrative services, if applicable.
  - C. Financial Statements – In the case of a Countywide Charter, the budget shall include an amount sufficient to cover an agreement with a third-party selected by the County Board to oversee, monitor, or report to the County Board and the County Superintendent on the operations of the charter school pursuant to Education Code 47605.6(c).

**Report on Findings**

LACOE will provide a written report on the findings of fact specific to the petition to establish or renew a charter school to the County Board.

If any component of the petition was written to comply with school district requirements and, as a result of that requirement, an element or other component cannot be determined to be reasonably comprehensive, LACOE will report the findings and the reason for the findings, and recommend that, as a condition of authorization, a technical (non-material) amendment be made to the charter if authorized.

The findings shall comply with the statutory criteria of Education Code, California Code of Regulations, Title 5, County Board Policy and these Regulations.

## **INFORMATION ONLY**

AR 0420.4(n)

### **CHARTER SCHOOLS (continued)**

#### **Approval Term**

LACOE will specify the term of the charter (starting and ending dates) and the date by which instruction shall begin in the MOU. The term of a charter to establish a charter school may be from one (1) to five (5) years as determined by the County Board. The term of a renewal charter shall be from two (2) to seven (7) years as determined by the County Board. (EC 47605)

#### **Conditions of Authorization**

LACOE completes the MOU template with all information pertinent to the specific charter school prior to providing the school's governing board with a copy. LACOE monitors whether the charter school fulfills the standard conditions of authorization, which may include, but are not limited to, making changes to the petition necessary to reflect the County Board as the authorizer; signing the MOU, which includes adherence to all requirements established therein; submitting a school safety/student discipline plan that finalizes the reasons a student may and must be suspended or expelled and the policies, procedures, and process for suspending and expelling students; finalizing the curriculum to be used and the scope and sequence of all subjects to be offered; providing evidence of applying to or having membership in a Special Education Local Plan Area (SELPA); providing evidence of insurance; and submitting to a facilities inspection. LACOE also monitors whether the charter school commences operations within the timeframe specified in the approval action and commences instruction by September 30 of the first year of operation. LACOE informs the County Board if the school does not meet the standard conditions of authorization as failure to do so is grounds for termination or revocation of the charter.

The County Board may impose additional conditions when authorizing a charter school. LACOE informs the County Board as to whether the school has fulfilled those conditions.

#### **Notification of Approval or Denial**

LACOE notifies the petitioner in writing of the County Board's decision to grant or deny the charter. Notification includes a stamped copy of the action taken by the board and a copy of the findings of fact. A copy of the minutes is posted on the LACOE website or can be sent to the petitioner on request after final County Board approval.

If the County Board's action was to approve the petition, any conditions of approval and a copy of the MOU are provided to the petitioner in a timely manner. The petitioner is also notified of the requirement to submit a copy of the petition to the CDE and LACOE (Division of School Financial Services, Business Charter Schools Unit); the petition to be sent shall reflect all conditions of authorization and any necessary changes to reflect the County Board as the authorizer identified in the approval action or the MOU.

**INFORMATION ONLY**

AR 0420.4(o)

**CHARTER SCHOOLS (continued)**

In the case of a Countywide Charter, LACOE also notifies the petitioner of the school's responsibility to submit a copy of the approval letter, board minutes, and the approved petition to the school districts within Los Angeles County, the State Superintendent of Public Instruction, and the SBE. (EC 47605.6(j))

LACOE notifies the local school district of the County Board's decision on any action taken pertaining to an appeal.

**Monitoring and Reporting**

The MOU addresses matters not covered in the charter to provide guidance on the oversight policies and procedures of the County Board as carried out by LACOE and outlines the parties' agreement governing their respective fiscal and administrative responsibilities and their legal relationships. The provisions of the MOU, including material revisions, are incorporated into these Regulations by reference.

At a minimum, the monitoring and oversight responsibilities of the County Board and LACOE shall include the following: (EC 47604.32)

1. Identify at least one staff member as a contact person for the charter school.
2. Visit each charter school at least annually.
3. Ensure that each charter school under its authority complies with all reports required of charter schools by law.
4. Monitor the fiscal condition of each charter school under its authority.
5. Provide timely notification to the department if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:
  - A. A renewal of the charter is granted or denied.
  - B. The charter is revoked.
  - C. The charter school will cease operation for any reason.

The cost of performing the duties required by this section shall be funded with supervisorial oversight fees collected pursuant to section 47613.

## INFORMATION ONLY

AR 0420.4(p)

### CHARTER SCHOOLS (continued)

LACOE shall fulfill its monitoring and oversight responsibility by conducting annually a site visit for one or more of the following purposes: (1) to monitor the school's finances and operations; (2) to inspect the facility or facilities; and/or (3) to monitor implementation of the educational program described in the charter.

Additional scheduled and/or unscheduled visits may be conducted when deemed necessary. (Education Code 47607(a)(1) *The authority that granted the charter may inspect or observe any part of the charter school at any time.*)

**Material Revisions** – LACOE accepts, evaluates, and makes a written report to the County Board on the findings of fact on a request for a Material Revision to a charter. After receiving a request for a Material Revision, LACOE evaluates whether the Material Revision complies with the requirements of Education Code 47605, including that the description of the revision be reasonably comprehensive, and any new law enacted after the charter was originally granted or last renewed. LACOE schedules a Public Hearing to determine the level of support for the revision. The Public Hearing is held at a regular scheduled meeting of the County Board within 60 calendar days of receipt of the petition.

LACOE schedules the County Board to take action to approve or deny a Material Revision petition within 90 calendar days of receipt. This timeline may be extended up to 30 calendar days with the written consent of both parties. (EC 47607) The request for an extension must be received prior to the County Board taking a vote to approve or deny the material revision.

**Waivers** – The County Board on behalf of one or more of its charter schools, after a Public Hearing on the matter, may request the SBE to waive all or part of any section of Education Code or any regulation adopted by the SBE that implements a provision of the code that may be waived. (EC 33050)

LACOE accepts, evaluates, and makes a written report to the County Board on the findings of fact on a Waiver. LACOE schedules a Public Hearing on the Waiver request. The Public Hearing is held at a regular scheduled meeting of the County Board within 90 calendar days of receipt of the Waiver. LACOE schedules the County Board to take action to approve or deny a Waiver. If the Waiver request is approved, the Superintendent or designee shall subsequently prepare a summary of the Public Hearing to be forwarded with the waiver request to the SBE or the appropriate administrative agency at the CDE.

A charter school may apply directly to the SBE for a waiver of the following sections of code: (1) Carl D. Perkins Career and Technical Improvement Act of 2006 (PL 109-270 section 131(c)(2)); and (2) Waiver of Audit Penalties (EC 46200, 46201, 46202).

## INFORMATION ONLY

AR 0420.4(q)

### CHARTER SCHOOLS (continued)

#### **Revocation of a Charter Authorized by the County Board**

As part of its administrative responsibility to monitor and oversee the charter schools authorized by the County Board, LACOE, at a minimum, informs the charter school and the County Board in writing when a charter school commits a material violation of any of the standards, procedures, or procedures of its charter, fails to meet or pursue any of the pupil outcomes identified in the charter, fails to meet generally accepted accounting principles or engages in fiscal mismanagement, violates any provision of law, there is a severe and imminent threat to pupil health or safety, or fails to comply with any conditions of authorization or operation established by the County Board.

LACOE strives to support a charter school's efforts to comply with its charter, applicable laws and implementing Regulations. When a charter school is out of compliance, LACOE attempts to help it correct violations by identifying and documenting concerns and providing technical assistance. If violations relate to the requirements of Education Code 47606.5, LACOE will follow the requirements of Education Code 47607.3 as established by AB 97 (2013). If this support does not lead to a remedy, LACOE will provide the County Board with written notice and the evidence used to determine that the alleged violation(s) occurred.

Where the County Superintendent determines there is substantial evidence of a violation, he or she may recommend the County Board issue a *Notice of Violation* to the charter school at a regular meeting of the County Board; this initiates the revocation process. LACOE shall provide at least 72 hours notice to the charter school of any meeting at which the County Board will consider issuing a *Notice of Violation*.

LACOE will provide the County Board with a draft *Notice of Violation* which shall include the specific alleged violation(s), the evidence used to determine the violations, including the date and duration of the alleged violation(s), that the violation(s) are material and uncured, that the alleged violations occurred within a reasonable period of time before the notice is issued, the reasonable period by which the charter shall refute, remedy, or propose a remedy, to whom the written response shall be submitted, and the date by which the County Board will take action on whether to terminate or proceed with revocation; this date shall be within 60 days of the end of the remedy period.

If the charter school submits a written response by the end of the remedy period, LACOE will evaluate the response in writing and provide the evaluation to the County Board at a regular meeting to be held within 60 calendar days of the end of the remedy period. If the County Superintendent determines the response, remedy, or proposed remedy is insufficient to cure, he or she may recommend that the County Board issue a *Notice of Intent to Revoke* at a regular meeting of the County Board.

LACOE will provide the County Board with a draft *Notice of Intent to Revoke* which shall specify the date, time, and location for a Public Hearing concerning revocation.

## **INFORMATION ONLY**

AR 0420.4(r)

### **CHARTER SCHOOLS (continued)**

Education Code 47605 provides that, while an appeal is pending, a charter school that is being revoked for the reasons specified in Education Code 47607(c)(1)(A) or (B) will continue to qualify as a charter school for funding and all other purposes of the Charter School Act and may continue to hold all existing grants, resources, and facilities in order to ensure that the education of students enrolled in the school is not disrupted.

If the County Board determines there is a violation of Education Code 47607(c) that constitutes a severe and imminent threat to the health or safety of pupils, the County Board is exempt from the requirements of the California Code of Regulations, Title 5 section 11968.5.2 and may immediately revoke the school's charter by approving and delivering a *Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety* to the charter school's governing board and the CDE. Due to the urgent nature of a severe and imminent threat to the health and safety of pupils, the County Superintendent under his or her delegated authority from the County Board may suspend operation of the school until such time as the Board may hold a meeting to take action to immediately revoke the school under this section.

Following approval and delivery of the *Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety* by the County Board, the charter school's governing board may appeal to the SBE pursuant to Education Code 47607(i) and (j).

#### **Public Hearing on Revocation**

On the date and time specified in the *Notice of Intent to Revoke*, and no later than 30 days after providing the *Notice of Intent to Revoke* a charter, the County Board will hold a Public Hearing on the issue of whether evidence exists to revoke the charter.

#### **Final Decision on Revocation**

No more than 30 calendar days after the Public Hearing, or no later than 60 calendar days with the written consent of both parties, the County Board shall issue a *Final Decision* on the revocation.

LACOE will provide a copy of the *Final Decision* of the action taken by the County Board at the Public Hearing to the CDE within ten (10) calendar days of issuing the *Final Decision*.

#### **Appeal of a Revocation by a School District Board of Education**

If a school district is the chartering authority and revokes a charter pursuant Education Code 47607 and the California Code of Regulations, Title 5 section 11968.5.2, the charter school may appeal the revocation to the County Board within 30 days following the final decision of the school district board.

**INFORMATION ONLY**

AR 0420.4(s)

**CHARTER SCHOOLS** (continued)

Upon receipt of a *Notice of Appeal* of revocation from a charter school, LACOE determines whether the notice was submitted within 30 calendar days of the receipt of the Final Decision revoking the school’s charter and that the *Notice of Appeal* complies with the requirements of the California Code of Regulations, Title 5 section 11968.5.4 (a).

The County Board may reverse the revocation based on the California Code of Regulations, Title 5 section 11968.5.4 (b) (1) – (3). LACOE reviews the *Notice of Appeal* for compliance with the regulatory requirements and reports findings on the review to the County Board.

If the County Board reverses the revocation decision, the school board that granted the charter shall continue to be considered the chartering authority. The school district may appeal the reversal to the State Board.

If the County Board does not issue a written decision on the revocation within 90 days of receipt of the *Notice of Appeal* and required supporting documents, the decision of the authorizer is upheld pending any further appeal. If the County Board upholds the revocation, the charter school may appeal the revocation to the State Board.

LACOE shall provide the CDE and the school district board with a copy of the County Board’s written decision within ten (10) calendar days of the action.

An appeal of a *Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety* is considered in much the same manner as any other appeal of a revocation; the specific differences are outlined in the California Code of Regulations, Title 5 section 11968.5.3(c) – (e). LACOE shall act to ensure the health and safety of the students as its primary concern in addition to fulfilling the administrative responsibilities delegated to the County Superintendent.

**Business and Noninstructional Operations**

BP 3516(a)

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

The County Board recognizes that all LACOE staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster.

