



LAGUNA BEACH
UNIFIED SCHOOL DISTRICT

AGENDA

**Special Meeting
of the
Board of Education**

March 18, 2019

Vision:

We take ownership of each child's learning in our schools, accepting no limits on potential.

Mission:

Each student gains the knowledge, experience, world perspectives, and skills needed to become a lifelong learner and producer in a competitive and interconnected world.

ADMINISTRATION

Jason Vilorio, Ed.D., Superintendent of Schools
Alysia Odipo, Ed.D., Assistant Superintendent, Instructional Services
Jeff Dixon, Assistant Superintendent, Business Services
Leisa Winston, Assistant Superintendent, Human Resources and
Public Communications

BOARD OF EDUCATION

Jan Vickers, President
Carol Normandin, Clerk
James Kelly, Member
Dee Perry, Member
Peggy Wolff, Member

For information regarding Laguna Beach Unified School District, please visit our website: www.lbusd.org

LAGUNA BEACH UNIFIED SCHOOL DISTRICT
· **SPECIAL MEETING** ·
550 Blumont St.
Laguna Beach, CA 92651

March 18, 2019

Special Meeting 8:00 AM

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL TO ESTABLISH QUORUM**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPTION OF AGENDA**
- 5. PUBLIC COMMENT (Non- Agenda Items)**

Opportunities for public input occur at each agenda item and at Public Comment. Members of the public may address the Board of Education regarding items not on the agenda, yet within the Board's subject matter jurisdiction, during Public Comment. The public may speak about items that are on the agenda during consideration of that item. Speaking time is limited to three (3) minutes per speaker with a maximum of twenty (20) minutes per topic.

Persons wishing to address the Board are asked to complete and submit a public comment card, available on the information table. Matters not on the agenda cannot be acted upon or discussed by the Board. The Board may ask staff to research and respond accordingly.

6. REVIEW AND DISCUSSION OF BOARD BYLAWS AND BOARD POLICIES

– **Jason Vilorio, Ed.D., Superintendent**

Board bylaws and policies will be reviewed and discussed for potential additions, revisions, and deletions. No action will be taken at this time. The Superintendent recommends a first reading by the Board of Education of the same Board bylaws and policies occur at the March 26, 2019 Board meeting, and a second reading and approval at the April 23, 2019 Board meeting. The Board may waive a second reading or require an additional reading if necessary. Board policies are brought forward for a first reading by the Board, as described in Board Bylaw 9310.

Policy Number	Description	Notes for Review (No action will be taken)
3001	Financial	Updated to replace "Basic Aid" with "Community Funded"
3270	Sale and Disposal of Books	New policy for LBUSD
3290	Gifts, Grants, and Bequests	New policy for LBUSD
4216	Probationary/Permanent Status	New policy for LBUSD
4151/4251/4351	Employee Compensation	Replaces/Delete BP 4403, 4404

4154/4254/4354	Health and Welfare Benefits	Replaces/Delete BP 4405, 4400
4157/4257/4357	Employee Safety	Replaces/Delete BP 4409, 4011, 4012
5113	Absences and Excuses	<p>Replaces/Delete BP 5008</p> <p>Updated to reflect NEW LAW (AB 2289) which (1) amends the definition of "immediate family" for the purpose of authorizing certain excused absences, (2) prohibits a district from requiring a physician's note for an absence by a parenting student to care for a sick child, and (3) clarifies that students may be excused from school, under specified conditions, for work in the entertainment or allied industry, participation with a nonprofit performing arts organization in a performance for a public school audience, or other reasons at the discretion of school administrators.</p>
5127	Graduation Ceremonies and Activities	<p>Existing law authorizes the governing board of any school district to adopt or rescind a reasonable dress code policy that requires pupils to wear a schoolwide uniform or prohibits pupils from wearing gang-related apparel. Existing law authorizes these actions if the governing board of the school district approves a plan, which may be initiated by an individual school's principal, staff, or parents, and determines that the policy is necessary for the health and safety of the school environment. Existing law also authorizes individual schools to include the reasonable dress code policy as part of their school safety plans. Existing law prohibits a dress code policy adopted pursuant to this provision from precluding pupils who participate in a nationally recognized youth organization from wearing organization uniforms on days that the organization has a scheduled meeting. This bill would provide that a pupil may wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment, as defined, at school graduation ceremonies. The bill would also declare that nothing in its provisions shall be construed to limit a local educational agency's discretion and authority to prohibit an item that is likely to cause a substantial disruption of, or material interference with, the ceremony.</p>

5141.52	Suicide Prevention	Policy updated to reflect NEW LAW (AB 2639) which requires boards of districts that serve grades 7-12 to review the district's suicide prevention policy at least every five years and update it as necessary
6145.2	Athletic Competition	Policy updated to reflect NEW LAW (AB 2009) which requires any district that offers an interscholastic athletic program to develop a written emergency action plan to be followed in the event of sudden cardiac arrest or other medical emergency. Regulation updated to reflect requirement of AB 2009 to make an automated external defibrillator available at athletic events.
6145.6	International Exchange	Replaces/Delete BP 5043
6146.4	Differential Graduation and Competency Standards	New policy for LBUSD.
Bylaw Number	Description	Notes for Review (No action will be taken)
9200	Limits of Board Member Authority	Review and Discuss
9310	Board Policies	Review and Discuss
9321	Closed Session Purposes and Agendas	Review and Discuss
9322	Agenda/Meeting Materials	At the March 12, 2019 Board meeting this Bylaw was referred back to the workshop by the Board for additional review and discussion.
9323.2	Actions by the Board	Review and Discuss
9323.3	Censure Of Individual Board Members For Improper Conduct	New bylaw for LBUSD. Review and discuss.