The County Superintendent or designee will develop and maintain a disaster preparedness plan which details provisions for handling routine and emergencies and disasters emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973. ~~and which shall be included in~~ Such procedures shall be incorporated into LACOE's comprehensive school safety plan. (Education Code 32282)

*(cf. 0450 - Comprehensive Safety Plan)*  
~~*(cf. 3516.3 - Earthquake Emergency Procedure System)*~~

**Plan Development and Review**

The County Superintendent or designee will also develop and maintain emergency plans for each LACOE school site and Administrative Facilities-office Location .

In developing LACOE Administrative Office and school safety emergency plans, the County Superintendent or designee will collaborate with city, county, state and national emergency responders and agencies.

The County Superintendent or designee will use state-approved Standardized Emergency Management System guidelines (SEMS) and the National Incident Management System (NIMS) when updating LACOE Administrative Office and site-level emergency and disaster preparedness plans.

The County Board and/or Superintendent or designee shall grant the use of LACOE facilities, school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The County Board shall cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs. (Education Code 32282)

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

School employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*  
~~*(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)*~~

## **EMERGENCY DRILLS AND PROCEDURES (continued)**

Periodic fire alarm and emergency drills shall be conducted, an emergency preparedness manual be available to all employees, and appropriate in-service training on emergency preparedness provided for LACOE staff.

Emergency preparedness plans shall be developed and appropriate staff in-service training in emergency preparedness shall be provided at all facilities maintained by LACOE or by school districts for LACOE use. Required periodic fire alarm and evacuation drills also shall be conducted.

*(LACOE Legal Reference: Cal. Code Regs. Title 5, §§ 550, 560)*

### *Legal Reference:*

#### EDUCATION CODE

*32001 Fire alarms and drills*

*32040 Duty to equip school with first aid kit*

*32280-32289 School safety plans*

*32290 Safety devices*

*39834 Operating overloaded bus*

*46390-46392 Emergency average daily attendance in case of disaster*

*49505 Natural disaster; meals for homeless students; reimbursement*

#### GOVERNMENT CODE

*3100-3109 Public employees as disaster service workers*

*8586.5 California Cybersecurity Integration Center*

*8607 Standardized emergency management system*

*11549 Cybersecurity assessment*

*11549.3 Office of information security*

*Public Utilities Code 2872 Automatic dialing*

#### CODE OF REGULATIONS, TITLE 5

*550 Fire drills*

*560 Civil defense and disaster preparedness plans*

#### CODE OF REGULATIONS, TITLE 19

*2400-2450 Standardized emergency management system*

#### UNITED STATES CODE, TITLE 20

*1400-1482 Individuals with Disabilities Education Act*

#### UNITED STATES CODE, TITLE 29

*794 Rehabilitation Act of 1973; Section 504*

#### UNITED STATES CODE, TITLE 42

*12101-12213 Americans with Disabilities Act*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Avian Influenza, Governance and Policy Services Fact Sheet, April 2006*

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

#### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

*Pandemic Influenza Planning Checklist, 2006*

#### CONTRA COSTA COUNTY OFFICE OF EDUCATION

*Pandemic Flu School Action Kit, June 2006*

#### GOVERNOR'S OFFICE OF EMERGENCY SERVICES

*School Emergency Response: Using SEMS at LACOE's and Sites, June 1998*

*California Emergency Management for Schools: A Guide for Districts and Sites*

*State of California Emergency Plan, 2017*

*Active Shooter Awareness Guidance, February 2018*

**EMERGENCY DRILLS AND PROCEDURES (continued)**

*Management Resources (continued)*

*FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATION*

*National Incident Management System, 3rd ed., October 2017*

*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*

*Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003*

*Guide for Developing High-Quality School Emergency Operations Plans, 2013*

*WEB SITES*

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

*American Red Cross: <http://www.redcross.org>*

*California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/ls/ss/cp>*

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

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

*Centers for Disease Control and Prevention: <http://www.cdc.gov>*

*Contra Costa County Office of Education, Pandemic influenza resources:*

*[http://www.cccoe.k12.ca.us/about/flu/resources\\_flu\\_action\\_kit](http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit)*

*Federal Emergency Management Agency: <http://www.fema.gov>*

*U.S. Department of Education, Emergency Planning:*

*<http://www.ed.gov/admins/lead/safety/emergencyplan>*

*U.S. Department of Homeland Security: <http://www.dhs.gov>*

*California Cybersecurity Integration Center: (<https://www.caloes.ca.gov/office-of-the-director/operations/homeland-security/california-cybersecurity-integration-center/>)*

*California Office of Emergency Services: School Emergency Planning & Safety  
(<https://www.caloes.ca.gov/office-of-the-director/operations/planning-preparedness-prevention/planning-preparedness/school-emergency-planning-safety/>)*

**Business and Noninstructional Operations**

AR 3516(a)

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

**Emergency Preparedness**

Emergency preparedness procedures for the Administrative Facilities, and implementation of those procedures, shall be the responsibility of the Emergency Preparedness and Security Officer or designee. Emergency procedures may be found in the Employee Emergency Procedure Manual.

Comprehensive School Safety Plans development and implementation of those plans, shall be the responsibility of the education program and school administrator in coordination with the Emergency Preparedness and Security Officer. The plan must be updated annually.

Use of the LACOE Administrative Facilities emergency public address system shall be the responsibility of the Director, Facilities and Construction, Emergencies Preparedness and Security ~~Administrative Services~~ Officer, the Public Affairs and Communications Director or designee during normal working hours and of the security supervisor on duty at all other times. The system shall be used only for urgent communication to occupants of the Administrative Facilities.

Under the direction of the Chief Education Officer, Associate Superintendent, Special Programs Support and Transportation, or designee ~~Assistant Superintendent of Educational Programs~~ or designee, site administrators shall be responsible for developing and communicating appropriate emergency preparedness procedures for each of their operating units.

**Facilities**

There will be Public Address systems in each of the LACOE Administrative buildings for emergency announcements.

**Components of the Plan**

The County Superintendent or designee will ensure that LACOE and school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff

*(cf. ~~3516.1 – Fire Drills and Fires~~)*

2. Earthquake, severe weather or other natural disasters

*(cf. ~~3516.3 – Earthquake Emergency Procedure System~~)*

3. Environmental hazards

*(cf. 3514 - Environmental Safety)*

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)**

*(cf. 3514.2 - Integrated Pest Management)*

4. Attack or disturbance, or threat of attack or disturbance, by an individual or group

*(cf. 3515 - Campus Security)*

*(cf. 3515.2 - Disruptions)*

*(cf. 5131.4 - Student Disturbances)*

5. Bomb threat or actual detonation

*(cf. 3516.2 - Bomb Threats)*

6. Biological, radiological, chemical, and other activities, or heightened warning of such activities

7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

*(cf. 5141.22 - Infectious Diseases)*

8. Active Violence Response

9. Civil Disturbances and Security Threats

- ~~10. Severe Weather and Natural Disaster Preparedness~~

10. Building Evacuation Procedure

11. Emergency/Evacuation Coordinator Responsibilities

- ~~11. Severe Weather and Natural Disaster Preparedness~~

12. Emergency Communication and Alerts

13. Power Outage

14. Attack or threat of attack to LACOE's digital network and technology infrastructure.

The County Superintendent or designee will ensure that LACOE's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Regular inspection of LACOE facilities and equipment and identification of risks

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

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)**

2. Routine monitoring of the security of LACOE’s digital network and technology infrastructure.
3. Instruction and practice for students and employees regarding emergency plans, including:
  - a. Training of staff in first aid, automated external defibrillator (AED) and cardiopulmonary resuscitation (CPR)
  - b. Regular practice of emergency procedures by students and staff including periodic fire alarm and emergency drills
  - c. Emergency preparedness manual available to all staff

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

34. In accordance with NIMS and SEMS procedures, specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:
  - a. The appropriate chain of command at LACOE and, if communication between LACOE and site is not possible, at each site
  - b. Individuals responsible for specific duties
  - c. Designation of the principal or designated administrator as the Incident Commander, responsible for the overall management and oversight of emergency activities at each school. This role includes the authority to exercise judgment and make decisions in situations where prearranged plans cannot be followed.
  - d. Identification of at least one person at each site who holds a valid certificate in first aid, automated external defibrillator (AED), and cardiopulmonary resuscitation (CPR)
  - e. Assignment of responsibility for identification of injured persons and administration of first aid
45. Personal safety and security, including:
  - a. Identification of staff assignments for areas of responsibility for supervision of students

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)**

- b. Procedures for evacuation of students and staff, including posting of evacuation routes
- c. Procedures for release of students, including a procedure to release students when reference to the emergency card is not feasible

*(cf. 5141 - Health Care and Emergencies)*  
*(cf. 5142 - Safety)*

- d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety

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

- e. Provision of a first aid kit to each classroom
- f. Arrangements for students and staff with special needs

*(cf. 4032 - Reasonable Accommodation)*  
*(cf. 6159 - Individualized Education Program)*

- g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease

*(cf. 4161.1/4361.1 - Personal Illness/ Injury Leave)*  
*(cf. 4261.1 - Personal Illness/Injury Leave)*  
*(cf. 5113 - Absences and Excuses)*

*(cf. 6183 - Home and Hospital Instruction)*

56. Closure of schools, including an analysis of:

- a. The impact on student learning and methods to ensure continuity of instruction
- b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians

*(cf. 3516.5 - Emergency Schedules)*

67. Communication among staff, parents/guardians, the County Board, other governmental agencies, and the media during an emergency, including:

- a. Identification of spokesperson(s)

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)**

*(cf. 1112 - Media Relations)*

- b. Development and testing of communication platforms, such as email, online systems, hotlines, telephone trees, automatic dialing devices, and web sites

*(cf. 1113 - ~~LACOE and School~~ Web Sites)*

- c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
- d. Provision of validated emergency information and procedures to staff, parents/guardians, the County Board, other governmental agencies, and the media
- e. Distribution of information about LACOE and facility emergency procedures to staff, students, and parents/guardians

78. Cooperation with national, state and local agencies, including:

- a. Development of guidelines for law enforcement involvement and intervention
- b. Establishment of lines of communication with appropriate agencies during emergencies
- c. In cases of biological emergencies such as a pandemic, collaboration with the Los Angeles County Public Health Department, including development of a tracking system to alert the appropriate public health agencies to a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

*(cf. ~~1400 - Relations between Other Governmental Agencies and LACOE~~)*

89. Steps to be taken after the disaster or emergency, including:

- a. Inspection of LACOE facilities
- b. Provision of mental health services for students and staff, as needed

*(cf. 6164.2 - Guidance/Counseling Services)*

## Students

BP 5113(a)

### ABSENCES AND EXCUSES

The County Board believes that regular attendance plays an important role in student achievement. The County Board recognizes its responsibility to ensure that students attend school regularly. Parents/guardians of children aged 6 to 18 are obligated to send their children to school unless otherwise provided by law.

*(cf. 5112.1 - Exemptions from Attendance)*

*(cf. 5112.2 - Exclusions from Attendance)*

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

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

*(cf. 6154 - Homework/Makeup Work)*

#### Excused Absences

Absence in accordance with law, Board policy, and administrative regulation, absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, County Board policy and administrative regulation. (as specified in Education Code 48205) and work in the entertainment or allied industry as permitted pursuant to Education Code 48225.5.

When a student's absence from school is excused, the student's teacher shall determine identical or reasonably equivalent assignments and tests to those missed during the absence which the student shall be permitted to complete for full credit within a reasonable amount of time as determined by the teacher. (Education Code 48205, 48225.5)

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulation. (Education Code 46014)

Inasmuch as school attendance and class participation are integral to students' learning experiences, parents/guardians and students shall be encouraged to schedule medical and other appointments during non-school hours.

Students shall not be absent from school without their parents/guardians' knowledge or consent, except in cases of medical emergency or, as authorized pursuant to Education Code 46010.1, for a confidential medical appointment.

The County Board shall, by resolution entered into its minutes, approve reasonable methods that may be used to verify student absences due to illness or quarantine. (5 CCR 421)

A student's grades may be affected by excessive unexcused absences in accordance with County Board policy.

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

*(cf. 6154 - Homework/Makeup Work)*

*Legal References: (see next page)*

## ABSENCES AND EXCUSES (continued)

### *Legal References:*

#### EDUCATION CODE

1740 *Employment of personnel to supervise attendance (county superintendent)*  
37201 *School month*  
37223 *Weekend classes*  
41601 *Reports of average daily attendance*  
42238-42250.1 *Apportionments*  
46000 *Records (attendance)*  
46010-46014 *Absences*  
46100-46119 *Attendance in kindergarten and elementary schools*  
46140-46148 *Attendance in junior high and high schools*  
48200-48208 *Compulsory education law*  
48210-48216 *Exclusions from attendance*  
48240-48246 *Supervisors of attendance*  
48260-48273 *Truants*  
48292 *Filing complaint against parent*  
48320-48324 *School attendance review boards*  
48340-48341 *Improvement of student attendance*  
48980 *Parental notifications*  
49067 *Unexcused absences as cause of failing grade*

#### ELECTIONS CODE

12302 *Student participation on precinct boards*

#### FAMILY CODE

6920-6929 *Consent by minor for medical treatment*

#### VEHICLE CODE

13202.7 *Driving privileges; minors; suspension or delay for habitual truancy*

#### WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance; eligibility for aid*

#### CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

420-424424 *Record of verification of absence due to illness and other causes*

#### ATTORNEY GENERAL OPINIONS

66 *Ops. Cal. Atty. Gen. 245, 249 (1983)*

#### COURT DECISIONS

*American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307*

### *Management Resources:*

#### CDE MANAGEMENT ADVISORIES

0114.98 *School Attendance and CalWORKs, Management Bulletin 98-01*

#### CSBA ADVISORIES

0520.97 *Welfare Reform and Requirements for School Attendance*

#### WEB SITES

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

## Students

AR 5113(a)

### ABSENCES AND EXCUSES

LACOE believes that regular and punctual attendance is mandatory for all students. Student success and achievement is reliant upon regular school attendance. Excused or unexcused, if a student is absent from school they are missing classroom instruction; therefore, all students are expected to attend all classes, each day, on time.

#### Excused Absences

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for any of the following reasons:

1. Personal illness or injury, including absence for the benefit of the student's mental or behavioral health (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)

*(cf. 5112.2 - Exclusions from Attendance)*

3. Medical, dental, optometric, or chiropractic service or appointment (Education Code 48205)
4. Attendance at funeral services for or grieving the death of a member of the student's immediate family. ~~Such absence shall or, as determined by the student's parent/guardian, a person so closely associated with the student as to be limited to one day if the service is conducted in California or three days if the service is conducted out of state.~~ considered the student's immediate family. (Education Code 48205)

A student may be excused for this reason for up to five days for each incident. (Education Code 48205).

5. Jury duty in the manner provided by law (Education Code 48205)
6. Illness or medical appointment of a child to whom the student is the custodial parent (Education Code 48205) LACOE is prohibited from requiring a physician's note for such absences.

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

7. Exclusion for failure to present evidence of immunization, or statement of personal belief or medical exemption. (EC 48205)
8. Exclusion from school because student is either the carrier of a contagious disease or not immunized for a contagious disease. (EC 48205)

**ABSENCES AND EXCUSES** (continued)

9. Pupils in grades 7-12 who leave school (with prior approval of the principal or his/her designee) to obtain confidential medical services. Upon return, the pupil is to provide a copy of the medical professional's appointment verification form. (EC 48205)
10. Upon advance written request by the parent/guardian and the prior approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
  - a. Attendance or appearance ~~Appearance~~ in court
  - b. Attendance at a funeral service ~~for someone who is a member of the immediate family~~
  - c. Observance of a religious holiday or ceremony
  - d. Attendance at religious retreats for no more than ~~four hours per~~ one school day each semester
  - e. An employment interview or attendance at an employment conference
  - f. Family emergency
  - g. Appearance at SARB or SART
  - h. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization offered by a nonprofit organization
11. Participation in a cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people (Education Code 48205)
12. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)

(cf. 6142.3 - Civic Education)

13. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment (Education Code 48205)

Such absence shall be granted for a period of time to be determined at the discretion of the County Superintendent or designee. (Education Code 48205)

**ABSENCES AND EXCUSES (continued)**

14. Attendance at a student's naturalization ceremony to become a United States citizen (Education Code 48205)
15. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school (Education Code 46014)

*(cf. 6141.2 – Recognition of Religious Beliefs and Customs)*

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR Administrative Regulation 6112 - School Day, and is not excused from school for this purpose on more than four days ~~per~~ each school month. (Education Code 46014)

*(cf. 6112 - School Day)*

16. ~~Work in the entertainment or allied industry (Education Code 48225.5)~~

~~Such absence shall be excused provided that the~~ For a student who holds a work permit authorizing such work in the entertainment or allied industries for a period of not more than five consecutive days, work in such industry and is absent for a period of not more than five consecutive days and up to five absences per school year. (Education Code 48225.5) For this purpose, student absence shall be excused for a maximum of up to five absences each school year. (Education Code 48225.5)

17. Participation with a nonprofit performing arts organization in a performance for a public school audience (Education Code 48225.5)

A student may be excused for up to five such absences ~~per~~ each school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)

18. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances (Education Code 48205, 48260)

19. When a student's immediate family member or, as determined by the student's parent/guardian, a person so closely associated with the student as to be considered the student's immediate family has died: (Education Code 48205)

a. To access services from a victim services organization or agency

b. To access grief support services

c. To participate in safety planning or take other actions, including, but not limited to, temporary or permanent relocation, to increase the safety of the student, an immediate family member of the student, or a person determined by the

**ABSENCES AND EXCUSES (continued)**

student's parent/guardian to be in such close association with the student as to be considered immediate family.  
Such absence shall be excused for not more than three days for each incident.  
(Education Code 48205)

For the purpose of the absences described above, *immediate family* means the student's parent/guardian, ~~brother or sister~~ sibling, grandparent, or any other relative living in the student's household. (Education Code 48205)

**Verification of Student Absences**

~~When a student who has been absent returns to school, he/she shall present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the minor, or the student if age 18 or older. (Education Code 46012; 5 CCR 306). Education Code 48205 prohibits LACOE from requiring a physician's note for absences due to the illness or medical appointment of the student's child, however, LACOE is authorized to require verification of other absences. The following section should be revised to reflect LACOE-adopted methods of verification and to specify employee(s) assigned to verify absences. Pursuant to Education Code 48205, as amended by SB 14, state regulations related to illness verification will be updated as necessary to account for a student's absence for the benefit of the student's mental or behavioral health.~~

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation, either in person or by written note, verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

Attendance personnel must make every effort to promptly verify student absences. Only LACOE employees may verify absences (5 CCR section 421). Examples of certain employees who can verify absences are:

1. School nurse
2. Principal or other administrator
3. Teacher
4. Paraeducator

**ABSENCES AND EXCUSES (continued)**

5. Office ~~S~~support staff such as school secretary or senior school clerk

**Method of Verification**

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written ~~note, fax, or email~~ , digital, or audio message from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. Every absence verification, from any of the methods listed above, should include enough information to identify the student, the date and reason for the absence and who confirmed the absence. Absence documentation should include at a minimum:
  - a. Student's full name
  - b. Date of absence(s)
  - c. Reason for absence
  - d. LACOE employee verifying absence, signature or initials
  - e. Date the absence is verified
  - f. Person verified with, including relationship to student

All school sites should maintain an absence verification log containing the above items.

3. Visit to the student's home by the verifying employee, or any other reasonable method that establishes the fact that the student was absent for the reasons stated. ~~The employee shall document the verification and include the information specified below,~~

**ABSENCES AND EXCUSES (continued)**

~~Verification Information.~~ The employee shall document the verification and include the information specified in Item #2 above.

4. Physician's verification.
  - a. When excusing students for confidential medical services or verifying such appointments, ~~county~~ LACOE staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
  - b. If a student shows a pattern of chronic absenteeism due to illness, LACOE staff may require physician verification of any further student absences.

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

**Parental Notifications**

At the beginning of each school year, the County Superintendent or designee shall:

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination (Education Code 46014, 48980)
2. Notify students in grades 7-12 and the parents/guardians of all students enrolled in LACOE schools that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian (Education Code 46010.1)
3. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. ~~Such notice shall include the full text of Education Code 48205 in the notice~~ (Education Code 48980)

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

*(cf. 5145.6 - Parental Notification)*

*(cf. 6154 - Homework/Makeup Work)*

## **Instruction**

BP 6158(a)

### **INDEPENDENT STUDY**

#### **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. (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 the teacher of record for that student pursuant to Education Code 51747.5. (Education Code 51745.5)~~

#### **Individualized Instruction**

Guidelines governing the operation of activities and programs of instruction for the individual needs of students shall be established under the direction of the Chief Education Officer and the Executive Director of Educational Programs

#### **Independent Study**

The Los Angeles County Board of Education (County Board) recognizes its responsibility for the education of all students in LACOE-operated programs. The County Board authorizes the County Superintendent to establish Independent Study (IS) as an optional, continuously voluntary, alternative instructional strategy by which all enrolled students may achieve curriculum objectives that meet LACOE and content standards and fulfill graduation requirements in a setting outside the regular classroom. IS 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, IS may be offered on a full-time or part-time basis and in conjunction with part- or full-time classroom study.

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

## **INDEPENDENT STUDY (continued)**

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

~~Except for students who, during the 2021-22 school year, cannot participate in classroom-based instruction due to quarantine or school closure for exposure to or infection with COVID-19, s~~Students<sup>2</sup> participation in IS shall be voluntary. (Education Code 51747, 51749.5, 51749.6)

IS for each student shall be under the general supervision of a LACOE employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' IS shall be coordinated, evaluated, and documented, as prescribed by law and reflected in AR 6158. (Education Code 51747.5)

~~With the exception of students who, during the 2021-22 school year, cannot participate in classroom-based instruction due to a quarantine or school closure for exposure to or infection with COVID-19, the minimum period of time for any IS option shall be three consecutive school days. (Education Code 51747)~~

The primary purpose for IS is to offer a means of individualizing the educational plan for students whose needs may be best met through study outside the regular classroom setting. Students shall be carefully screened and appropriately selected.

1. No course required for high school graduation shall be offered exclusively through IS.
2. No individual with exceptional needs, as defined in Education Code (EC) 56026, may participate in IS unless his/her the Individualized Education Program (IEP) specifically provides for that participation.
3. In accordance with EC 51745(d), no temporarily disabled pupil may receive individual instruction pursuant to EC 48206.3 through IS.
4. The LACOE-operated program shall provide appropriate existing services and resources to enable pupils to complete IS successfully, and shall ensure IS students the same access to existing services and resources in the school in which students are enrolled as is available to all other students in the school.

### **General Independent Study Requirements**

~~For the 2021-22 school year, LACOE shall offer IS, as specified in Education Code 51745, to meet the educational needs of students unless LACOE has obtained a waiver. (Education Code 51745)~~

~~For the 2022-23 school year and thereafter, †~~The County Superintendent or designee may offer and approve IS for an individual student upon determining that the student is

## **INDEPENDENT STUDY** (continued)

prepared to meet LACOE’s requirements for IS and is likely to succeed in IS as well as or better than the student would in the regular classroom setting.

*(cf. 5147 - Dropout Prevention)*

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

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

The minimum instructional minutes for students participating in IS shall be the same as required for their peers at the school who are receiving in-person instruction, except as otherwise permitted by law. (Education Code 46100)

Because excessive leniency in the duration of IS assignments may result in a student falling behind peers and increase the risk of dropping out of school, IS assignments shall be completed as follows:

For students in grades seven and eight, the maximum length of time that may elapse between the time an assignment is made and the date by which the student must complete the assigned work is one week. For students in grades nine through twelve, the maximum length of time that may elapse between the time an assignment is made and the date by which the student must complete the assigned work is one week.

When special or extenuating circumstances justify a longer assignment completion period for individual students, the County Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the written master agreement for the IS student.

When a student fails to make satisfactory educational progress and/or fails to complete three assignments, an evaluation to determine whether it is in the best interest of the student to remain in IS will be conducted. 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 IS 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; and
4. Progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

**INDEPENDENT STUDY** (continued)

Written documentation of this evaluation shall be kept in the student’s records for three years. If the pupil transfers to another California public school, the record shall be forwarded to that school.

The County Superintendent or designee shall ensure that students participating in IS 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 LACOE for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. (Education Code 51747)

The County Superintendent or designee shall ensure that all students participating in IS for 156 school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten, kindergarten, and grades 1 to 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 County Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students participating in an IS program for 156 school days or more who: (Education Code 51747)

1. Are not generating attendance for more than ~~three school days or 60 percent of the instructional days in a school week, or~~ 10 percent of required minimum instructional time over four continuous weeks of the LACOE’s approved instructional calendar
2. Are ~~found to be not participating~~ not participating in synchronous instructional offerings pursuant to Section Education Code 51747.5 for more than ~~the greater of three schooldays or 650~~ percent of the scheduled daystimes of synchronous instruction in a school month as applicable by grade span
3. Are in violation of their written agreement

Tiered reengagement strategies and procedures used in LACOE IS programs shall include local programs intended to address chronic absenteeism, as applicable, including, but ~~are not~~ necessarily limited to, all of the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student

**INDEPENDENT STUDY** (continued)

2. Notification to parents/guardians of lack of participation within one school day of the recording of a non-attendance 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 master agreement and reconsider the IS program's impact on the student's achievement and well-being

The County Superintendent or designee shall, for students who participate in an IS program for 16 school days or more, develop a plan to transition students whose families wish to return to in-person instruction from IS expeditiously. Students who wish to return to in-person instruction from IS will be transitioned no later than five instructional days. ~~This requirement only applies to students participating in an IS program for 15 school days or more.~~ (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 County Superintendent or designee. (Education Code 51747)

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

~~LACOE shall provide written notice to the parents/guardians of all enrolled students of the option to enroll their child in in-person instruction or IS during the 2021-22 school year. This notice shall be posted on LACOE's website, and shall include, at a minimum, information about the right to request a student-parent-educator conference before enrollment, student rights regarding procedures for enrolling, disenrolling, and reenrolling in IS, and the instructional time, including synchronous and asynchronous learning, that a student will have access to as part of IS.~~ (Education Code 51747)

Upon the request of the parent/guardian of a student, and before signing a written master agreement to do so, LACOE shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, and, if requested, their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in IS. (Education Code 51747)

## **INDEPENDENT STUDY (continued)**

### **IS Written Master Agreement**

A written master agreement shall be developed and implemented for each student participating in independent study ~~for three or more consecutive school days~~. (Education Code 46300, 5174741747; 5 CCR 11703).

~~However, for the 2021-22 school year only, LACOE shall obtain a signed written master agreement for each student participating in an independent study program for any length of time, no later than 30 days after the first day of instruction in the independent study program.~~

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

Once a written master agreement is executed, no change, addition, or deletion may be made without full agreement by all parties to the written master agreement, evidenced by execution of a new written master agreement, which is re-signed and re-dated by the student, parent/guardian/caregiver, certificated employee, and all other persons having responsibility for providing direct assistance to the student. The written master agreement requires a learning plan that represents not less than the equivalent of a minimum school day for the student's grade level for every school day covered by the written master agreement.

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

1. The frequency, time, place, and manner 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 County 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 trigger an evaluation of whether the student should be allowed to continue in IS;
5. The duration of the written master agreement, including the beginning and ending dates for the student's participation in IS under the written master agreement, with a maximum of one school year;

**INDEPENDENT STUDY** (continued)

6. A statement of the number of course credits, or for the elementary grades, other measures of academic accomplishment appropriate to the written master 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 IS is an optional educational alternative in which no student may be required to participate.

~~For the 2021-22 school year, this statement shall not be required for a student's participation in IS if the student is unable to attend in-person instruction because of a quarantine or school closure mandated by a local or state health order or guidance due to the student's exposure to or infection with COVID-19;~~

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 IS only if the student is offered the alternative of classroom instruction;

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

10. Before the commencement of IS, the written master agreement shall be signed and dated 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 IS, and for students with disabilities, the certificated employee designated as having all persons who have direct responsibility for the special education programming of the student. providing assistance to the student.

~~However, for the 2021-22 school year, LACOE shall obtain a signed written master agreement for IS from the student (or the student's parent/guardian if the student is less than 18 years of age), the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student, no later than 30 days after the first day of instruction in the IS program or October 15, whichever date comes later;~~

11. Subject(s); and

**INDEPENDENT STUDY** (continued)

12. All subsidiary agreements such as IS Assignment Contracts should be made part of the written master agreement by specific reference(s).

Written master 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 written master agreement shall constitute permission for the student to receive instruction through IS.

**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 in or disenrollment from IS. (Education Code 51745.4, 51747, 51749.5)

**Records**

The County Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but are not limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to IS;
2. A listing of the students, by grade level, program, and school, who have participated in IS, along with the units of the curriculum attempted 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 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;
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5; and

**INDEPENDENT STUDY** (continued)

6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the IS of each student by a LACOE employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5).

LACOE 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 IS program. A student who does not participate in scheduled live interaction or synchronous instruction shall be documented as nonparticipatory for that school day. (Education Code 51747.5)

The County 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 IS assignments. (Education Code 51747.5)

*(cf. 3580 - LACOE Records)*

The signed, dated written master agreement, any supplemental written master agreement, assignment records, work samples, and attendance records may be maintained on file electronically. (Education Code 51747)

*Legal References:*

EDUCATION CODE

17289 Exemption for facilities

41020 Audit guidelines

41422 ~~Apportionment credit for student inability to attend in person or school closure due to COVID-19~~

Emergency conditions and apportionments

41976.2 ~~Independent study programs; adult education funding~~

42238 Revenue limits

42238.05 Local control funding formula; average daily attendance

44865 Qualifications for home teachers and teachers in special classes and schools

46100 Length of school day

46200-46208 Instructional day and year

46300-46307.1 Methods of computing average daily attendance

46600 Interdistrict attendance computation

46390-46393 Emergency average daily attendance

47612-47612.1 Charter school operation

47612.5 Independent study in charter schools

48204 Residency

48206.3 Home or hospital instruction; students with temporary disabilities

## INDEPENDENT STUDY (continued)

48220 *Classes of children exempted*  
48340 *Improvement of pupil attendance*  
48915 *Expulsion; particular circumstances*  
48916.1 *Educational program requirements for expelled students*  
48917 *Suspension of expulsion order*  
49011 *Student fees*  
51225.3 *Requirements for high school graduation*  
51744.5-51749.6 *Independent study programs*  
56026 *Individuals with exceptional needs*  
52522 *Adult education alternative instructional delivery*  
52523 *Adult education as supplement to high school curriculum; criteria*  
56026 *Individuals with exceptional needs*  
58500-58512 *Alternative schools and programs of choice*

### FAMILY CODE

6550-6552 *Authorization affidavits*  
CODE OF REGULATIONS, TITLE 5  
11700-11703 *Independent study*

UNITED STATES CODE, TITLE 20

6301 *Highly qualified teachers*

6311 *State plans*

### COURT DECISIONS

*Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365*

### CALIFORNIA CODE OF REGULATIONS

*Title 5 sections 11700, 11701, 11701.5, 11702, 11703*

### *Management Resources:*

### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*2021-22 AA & IT Independent Study FAQs, 2021*

*Clarifications for Student Learning in Quarantine, 2021*

*Conducting Individualized Determinations of Need, 2021*

*Legal Requirements for Independent Study, 2021*

*Elements of Exemplary Independent Study*

*California Digital Learning Integration and Standards Guidance, April May 2021*

### EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

*Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting*

### WEB SITES

*California Consortium for Independent Study: <http://www.ccis.org>*

*California Department of Education, Independent Study: <http://www.cde.ca.gov/sp/eo/is>*

*Education Audit Appeals Panel: <http://www.eaap.ca.gov>*

**Instruction**

AR 6158(a)

**INDEPENDENT STUDY**

**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 master 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 ~~the~~ a teacher or teachers 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**

~~For the 2021-22 school year, LACOE shall offer independent study (IS) to meet the educational needs of students as specified in Education Code 51745 unless LACOE has obtained a waiver. (Education Code 51745)~~

In addition, when requested by a parent/guardian due to an emergency or illness, IS 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.

*(cf. 5113 - Absences and Excuses)*

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

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

**Equivalency**

LACOE’s IS option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete LACOE’s adopted course of study within the customary timeframe. Students in IS 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)

## **INDEPENDENT STUDY (continued)**

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

### **Eligibility for Independent Study**

To participate in IS, a student shall be enrolled in a LACOE school. (Education Code 51748)

### **Individualized Instruction**

#### **Criteria for Participation**

The County Board recognizes the value of supervised IS for students in situations where their special interests, abilities, or individual needs are not being accommodated in the traditional instructional program. These students must have the willingness and ability to successfully complete the educational requirements of IS. Students shall be carefully screened and appropriately selected. ~~Except for students who, during the 2021-22 school year, cannot participate in classroom-based instruction due to quarantine or school closure for exposure to or infection with COVID-19, a~~ A student's participation in independent study shall be voluntary. (Education Code 51747, 51749.5, 51749.6)

1. Students who may be appropriately enrolled in IS include, but are not limited to, those who:
  - a. Have an understanding of and commitment to IS;
  - b. Exhibit the ability and the willingness to work independently with limited supervision by the certificated teacher;
  - c. Have learning styles that can best be met through IS;
  - d. Are exceptional or gifted and need in-depth opportunities, which may include concurrent enrollment in post-secondary educational programs, or participation in acting, athletics, and/or sports;
  - e. Request IS because they will be absent from school for ~~five (5) or more~~ consecutive school days, (i.e., maternity leave); or
  - f. Have an acceptable reason for requesting IS. Some acceptable reasons may include:
    - (1) Extended illness (mono, chicken pox, etc.);
    - (2) Family emergencies;

**INDEPENDENT STUDY** (continued)

- (3) Religious purposes;
  - (4) Safety issues;
  - (5) Maternity leave; or
  - (6) Homeless
2. Others who may benefit from IS include students who:
- a. Have experienced difficulty in adapting to the regular curriculum, achieving academic success, or conforming to school rules, and are ready to drop out or have dropped out;
  - b. Could be classified as school-phobic;
  - c. Have medical and/or psychological problems and choose IS in place of home/hospital instruction;
  - d. Have received suspended expulsion (or stay of expulsion), rather than full expulsion from the governing board, and have been offered IS with a classroom option (i.e., enrollment at a traditional or alternative school, charter or county program, opportunity class, community day school, or continuation school);
  - e. Are genuinely needed at home because of illness in the family;
  - f. Have attended a high school but have not achieved a high school diploma;
  - g. Arrived in LACOE mid-semester;
  - h. Are employed and need to assist their family financially;
  - i. Are in drug or alcohol rehabilitation programs;
  - j. Are pregnant or have children; or
  - k. Are eligible for IS as authorized in law, and as specified in Board policy and administrative regulation.
  - l. The County Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction.

### **INDEPENDENT STUDY (continued)**

3. To enroll in IS, a student with special needs who has an Individualized Education Plan (IEP) may do so only to the extent his or her IEP specifies IS as the instructional modality. 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)

### **Selection or Intake Process**

The selection or intake process should be accomplished through a standardized LACOE application. The student and parent:

1. May request IS when making the intake appointment;
2. Should meet with the IS teacher, principal, or school personnel to determine if the student meets the criteria for participation in IS; and
3. Should complete all enrollment forms with the supervising IS teacher.

Finishing the above process completes the student's intake process. Depending on the availability of space, a student may be able to start the IS option immediately.

### **Student Exit from IS**

The student or parent/guardian/caregiver may request a classroom option at any time. This request may come from the student, parent/guardian/caregiver, or school administrator. As a general rule, students in grades 7-12 may transfer to a classroom option at any time. The teacher or school administrator will make every effort to counsel the student and parent/guardian/caregiver on the most appropriate option.

The school may request a change because the student is:

1. Not meeting the obligations of the IS Written Master Agreement, Form No. 305-572
2. No longer meeting the criteria for participation; or
3. Inappropriately placed.

## **INDEPENDENT STUDY (continued)**

### **Instruction**

1. Grades 7-12 students must be enrolled in a LACOE Principal's Administrative Unit (PAU) as a condition of participation in IS. (Education Code 51748)
2. The County Superintendent or designee shall ensure that students participating in IS 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 LACOE for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. (Education Code 51747)
3. No course required for high school graduation shall be offered exclusively through IS. In other words, any course required for graduation must also be offered in the classroom mode. (Education Code 51745 (e))

A student may complete an elective course, even if there is currently no classroom equivalent, as long as that course has been County Board approved.
4. For ADA purposes in grades 7-12, the IS pupil to teacher ratio must not exceed the pupil to teacher ratio for all other instructional programs in LACOE. (Education Code 51745.6)
5. Class size reduction funding is not available for any student enrolled in IS. (Education Code 52123)
6. Special education students (individuals with exceptional needs as defined in Education Code 56026) must have an IEP that specifically provides for participation in IS. (Education Code 51745 (c))
7. No funds or other items of value may be provided to IS students that are not provided to other students in the school. (Education Code §46300.6, Education Code 51747.3 (a) Providing access to Internet connectivity and local educational agency-owned devices adequate to participate in an IS program and complete assigned work consistent with Education Code 51747, or to participate in an IS course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)
7. A certificated LACOE teacher must generally supervise, coordinate, and evaluate the work of each student engaged in IS. Apportionment credit for IS may be claimed only to the extent of the time value of student work products, as personally judged in each instance by a certificated teacher. (Education Code 51747.5)

**INDEPENDENT STUDY** (continued)

- For purposes of this paragraph, work products may include the daily time value spent by a pupil engaged in asynchronous instruction, including work completed on an online or computer-based instructional activity, regardless of whether pupil work products are produced, if the computer program documents pupil participation. LACOE shall maintain documentation of each hour or fraction of an hour of both pupil work products and the time that the pupil engaged in asynchronous instruction. (Education Code 51747.5)
9. Students engaged in IS must be residents of Los Angeles County or an immediately adjacent county. Any student whose residence status is based solely on their parent/guardian/caregiver’s employment within LACOE boundaries may not be enrolled in IS. (Education Code 46300.2, 51747.3)
  10. ~~With the exception of students who, during the 2021-2022 school year, cannot participate in classroom-based instruction due to a COVID-19 quarantine or school closure, n~~No temporarily disabled student may use IS as a means of individual instruction in a pupil’s home, a hospital, or a residential health facility. (Education Code 51745 (4)(d))
  11. No more than 10% of the ADA of students participating in continuation high school or an opportunity school or program shall be eligible for apportionment credit for IS.  
  
Pregnant and/or parenting students and students participating in independent study due to an emergency as described in Education Code 41422 and 46392 are excluded from this limit. The number of students is based on ADA as reported on J-18/19 P-2 form. (Education Code 51745 (b))
  12. To receive apportionment for IS for students who are age 18-20, the students must have been continuously enrolled in school since their 18th birthday and be making steady progress towards a high school diploma. (Education Code 46300.1)
  13. The curriculum specified in the written IS Written Master Agreement, Form No. 305-572 and subsidiary agreement(s) shall be consistent with the LACOE Board’s policies, Administrative Regulations, and Procedures for curriculum and instruction. (CCR, Title 5, Section 11702) The IS curriculum must meet LACOE and state content standards to ensure students are prepared to successfully master mandated state testing.
  14. Students participating in IS shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)
  15. LACOE shall ensure that students participating in IS for 156 school days or more receive the following throughout the school year: (Education Code 51747)

**INDEPENDENT STUDY (continued)**

- a. For students in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction
- b. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction
- c. For students in grades 9-12, opportunities for at least weekly synchronous instruction

**~~IS Written Master Agreement~~**

~~A written agreement shall be developed and implemented for each student participating in IS for three or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)~~

~~However, for the 2021-22 school year only, LACOE shall obtain a signed written master agreement from each student participating in the IS program for any length of time, no later than 30 days after the first day of instruction in the IS program.~~

~~Once a written master agreement is executed, no change, addition, or deletion may be made without full agreement by all parties to the written master agreement, evidenced by execution of a new written master agreement, which is re signed and re dated by the student, parent/guardian/caregiver, certificated employee, and all other persons having responsibility for providing direct assistance to the student. The written master agreement requires a learning plan that represents not less than the equivalent of a minimum school day for the student's grade level for every school day covered by the written master agreement.~~

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

- ~~1. The frequency, time, place, and manner 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 County Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational~~

**INDEPENDENT STUDY (continued)**

- ~~\_\_\_\_\_ progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in IS;~~
- ~~5. \_\_\_\_\_ The duration of the written master agreement, including the beginning and ending dates for the student's participation in IS under the written master 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 written master 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 IS is an optional educational alternative in which no student may be required to participate;~~

~~For the 2021-22 school year, this statement shall not be required for a student's participation in IS if the student is unable to attend in-person instruction because of a quarantine or school closure mandated by a local or state health order or guidance due to the student's exposure to or infection with COVID-19.~~

- ~~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 IS only if the student is offered the alternative of classroom instruction;~~
- ~~10. \_\_\_\_\_ Before the commencement of IS, the written master agreement shall be signed and dated 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 IS, and all persons who have direct responsibility for providing assistance to the student; however, for the 2021-22 school year, LACOE shall obtain a signed written master agreement for IS from the student (or the student's parent/guardian if the student is less than 18 years of age), the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student, no later than 30 days after the first day of instruction in the IS program or October 15, whichever date comes later;~~

~~INDEPENDENT STUDY~~ (continued)

~~11. Subject(s); and~~

~~12. All subsidiary agreements such as IS Assignment Contracts should be made part of the written master agreement by specific reference(s).~~

~~Written master 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 written master agreement shall constitute permission for the student to receive instruction through IS.~~

**Student Responsibilities and Rights**

~~The County Board ensures that IS is substantially equivalent in quality and in quantity to that of the regular classroom. IS students have the same access to existing services, resources, rights, and privileges as those students in the regular classroom.~~

The student agrees to:

1. Read and abide by all terms listed on the IS Master Agreement;
2. Voluntarily sign the IS Master Agreement and subsidiary agreements such as the IS Assignment Contracts;
3. Complete all school intake procedures;
4. Notify his/her school of enrollment in advance for all school appointments s/he will be unable to attend;
5. Complete and submit work assignments by the due date;
6. Deal with incomplete assignments, as the teacher requires;
7. Contact the teacher or school when assistance is needed; and
8. Ask for a classroom option whenever a student feels that IS is no longer appropriate.

There are no excused absences in IS. Students are in violation of the IS Master Agreement and are subject to dismissal if they are late to or absent from scheduled appointments or do not submit assigned work by the due dates.

## **INDEPENDENT STUDY (continued)**

### **Parent Responsibilities and Rights**

The parent/guardian/caregiver must agree to:

1. Read and understand the conditions listed in the IS Master Agreement;
2. Abide by the terms of the IS Master Agreement including a commitment to, and the support and guidance of, the student in IS;
3. Voluntarily sign the IS Master Agreement;
4. Notify the school in advance when the student will be away from school;
5. Ensure the student completes all assignments by the due date;
6. Ensure the student keeps all appointments;
7. Furnish transportation to and from school when needed;
8. Act as a support system for the student in the discipline of completing work independently; and
9. Understand they have the right to review the program of instruction and revoke the IS Agreement at any time.

### **Administration of IS**

1. LACOE is not obligated to permit a student to engage in IS if school officials given responsibility for the decision determine that IS is not an appropriate alternative for the student. (CCR, Title 5, Section 11700 (d) )
2. The County Superintendent or designee assigned to administer IS shall:
  - a. Ensure that IS is operated in accordance with state law and LACOE policies and regulations;
  - b. Approve or deny the participation of students requesting IS;
  - c. Facilitate and monitor all paperwork and procedures for IS;
  - d. Establish and maintain in a systematic manner all records required by state law and regulations;

**INDEPENDENT STUDY (continued)**

- e. Approve all academic credits and attendance earned through IS;
- f. Authorize the selection of all staff members who are assigned to supervise IS.
- g. Supervise and evaluate staff;
- h. Develop and participate in a staff development programs for IS;
- i. Prepare or coordinate the preparation of all necessary records and reports required by law and LACOE policies and regulations;
- j. Develop, review, and manage the budget for IS.

**Independent Study Teacher**

- 1. LACOE recognizes that one of the most important factors in the success of the student in IS is the appropriate selection of teachers. An IS teacher should:
  - a. Have the human relation skills to effectively deal with a wide variety of students and students' needs, as well as the parent/ guardian/caregiver and other staff members;
  - b. Incorporate a variety of strategies to ensure student achievement;
  - c. Assign, coordinate, evaluate, and oversee the student's completion of courses that meet grade level and State content standards;
  - d. Complete and accurately maintain required documents for the audit trail;
  - e. Have the ability to act as teacher, counselor, coach, mentor, and student advocate;
  - f. Keep the student and parents/guardians/caregivers informed of the student's progress or lack of progress; and
  - g. Participate in curriculum development, materials selection, staff development, and professional growth activities.

In addition, IS teachers must have:

- a. A valid teaching credential;

**INDEPENDENT STUDY** (continued)

- b. Student teaching experience; and
  - c. A special fitness to perform.
2. Each IS student shall have only one supervising teacher whose duties are to:
- a. Continually oversee the student’s educational plan, allocate resources, and evaluate student progress;
  - b. Supervise, coordinate, and evaluate the work of each student;
  - c. Complete, verify, and sign attendance documents;
  - d. Complete, verify, and submit all records for audit trail;
  - e. Determine the time value of assigned work or work products completed and submitted by the student;
  - f. Assess student work and assigning grades or other approved measures of achievement; and
  - g. Document 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 IS.

**Student Assignment/Work Records**

The IS Assignment Contract, Form No. 305-574 supplements the IS Master Agreement, Form No. 305-572. It contains detailed components of the IS Master Agreement, including:

- 1. Course of study/subject(s);
- 2. Standards/objectives of the assignments;
- 3. Method of study;
- 4. Resource materials (textbooks, workbooks, videos, computer activities, projects, etc.) and personnel who may assist the student in meeting objectives;
- 5. Methods of evaluation for each assignment;
- 6. Dates assignments are made and due;

**INDEPENDENT STUDY** (continued)

7. Grades earned after assignments are completed;
8. Apportionment credits (ADA hours);
9. Signature and date of teacher and student when assigned;
10. Initials of teacher and date when work product has been evaluated.
11. Signature or initials on the work sample when used and date of supervising teacher.

**Work Samples**

Representative samples of original work of the student evaluated by a certificated teacher must be on file. Representative samples are defined as one example for each course representing student work product per ADA period.

1. Work samples must include:
  - a. The signature or initials of the certificated teacher who evaluated the work;
  - b. Date the assessment was made to determine apportionment credit.
2. The following information should be evident in the work samples:
  - a. Subject
  - b. Student's name
  - c. Date of assignment
  - d. Academic evaluation

**Records**

The following records must be available for an audit. Records shall include, but not be limited to:

1. A copy of the Board Policy and administrative regulations and procedures pertaining to IS. (CCR, Title 5, Section 11703 (b) (1) )
2. A file for each student containing a:

**INDEPENDENT STUDY** (continued)

- a. Written IS Master Agreement, Form No. 305-572, and all subsidiary agreements. (CCR, Title 5, Section 11703 (b) (3) )
  - b. IS Assignment, Contract, Form No. 305-574. (CCR, Title 5, Section 11703 (b) (3) )
  - c. Representative sample(s) of completed work by the student that have been evaluated by a certificated teacher, which are signed and dated by the teacher. (CCR, Title 5, Section 11703 (b) (3) )
  - d. Teacher Apportionment record, Form No. 305-006 indicating student's apportionment/attendance, credits, grades, and other evaluations of IS assignments. (CCR, Title 5, Section 11703 (b) (2) )
3. A permanent record of the following:
- a. Students' transcript, which shows the student's school of record and credits, attempted and earned by semester.
  - b. Written evaluations (only for appropriate students) regarding whether it is in the student's best interests to remain in IS. (Education Code 51747 (b))
4. A list of all students, by grade level, program or school, who have participated or are currently participating in IS, showing credits attempted by and awarded to each student or a record of the student's attendance separate from classroom attendance records, containing time values of student's work. (CCR, Title 5, Sections 11703 (b) (2), 11703 (b) (4) )
5. A list of IS teachers that includes the teaching assignments. This list allows the auditor to calculate the ratio of IS pupil to teacher ratio and compares the ratio to all other instructional programs in LACOE. (Education Code 51745.6)
6. A letter of approval by the California Department of Education Fiscal Services Division for use at any attendance accounting system other than the State approved register.

All records, except for student transcripts, which are kept permanently, are to be kept for three (3) years and made available for auditing. (CCR, Title 5, Sections 16023, 16026)

## **INDEPENDENT STUDY (continued)**

### **Attendance**

1. Students must be assigned the equivalent of a full day's work. For apportionment purposes, students must meet the minimum 240-minute school day. (Education Codes 46113, 46141)
2. IS apportionment credit is based on the completed work product of the student. ADA is based on the IS teacher's judgment of the time value of each work product. Work assignments must be equivalent to the full school day assignments that would have been required if the student were in the classroom option. If the work is completed by the due date, work is equivalent to a 240-minute school day. For grades 7-12, attendance is reported in days.
3. IS attendance must:
  - a. Be on a separate state approved attendance register (CCR, title 5, Section 11703 (b) (4));
  - b. Be approved by the State Department of Education if a school/program is using an alternative and/or computerized attendance accounting system;
  - c. Match teacher records with attendance reported;
  - d. Be reported in whole days for apportionment of at least the applicable minimum school day (240 minutes) for grades 7-12 with maximum ADA of five (5) days per week;
  - e. Not include work submitted after the due date for apportionment credit. Student's work may be accepted for academic credit after the due date;
  - f. Never "bank" excessive days/hours of student work and report them for some period of time when a student does not turn in work;
  - g. Include the signature of a certificated teacher on attendance records; and
  - h. Ensure that ADA is not claimed for student work prior to the date of the last required signature on the student's IS Agreement.

### **Short-Term Independent Study**

All the laws and regulations that govern "regular" IS apply to "short-term" IS. Short-term IS may be appropriate when a student who is usually in a classroom will be absent from school; apportionment may be claimed for any length of duration of IS. However, a student

**INDEPENDENT STUDY** (continued)

~~participating in IS shall not be credited with more than one day of attendance per calendar day, if the student will be absent three (3) or more consecutive school days and arrangements are made through an IS Agreement for the student to complete the work s/he will miss (Education Code 46300 (e) (1)-(2)).~~

*Legal References:*

*EDUCATION CODE SECTIONS*

*44300, 44865, 46113, 46141, 46300, 46300.1, 46300.2, 46300.6, 51745-51749.3, 52123, 56026*

*CALIFORNIA CODE OF REGULATIONS*

*Title 5 sections, 11700, 11701.5, 11702, 11703, 16023, 16026.*

**Instruction**

BP 6164.2(a)

**GUIDANCE/COUNSELING SERVICES**

The County Board recognizes that a structured, coherent and comprehensive counseling program promotes academic achievement and serves the diverse needs of all LACOE students. Counseling staff shall be available to provide students with individualized reviews of their educational progress toward academic and/or career and vocational goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning.

The County Superintendent or designee shall ensure that all persons employed to provide school counseling, school psychology, and/or school social work services shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of each position shall be clearly defined in a job description.

*(cf. 4112.2 - Certification)*

Responsibilities of school counselors include, but are not limited to:

1. Engaging with, advocating for, and providing support for all students with respect to learning and achievement
2. Planning, implementing, and evaluating programs to promote the academic, career, personal, and social development of all students, including students from low-income families, foster youth, homeless youth, undocumented youth, and students at all levels of academic, social, and emotional abilities
3. Using multiple sources of information to monitor and improve student behavior and achievement
4. Collaborating and coordinating with school and community resources
5. Promoting and maintaining a safe learning environment for all students by providing restorative justice practices, positive behavior interventions, and support services

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

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

*(cf. 5144 - Discipline)*

6. Intervening to ameliorate school-related problems, including issues related to chronic absences

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

7. Using research-based strategies to reduce stigma, conflict, and student-to-student mistreatment and bullying

**GUIDANCE/COUNSELING SERVICES** (continued)

8. Improving school climate and student well-being

*(cf. 5137 - Positive School Climate)*

9. Enhancing students' social and emotional competence, character, health, civic engagement, cultural legacy, and commitment to lifelong learning and the pursuit of high-quality educational programs

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

10. Providing counseling interventions and support services for students classified as English learners, eligible for free or reduced-priced meals, or foster youth, including enhancing equity and access to the education system and community services

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

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

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

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

11. Engaging in continued development as a professional school counselor

*(cf. 4131 - Staff Development)*

**Educational Counseling**

The educational counseling program shall include academic counseling in the following areas:  
(Education Code 49600)

1. Development and implementation, with parent/guardian involvement, of the student's immediate and long-range educational plans
2. Optimizing progress towards achievement of proficiency standards
3. Completion of the required curriculum in accordance with the student's needs, abilities, interests, and aptitudes
4. Academic planning for access and success in higher education programs, including advisement on courses needed for admission to public colleges and universities, standardized admissions tests, and financial aid
5. Career and vocational counseling, in which students are assisted in doing all of the following:
  - A. Planning for the future, including, but not limited to, identifying personal interests, skills, and abilities, career planning, course selection, and career transition

**GUIDANCE/COUNSELING SERVICES** (continued)

- B. Becoming aware of personal preferences and interests that influence educational and occupational exploration, career choice, and career success
- C. Developing realistic perceptions of work, the changing work environment, and the effect of work on lifestyle
- D. Understanding the relationship between academic achievement and career success, and the importance of maximizing career options
- E. Understanding the value of participating in career technical education and work-based learning activities and programs, including, but not limited to, service learning, regional occupational centers and programs, partnership programs, job shadowing, and mentoring experiences

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work-Based Learning)*

*(cf. 6178.2 - Regional Occupational Program)*

- F. Understanding the need to develop essential employable skills and work habits
- G. Understanding the variety of four-year colleges and universities and community college vocational and technical preparation programs, as well as admission criteria and enrollment procedures

LACOE’s educational counseling program also may include, but not be limited to, identification of students who are at risk of not graduating with the rest of their class, development of a list of coursework and experience necessary to assist students to satisfy the curricular requirements for college admission and successfully transition to postsecondary education or employment, and counseling regarding available options for a student to continue his/her education if he/she fails to meet graduation requirements.

The County Superintendent or designee shall establish and maintain a program of guidance, placement, and follow-up for all high school students subject to compulsory continuation education. (Education Code 48431)

*(cf. 6184 - Continuation Education)*

~~To enhance the educational counseling program and assist students in reaching their educational and professional goals, LACOE shall provide students in grades 9-12 with financial aid support; social services support; state funded immigration legal services; academic opportunities; and parent/guardian and family workshops. (Education Code 54680, 54683)~~

No counselor shall unlawfully discriminate against any student. Guidance counseling BP

## **GUIDANCE/COUNSELING SERVICES (continued)**

regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in BP 0410 Nondiscrimination in LACOE Programs and Activities.

*(cf. 0410 - Nondiscrimination in LACOE Programs and Activities)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*

In addition, counselors shall affirmatively explore with students the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, LACOE shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students, unless such different materials cover the same occupations and interest areas and the use of such materials is essential to the elimination of bias and discrimination. (5 CCR 4931)

LACOE recognizes the importance of providing students with information about postsecondary education and career options. LACOE shall notify each community college district that shares jurisdiction with any high school operated by LACOE of the date, time, and location of all planned college or career fairs, and shall provide these community college districts with an opportunity to participate.

Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

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

### **Personal or Mental Health Counseling**

A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students in accordance with the specialization(s) authorized by his/her credential. Such services may include, but are not limited to, support related to the student's social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness. As appropriate, students and their parents/guardians shall be informed about community agencies, organizations, or health care providers that offer qualified professional assistance.

*(cf. 1020 - Youth Services)*  
*(cf. 5113 - Absences and Excuses)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5141.6 - School Health Services)*  
*(cf. 5145.9 - Hate Motivated Behavior)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 6164.5 - Student ~~S~~uccess Planning Teams)*

## **GUIDANCE/COUNSELING SERVICES (continued)**

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code ~~6920-6929~~ 6924, Health and Safety Code 124260, or other applicable law. In accordance with Assembly Bill 665 (2023), the County Board of Education

recognizes that minors aged 12 or older may consent to outpatient mental health counseling or treatment services without parent/guardian consent. This is permissible if (1) a school psychologist or other qualified professional determines that the minor is mature enough to participate in the services and (2) if the minor would present a danger of serious physical or mental harm to self or others without the mental health treatment or counseling or if the minor is the alleged victim of incest or child abuse. Parental involvement is required unless, after consultation with the minor, the professional determines that it would be inappropriate.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by his/her parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

*(cf. 5022 - Student and Family Privacy Rights)*  
*(cf. 5125 - Student Records)*

A counselor shall consult with the County Superintendent or designee and, as appropriate, with LACOE's Office of General Counsel whenever unsure of how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

### **Crisis Counseling**

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

In addition, the County Superintendent or designee shall identify crisis counseling resources to train LACOE staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in

**GUIDANCE/COUNSELING SERVICES (continued)**

violent or disruptive behavior.

~~(cf. 5136 – Gangs)~~  
(cf. 5141.52 - Suicide Prevention)

*Legal Reference:*

*EDUCATION CODE*

221.5 Prohibited sex discrimination  
44266 Pupil personnel services credential  
48431 Establishing and maintaining high school guidance and placement program  
49600-49604 Educational counseling  
51250-51251 School age military dependents  
51513 Personal beliefs

*FAMILY CODE*

6920-6929 Consent by minor for treatment or counseling

*HEALTH AND SAFETY CODE*

124260 Mental health services; consent by minors age 12 and older

*PENAL CODE*

11166-11170 Reporting known or suspected cases of child abuse

*WELFARE AND INSTITUTIONS CODE*

5850-5883 Mental Health Services Act

*CODE OF REGULATIONS, TITLE 5*

4930-4931 Counseling

80049-80049.1 Pupil personnel services credential

80632-80632.5 Preparation programs for pupil personnel services

*UNITED STATES CODE, TITLE 10*

503 Military recruiter access to directory information

*UNITED STATES CODE, TITLE 20*

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

*CODE OF FEDERAL REGULATIONS, TITLE 34*

99.1-99.67 Family educational rights and privacy

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*California Results-Based School Counseling and Student Support Guidelines, 2007*

*WEB SITES*

*American School Counselor Association: <http://www.schoolcounselor.org>*

*California Association of School Counselors: <http://www.schoolcounselor-ca.org>*

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

*Commission on Teacher Credentialing: <http://www.ctc.ca.gov>*

*U.S. Department of Education, access to military recruiters:*

*<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-09-02.html>*

Board Meeting – October 1, 2024

Item VII. Recommendations

- A. Approval of the California School Boards Association (CSBA) Regional 14 Director Position Endorsement by the Los Angeles County Board of Education for Nomination Submitted for Dr. Monte E. Perez

The Superintendent recommends that the Los Angeles County Board of Education take action to endorse the nomination submitted for Dr. Monte E. Perez to be appointed as Regional 14 Director of CSBA.

The nomination for Regional Director must be made by a Delegate from that region and the nominee must be a board member of a CSBA member board within that region (with the exception of Region 14 as CSBA's only statewide region). Each nominating Delegate must certify that the nominee has consented to be nominated.

On Tuesday, September 17, 2024, Ms. Peggy Ann Cohen-Thompson, Board President of the Solano County Office of Education, submitted with consent, a nomination for Dr. Monte E. Perez for Regional 14 Director.

The appointment will be for a total of 2 years, through December 2026.

The deadline for submission of the County Board's appointment is Friday, October 4, 2024.

Board Meeting – October 1, 2024

Item VIII. Informational Items

A. Governmental Relations

Dr. Duardo will provide an update on Governmental Relations.

Board Meeting – October 1, 2024

Item VIII. Informational Items

- B. Los Angeles County Board of Education Meeting Schedule, Establishment of Meeting Times, Future Agenda Items, and Follow up.

**LOS ANGELES COUNTY  
BOARD OF EDUCATION**

**MEETING CALENDAR  
October 1 - June 30, 2025**

OCTOBER 1 2024	OCTOBER 1 (Cont'd) 2024
<p>3:00 Board Meeting</p> <p><b>Rpt:</b> Report on Board Policy (BP), BP 0410 (Nondiscrimination in LACOE Programs and Activities), BP/AR/E 1312.3 (Uniform Complaint Procedures), BP/AR 5145.3 (Nondiscrimination/Harassment), BP/AR 5145.7 (Sex Discrimination and Sex-Based Harassment), BP 5146 (Married/Pregnant/Parenting Students), BP/AR 0420.4 (Charter Schools), BP/AR 3516 (Emergencies and Disaster Preparedness Plan), BP/AR 5113 (Absences and Excuses), BP/AR 6158 (Independent Study) and BP 6164.2 (Guidance/Counseling Services) (Enclosure)</p> <p><b>Rec:</b> Approval of the California School Boards Association (CSBA) Regional 14 Director Position Endorsement by the Los Angeles County Board of Education for Nomination Submitted for Dr. Monte E. Perez</p> <p><b>Interdistrict Attendance Appeals</b></p> <ol style="list-style-type: none"> <li>1. Xavier L. v. Compton USD (Spanish Interpreter)</li> <li>2. <del>Desiree L. v. Los Angeles USD (Spanish Interpreter)</del></li> <li>3. Greenlee J. v. Compton USD</li> <li>4. Brian B. v. Compton USD</li> <li>5. Madison B. v. Long Beach USD (Reordered)</li> <li>6. Lennon D. v. West Covina USD</li> <li>7. Wade F. v. ABC USD</li> <li>8. <del>Shailynn Y. v. Torrance USD</del></li> <li>9. <del>Sofia S. v. Los Angeles USD</del></li> <li>10. <del>Madelyn V. v. Los Angeles USD</del></li> <li>11. <del>Evyatar F. v. Los Angeles USD</del></li> <li>12. <del>Nicelah O.J. v. Los Angeles USD</del></li> <li>13. <del>Kaeli M. H. v. Los Angeles USD</del></li> <li>14. <del>Vianey D. v. Los Angeles USD</del></li> </ol>	<p><b>Interdistrict Attendance Appeals (Cont'd)</b></p> <ol style="list-style-type: none"> <li>15. Kavonte H. v. Los Angeles USD</li> <li>16. <del>James B. v. Los Angeles USD</del></li> <li>17. <del>Hudson H. v. Los Angeles USD</del></li> <li>18. Sergio M. v. Los Angeles USD</li> <li>19. Jayda D. v. Los Angeles USD</li> <li>20. Lalah M. v. Los Angeles USD</li> <li>21. <del>Daniel F. v. Los Angeles USD</del></li> <li>22. Larry B. v. Los Angeles USD</li> <li>23. Mateo R. v. Los Angeles USD</li> <li>24. <del>Damien V. v. Los Angeles USD</del></li> <li>25. <del>Robert Z. v. Los Angeles USD</del></li> <li>26. <del>Darla S. v. Los Angeles USD</del></li> <li>27. Yolotli S. v. Los Angeles USD</li> <li>28. Nayeli S. v. Los Angeles USD</li> <li>29. Elijah C. v. Los Angeles USD</li> <li>30. <del>Santino F. v. Los Angeles USD</del></li> <li>31. <del>Vincenzo F. v. Los Angeles USD</del></li> </ol>

OCTOBER 8 2024	OCTOBER 8 (Cont'd) 2024
<p>2:30 Study Session: Debrief on North Valley Military Institute (NVMI)</p> <p>3:00 Board Meeting</p> <p><b>Presentation:</b> Week of the School Administrator in Los Angeles County</p> <p><b>Consent Rec:</b> Adoption of Board Resolution No. __: 2024-25 GANN Limit – <b>BS</b></p> <p><b>Rec:</b> Approval of First Reading of Policies</p> <p><b>Rec:</b> Approval of LACOE FY 2023-24 Unaudited Actuals Financial Reports</p> <p><b>Rec:</b> <u>Ad Hoc Committee: Specialized Schools' Admissions</u></p> <p><b>Rec:</b> 2025 Legislative Agenda</p> <p><b>Interdistrict Attendance Appeals</b></p> <ol style="list-style-type: none"> <li>1. Alisher K. v. Los Angeles USD (Russian Interpreter)</li> <li><del>2. Jessica T. v. Paramount USD (Spanish Interpreter)</del></li> <li>3. Dylan T. v. Torrance USD (Spanish Interpreter)</li> <li><del>4. Kevin V. v. Los Angeles USD (Spanish Interpreter)</del></li> <li>5. Maya P. v. Newhall SD</li> <li>6. Erik T. v. Torrance USD</li> <li>7. Jethro M. v. Torrance USD</li> <li>8. Janderi G. v. Torrance USD</li> <li><del>9. Timothy S. v. Torrance USD</del></li> <li><del>10. Alondra V. v. Azusa USD</del></li> <li>11. Riley C. v. Azusa USD</li> <li><del>12. Rose Q. G. v. Azusa USD</del></li> <li><del>13. Audrey S. v. Pasadena USD</del></li> <li>14. Melanie A. v. Los Angeles USD</li> <li>15. Keyanna H. v. Los Angeles USD</li> <li>16. Jay R. N. v. Los Angeles USD</li> <li>17. Kamari T. v. Los Angeles USD</li> <li>18. Jaylinn R. v. Los Angeles USD</li> <li>19. Alyssa A. v. Los Angeles USD</li> <li>20. David H. v. Los Angeles USD</li> <li><del>21. Savannah B. v. Los Angeles USD</del></li> <li><del>22. Aria M. v. Los Angeles USD</del></li> </ol>	<p><b>Interdistrict Attendance Appeals (Cont'd)</b></p> <ol style="list-style-type: none"> <li>23. Naiya W. v. Los Angeles USD</li> <li>24. Tyrone M. v. Los Angeles USD</li> <li>25. Mael B. v. Los Angeles USD</li> <li>26. Ricardo M. v. Los Angeles USD</li> <li><del>27. Anthony A. v. Los Angeles USD</del></li> <li>28. Savannah C. v. Los Angeles USD</li> <li>29. Marcell S. v. Los Angeles USD</li> <li>30. Dylan H. v. Los Angeles USD</li> <li>31. Isaiah D. v. Los Angeles USD</li> <li>32. Davien R. v. Los Angeles USD</li> <li>33. Audriana E. v. Los Angeles USD</li> <li>34. Harleen P. v. Los Angeles USD</li> <li>35. Alice T. v. Los Angeles USD</li> <li>36. Ethan G. v. Los Angeles USD</li> <li>37. Madelyn G. v. Los Angeles USD</li> <li>38. Andrew G. v. Los Angeles USD</li> <li>39. Cecilia M. v. Los Angeles USD</li> <li>40. Cody T. v. Los Angeles USD</li> <li>41. Rylie J. v. Los Angeles USD</li> <li>42. Peyton J. v. Los Angeles USD</li> <li>43. Milana B. v. Los Angeles USD</li> <li>44. Thiago B. v. Los Angeles USD</li> <li>45. Patrick Z. v. Los Angeles USD</li> <li>46. Molly Z. v. Los Angeles USD</li> <li>47. Lily M. v. Los Angeles USD</li> <li>48. Eva M. v. Los Angeles USD</li> <li>49. Raymond L. v. Los Angeles USD</li> <li>50. Nadhia L. v. Los Angeles USD</li> <li>51. Alinah L. v. Los Angeles USD</li> <li>52. Araceli L. v. Los Angeles USD</li> <li>53. Arielle L. v. Los Angeles USD</li> </ol>

<p><b>OCTOBER 15</b> <span style="float: right;"><b>2024</b></span></p> <p>3:00 Board Meeting</p> <p><b>Rpt:</b> Uniform Complaint Procedure Quarterly Report for Educational Programs, July 1 to September 30, 2024</p> <p><b>Consent Rec:</b> Adoption of Board Resolution No. __: National Homeless Youth Awareness Month, November 2024</p> <p><b>Consent Rec:</b> Adoption of Board Resolution No. __: California Sikh American Awareness and Appreciation Month, November 2024</p> <p><b>Consent Rec:</b> Adoption of Board Resolution No. __: United Against Hate Week</p> <p><b>Consent Rec:</b> Approval of Board Resolution No. __ in Recognition of Native American Heritage Month, November 2023</p> <p><b>Rec:</b> Approval of Second Reading and Adoption of Policies</p> <p><b>Interdistrict Attendance Appeals</b></p> <ol style="list-style-type: none"> <li>1. Eugene W. v. Los Angeles USD (Korean Interpreter)</li> <li>2. Kamila A. R. v. Montebello USD (Spanish Interpreter)</li> <li>3. Susana L. G. v. Los Angeles USD (Spanish Interpreter)</li> <li>4. Maylene C. v. Los Angeles USD (Spanish Interpreter)</li> <li>5. Mariana L. v. Los Angeles USD (Spanish Interpreter)</li> <li>6. Roxanne O. v. Azusa USD</li> <li>7. Irene M. v. Azusa USD</li> <li>8. Anthony G. v. Azusa USD</li> <li>9. Daxton E. P. v. Azusa USD</li> <li>10. Shaela F. v. Compton USD</li> <li>11. Benjamin F. v. Compton USD</li> <li>12. Ruben R. v. Lynwood USD</li> <li>13. Ayden R. v. Lynwood USD</li> <li>14. <u>Isiavia A. v. Lynwood USD</u></li> <li>15. <u>Daniel C. v. Lynwood USD</u></li> </ol>	<p><b>OCTOBER 15 (Cont'd)</b> <span style="float: right;"><b>2024</b></span></p> <p><b>Interdistrict Attendance Appeals (Cont'd)</b></p> <ol style="list-style-type: none"> <li>16. Katelyn T. v. Montebello USD</li> <li>17. Dahlia P. v. Long Beach USD</li> <li>18. Evan S. v. Long Beach USD</li> <li>19. Jayden G. v. Los Angeles USD</li> <li>20. Nathan R. v. Los Angeles USD</li> <li>21. <del>Romeo S. v. Los Angeles USD</del></li> <li>22. <del>Kenneth F. v. Los Angeles USD</del></li> <li>23. Roger G. v. Los Angeles USD</li> <li>24. Luca G. v. Los Angeles USD</li> <li>25. Jack A. v. Los Angeles USD</li> <li>26. Adelynn A. M. v. Los Angeles USD</li> <li>27. Ashley M. v. Los Angeles USD</li> <li>28. Jacob A. v. Los Angeles USD</li> <li>29. Nyah P. v. Los Angeles USD</li> <li>30. Sovereign W. v. Los Angeles USD</li> <li>31. Darion A. v. Los Angeles USD</li> <li>32. Amir M. v. Los Angeles USD</li> <li>33. Melody M. v. Los Angeles USD</li> <li>34. Jaslyn P. v. Los Angeles USD</li> <li>35. Amelia M. v. Los Angeles USD</li> <li>36. Briar B. v. Los Angeles USD</li> <li>37. Olivia M. v. Los Angeles USD</li> <li>38. Dominic G. v. Los Angeles USD</li> <li>39. Onawa T. v. Los Angeles USD</li> <li>40. Layla C. v. Los Angeles USD</li> <li>41. <u>Donald R. G. v. Los Angeles USD</u></li> <li>42. <u>Sasha A. v. Los Angeles USD</u></li> <li>43. Arthur P. v. Los Angeles USD</li> <li>44. Arlo P. v. Los Angeles USD</li> </ol>
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<p><b>NOVEMBER 5</b> <span style="float: right;"><b>2024</b></span></p> <p>3:00 Board Meeting</p> <p><b>Interdistrict Attendance Appeals</b></p> <ol style="list-style-type: none"> <li>1. <u>Miss Tritipnipa P. N. S. v. Los Angeles USD (Thai Interpreter)</u></li> <li>2. <u>Daniel F. v. Los Angeles USD (Spanish Interpreter)</u></li> <li>3. <u>Sergio H. C. v. Los Angeles USD (Spanish Interpreter)</u></li> <li>4. <u>Alexandra A. v. El Monte Union HSD</u></li> <li>5. <u>Josemaria B. v. El Monte Union HSD</u></li> <li>6. <u>Liam B. v. Wiseburn USD</u></li> <li>7. <u>Theo G. v. Los Angeles USD</u></li> <li>8. <u>Tyanna K. v. Los Angeles USD</u></li> <li>9. <u>Angelo S. v. Los Angeles USD</u></li> <li>10. <u>Jason O. v. Los Angeles USD</u></li> <li>11. <u>Ashley A. v. Los Angeles USD</u></li> <li>12. <u>Andres K. v. Los Angeles USD</u></li> <li>13. <u>Tiffany W. v. Los Angeles USD</u></li> <li>14. <u>Abigail R. v. Los Angeles USD</u></li> <li>15. <u>Keyion H. v. Los Angeles USD</u></li> <li>16. <u>Alvaro A. C. v. Los Angeles USD</u></li> <li>17. <u>Liam P. v. Los Angeles USD</u></li> <li>18. <u>Noah P. v. Los Angeles USD</u></li> <li>19. <u>Jayden W. v. Los Angeles USD</u></li> <li>20. <u>Justyn W. v. Los Angeles USD</u></li> </ol> <p><b>NOVEMBER 12</b></p> <p>3:00 Board Meeting</p> <p><b>Rpt:</b> Update on the Business Enhancement System Transformation (BEST) Project</p> <p><b>Rpt:</b> Williams Legislation 2023 Annual Report of Findings for the 2023-24 School Visits and Monitoring</p> <p><b>Consent Rec:</b> Adoption of Board Resolution No. __: National Special Education Day, December __, 2024</p> <p><b>Consent Rec:</b> Adoption of Board Resolution No. __:</p>	<p><b>NOVEMBER 19</b> <span style="float: right;"><b>2024</b></span></p> <p>2:30 Study Session: Mental Health Initiatives</p> <p>3:00 Board Meeting</p> <p><b>Rec:</b> Approval of Head Start and Early Learning Division 2025-26 State Programs Continued Funding Application with Attached Staff Report</p>
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<p>International Migrants Day, December __, 2024  <b>Rec:</b> Approval of Head Start and Early Learning Division Community Assessment and Strategic Planning Update with Attached Staff Report  <b>Rec:</b> LACOE 2025 State Legislative Agenda</p>	
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10/2/24

<p><b>DECEMBER 3</b> <span style="float: right;"><b>2024</b></span>  2:30 p.m. Study Session: Introduction of Board Members Responsibilities under the Head Start Act and Program Performance Standards  3:00 Board Meeting  <b>Rec:</b> Approval of the School Plan for Student Achievement (Title I) for Educational Programs Schools 2024-25 with Attached Staff Report</p>	<p><b>DECEMBER 10</b> <span style="float: right;"><b>2024</b></span>  <b>2:30</b> Board Audit Committee Meeting  3:00 Board Meeting  <b>Rec:</b> Annual Financial Report (AFR) for the Fiscal Year ended June 30, 2024 (Enclosure)  <b>Rec:</b> Approval of First Interim Report 2024-25 With Attached Staff Report (Enclosure)</p> <p><b>DECEMBER 17</b>  2:30 Study Session: Analysis of what is preventing districts/charters from exiting out of Technical Assistance and Support  3:00 Board Meeting  <b>Consent Rec:</b> Adoption of Board Resolution No. __: Dr. Martin Luther King Jr. Day, January __, 2025  <b>Consent Rec:</b> Adoption of Board Resolution No. __: Fred Korematsu Day of Civil Liberties and the Constitution (Education Code 37222.15), January __, 2025  <b>Consent Rec:</b> Adoption of Board Resolution No. 20: National Human Trafficking Month, January 2025</p>
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<p><b>JANUARY 7</b> <span style="float: right;"><b>2025</b></span>  3:00 Board Meeting  <b>Consent Rec:</b> Approval of Board Resolution No. 26 to Recognize Religious Freedom Day 2024</p>	<p><b>JANUARY 14</b> <span style="float: right;"><b>2025</b></span>  3:00 Board Meeting  <b>Rpt:</b> Uniform Complaint Procedure Quarterly Report for Educational Programs, October 1 to December __, 2025  <b>Rpt:</b> Local Control and Accountability Plan Parent Engagement Update  <b>Consent Rec:</b> Approval of Nominees for the School Attendance Review Board (SARB)</p> <p><b>JANUARY 21</b>  3:00 Board Meeting  <b>Presentation:</b> Recognition of Head Start and Early Learning Division Golden Apple Awards  <b>Rpt:</b> Update on the Business Enhancement System Transformation (BEST) Project  <b>Consent Rec:</b> Adoption of Board Resolution No. __: National School Counseling Week, February ____, 2025- <i>CWSS</i>  <b>Consent Rec:</b> Adoption of Board Resolution No. __: National African American History Month, February 2025  <b>Consent Rec:</b> Adoption of Board Resolution No. 29 to Recognize and celebrate the Spectrum of Asian American, Native Hawaiian, and Pacific Islander (AANHPI) New Year Traditions</p>
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10/2/24

<p><b>FEBRUARY 4</b> <span style="float: right;"><b>2025</b></span> 3:00 Board Meeting</p> <p><b>FEBRUARY 11</b> 3:00 Board Meeting <b>Presentation:</b> Introduction of Head Start and Early Learning Division Policy Council Executive Members to the County Board of Education</p>	<p><b>FEBRUARY 18</b> <span style="float: right;"><b>2025</b></span> 3:00 Board Meeting <b>Public Hearing:</b> Disposal of Textbooks and Instructional Materials for Educational Programs School Sites <b>Rpt:</b> Preview of 2023-24 Annual Report of Performance Data for LACOE-Operated Educational Programs <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: Read Across America Day, March __, 2025 <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: Anniversary of Boston Massacre and Death of Crispus Attucks, March __, 2025 <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: International Day for the Elimination of Racial Discrimination, March __, 2025 <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: Cesar Chavez Day, March __, 2025 <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: Arts Education Month in California / Youth Arts Month, March 2025 <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: National Nutrition Month, March 2025 <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: National Social Work Month, March 2025 <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: National Women’s History Month, March 2025 <b>Rec:</b> Approval of Educational Programs 2024-25 Textbooks and Instructional Materials Disposal List</p>
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<p><b>MARCH 4</b> <span style="float: right;"><b>2025</b></span> 3:00 Board Meeting <b>Rpt:</b> Report on Policies <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: to establish a week during the Month of April 2025 as Public Schools Month</p> <p><b>MARCH 11</b> 3:00 Board Meeting <b>Rec:</b> Approval of First Reading of Policies <b>Rec:</b> Approval of Second Interim Report 2024-25 With Attached Staff Report (Enclosure)</p>	<p><b>MARCH 18</b> <span style="float: right;"><b>2025</b></span> 3:00 Board Meeting <b>Presentation:</b> Visual and Performing Arts Presentation <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: Declaring April as “Sexual Assault Awareness Month” and April ____, 2025 as “Denim Day” at the Los Angeles County Office of Education <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: Dolores Huerta Day, April __, 2025 <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: Armenian Genocide Remembrance Day, April __, 2025 <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. __: National Child Abuse Prevention Month, April 2025 <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. 40: Recognizing Earth Day as April __, 2025 <b>Consent Rec:</b> Adoption of Board Resolution No. __: National Arab American Heritage Month, April 2024 <b>Rec:</b> Approval of Second Reading and Adoption of Policies <b>Rec:</b> 2023-24 Annual Report of Performance Data for LACOE-Operated Educational Programs with Attached Staff Report <b>Rec:</b> 2024-25 Approval of Head Start/Early Head Start 2025-26 Consolidated Funding Application with Attached Staff Report</p>
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<p><b>APRIL 1</b> 3:00 Board Meeting</p> <p><b>APRIL 8</b> 2:30 Board Audit Committee Meeting 3:00 Board Meeting <b>Rpt:</b> Williams Uniform Complaint Procedure Quarterly Report for Educational Programs, January 1 to March 31, 2025</p>	<p><b>2025</b></p>	<p><b>APRIL 15</b> 3:00 Board Meeting <b>Presentation:</b> 2024-25 Los Angeles County Academic Decathlon Winners <b>Rpt:</b> Update on the Business Enhancement System Transformation (BEST) Project <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. ___ to recognize May __, 2025, as El Dia del Maestro, or Day of the Teacher, in Los Angeles County <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. ___ to recognize May ____, 2025 as Classified School Employees Week in Los Angeles County <b>Consent Rec/Bd. Res.:</b> Adoption of Board Resolution No. ___: May Day, May __, 2025 <b>Consent Rec:</b> Adoption of Board Resolution No. ___: to recognize May __, 2025, as National School Nurse Day <b>Consent Rec:</b> Adoption of Board Resolution No. ___: to recognize May 2025, as National Foster Care Month <b>Consent Rec:</b> Adoption of Board Resolution No. ___: Asian American and Pacific Islander Heritage Month, May 2025 <b>Consent Rec:</b> Adoption of Board Resolution No. ___: to recognize May __, 2025 as Harvey Milk Day <b>Consent Rec:</b> Adoption of Board Resolution No. ___: National Mental Health Month, May 2025 <b>Consent Rec:</b> Adoption of Board Resolution No. ___ to Recognize May as Jewish American Heritage Month <b>Rpt:</b> Approval of Head Start and Early Learning Division Budget Revision – Non-Federal Match Waiver Request with Attached Staff Report</p>	<p><b>2025</b></p>
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<p><b>MAY 6</b> 3:00 Board Meeting <b>Presentation:</b> Day of the Teacher 2025</p>	<p><b>2025</b></p>	<p><b>MAY 13</b> 3:00 Board Meeting <b>Presentation:</b> Recognition of Classified School Employees Week <b>Presentation:</b> Recognition of the 2025 Los Angeles County Spelling Bee <b>Consent Rec:</b> Approval of Los Angeles County Board of Education Institutional Memberships for the 2025-26 Fiscal Year</p> <p><b>MAY 20</b> 3:00 Board Meeting <b>Presentation:</b> History Day Awards 2025 <b>Presentation:</b> Recognition of 2024-25 Science and Math Competition and Other Events <b>Rpt:</b> Local Control and Accountability Plan (LCAP) for Educational Programs <b>Consent Rec:</b> Adoption of Board Resolution No. ___: LGBTQ Pride Month, June 2025 <b>Consent Rec:</b> Adoption of Board Resolution No. ___: Immigrant Heritage Month, June 2025</p>	<p><b>2025</b></p>
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<p><b>JUNE 3</b> <span style="float: right;"><b>2025</b></span>  3:00 Board Meeting  <b>Rpt:</b> Budget Report – Estimated Actuals  <b>Rpt:</b> Report on Policies  <b>Consent Rec:</b> Approval of Annual Distribution of United States Forest Reserve and Flood Control Funds  <b>Consent Rec:</b> Adoption of Board Resolution No. __: Juneteenth, June 19, 2025  <b>Consent Rec:</b> Approval of Re-Issuance of Stale-Dated Warrants  <b>Rec:</b> Adoption of Board Resolution No. __: Short-term Cash Loan to School Districts in Los Angeles County – <b>BS</b>  <b>Rec:</b> Approval of the Los Angeles County Board of Education Schedule, 2025-2026, Establishment of meeting times, future agenda items, follow up</p> <p><b>JUNE 10</b>  3:00 Board Meeting  <b>Public Hearing:</b> Local Control and Accountability Plan (LCAP)  <b>Public Hearing:</b> Public Hearing on the Annual Budget and Service Plans for the Los Angeles County Court Schools Special Education Local Plan Area (LAC Court Schools SELPA)  <b>Public Hearing:</b> 2025-26 Proposed Budget  <b>Rpt:</b> Los Angeles County Office of Education’s Proposed Budget 2025-26 (Enclosure)  <b>Rec:</b> Approval of First Reading of Policies  <b>Rec:</b> Annual Budget and Service Plans for the Los Angeles County Court Schools Special Education Local Plan Area (LAC Court Schools SELPA)</p>	<p><b>JUNE 17</b> <span style="float: right;"><b>2025</b></span>  3:00 Board Meeting  <b>Presentation:</b> Academic Bowl 2025  <b>Rpt:</b> LCFF Local Indicator Report  <b>Consent Rec:</b> Adoption of Board Resolution No. __: 2025-26 on how funds received from the Education Protection act shall be spent as required by Article XIII, Section 36 of the California Constitution (EPA) – <b>BS</b>  <b>Rec:</b> Approval of Second Reading and Adoption of Policies  <b>Rec:</b> Adoption of Local Control Accountability Plan (LCAP)  <b>Rec:</b> Adoption of 2025-26 Proposed Budget  <b>Rec:</b> Los Angeles County Office of Education – County Office System of Support Annual Summary Report</p>
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Board Meeting – October 1, 2024

Item IX. Interdistrict and Expulsion Appeal Hearings

- A. Los Angeles County Board of Education’s Decision on Interdistrict Attendance Appeals (Enclosures)

Final decisions on Interdistrict Attendance Appeals

On September 6, 10, 11, and 17, 2024, the Administrative Hearing Consultant heard the appeal(s). The consultant’s findings and recommendations were sent to the County Board of Education, along with the hearing folder, for review.

The Superintendent will provide legal counsel from the County Office of Education.

**Interdistrict  
 Attendance Permit Appeal(s)**

Student's Name	Hearing Consultant	Grade	Represented by	Resident District	District Representative	Desired District
1. Xavier L. ^	Mrs. Melissa Schoonmaker	9	Mr. Javier Linares and Ms. Xiomara Castro, parents	<b><u>Compton USD</u></b>	Dr. Rigoberto Roman, Executive Director of Pupil Services	Los Angeles USD
2. Greenlee J.	Dr. Sonya Smith	TK	Mr. Young Joon Jeon and Ms. Allison Jeon, parents	<b><u>Compton USD</u></b>	Dr. Rigoberto Roman, Executive Director of Pupil Services	Santa Monica Malibu USD
3. Brian B.	Mr. Steve Tabor	9	Mr. Albert Bizzell and Patrice Scott, parents	<b><u>Compton USD</u></b>	Dr. Rigoberto Roman, Executive Director of Pupil Services	ABCUSD
4. Madison B.	Mrs. Marian Chiara	11	Mr. Jaysen Baxter and Ms. Bernice Alvarado, parents	<b><u>Long Beach USD</u></b>	Ms. Jennifer Rodarte, Director of Student Services	Huntington Beach UHSD
5. Lennon D.	Mrs. Marian Chiara	6	Ms. Megan Lemaire, mother	<b><u>West Covina USD</u></b>	Dr. Devon Rose, Director of Student Support Services	Covina-Valley USD
6. Wade F.	Mr. Tom Steele	3	Mr. Orlando Flanagan, Jr. and Ms. Camile Wallace, parents	Anaheim ESD	Ms. Angelica Diaz-Naranjo, Child Welfare and Attendance Supervisor	<b><u>ABCUSD</u></b>

*^Interpreter Requested*