7. ADJOURNMENT

– Jan Vickers, President, Board of Education

The next Regular Meeting of the Board of Education is **Tuesday, March 26, 2019, 6:00 PM**
at the Laguna Beach Unified School District Office Board Room
550 Blumont St., Laguna Beach, California

For information regarding Laguna Beach Unified School District, please visit our website:
www.lbusd.org

INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS AND CITIZENS PRESENT AT THIS MEETING

We are pleased you have joined us for this meeting. Community interest in our schools is welcome and valued.

The members of the LBUSD Board of Education are locally elected officials, serve four-year terms of office, and are responsible for the schools' educational programs, grades kindergarten through twelve. The Board is a policy-making body whose actions are guided by the District's vision, mission, and goals. Administration of the District is delegated to a professional administrative staff led by the Superintendent. Board members are required to conduct the programs of the schools in accordance with the Constitution of the State of California, the California Education Code, and other laws relating to schools enacted by the Legislature, in addition to policies and procedures adopted by the Board of Education.

Materials that are public records related to open session agenda items are occasionally distributed to Board members after the agenda has been posted. These materials will be available for public inspection in the Office of the Superintendent between the hours of 7:30 a.m. and 4:30 p.m.

WHAT TO DO IF YOU WISH TO ADDRESS THE BOARD OF TRUSTEES

ITEMS ON THE AGENDA: Members of the public may address the Board of Education on agenda items during consideration of that item. Speaking time is limited to three (3) minutes per speaker with a maximum of twenty (20) minutes per topic, unless the time limit is waived by a majority of the Board.

Persons wishing to address the Board are asked to complete and submit a public comment card, available on the information table.

PUBLIC COMMENT (Non-Agenda Items): Members of the public may address the Board of Education regarding items not on the agenda, yet within the Board's subject matter jurisdiction during public comment. Speaking time is limited to three (3) minutes per speaker with a maximum of twenty (20) minutes per topic unless the time limit waived by a majority of the Board. Legally, the Board cannot take action on topics raised by speakers and discussion may not be held by the Board. The Board may ask staff to research and respond accordingly.

REASONABLE ACCOMMODATION

In accordance with the Americans with Disability Act, members of the public who require disability accommodation(s) to participate in the meeting should contact the Office of the Superintendent in writing by noon on Monday before the scheduled meeting.

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

FINANCIAL RESERVES

BP 3001

Business and Noninstructional Operations

- A. Pursuant to Resolution No. 00-04 adopted by the Governing Board of the Laguna Beach Unified School District on November 14, 2000, the Governing Board determined that it is fiscally prudent to establish a reasonable reserve to mitigate revenue volatility and to plan for future expenditures. Therefore, the Governing Board has determined that its Financial Reserves shall be composed of the following components within the General Fund and Special Reserve Funds:
1. A State mandated General Fund Reserve for uncertainty which is currently legally required to be maintained at least three percent (3%) of the District's current annual budget;
 2. A Reserve for Economic Uncertainty which shall be an additional two percent (2%) of the total General Fund Reserve for uncertainty described in subparagraph 1 above;
 3. Routine Restricted Maintenance Account (RRMA) under the School Facility Grant Program generally requiring deposit of a minimum of 3% of the total general fund expenditures for each fiscal year, including other financing uses for the applicable fiscal year. With the elimination of the Deferred Maintenance Grant, the RRMA will increase to incorporate the deferred maintenance projects. Under resolution No. 00-02, the RRMA will maintain a 4% reserve balance in the General Fund.
 4. A Facilities Repair and Replacement Plan (FRRP) Reserve, a restricted account based on a twenty year projection of the cost of facility construction, repair, maintenance and modernization. The reserve will be adjusted periodically for cost escalation in the original plan;
 5. A **Community Funded**~~Basic Aid~~ Differential Reserve to be maintained in perpetuity based on annual recommendations to the Governing Board on the amount of the annual contribution to this reserve necessary to maintain this level of funding. A **Community Funded**~~Basic Aid~~ Differential is the cost of maintaining the District's budget for a period of one year if funded at the Local Control Funding Formula (LCFF). Committed reserves in subfunds under the Special Reserve for Capital Outlay (Fund 40) may also be considered in the differential calculation. Caution: If onetime projects reduce reserves below two-thirds of the **Community Funded**~~Basic Aid~~ Differential, a plan should be developed to determine when reserves are projected to recover above that level.
 6. Aliso Property Reserve for the accelerated option under the Option to Re-purchase Agreement with National Church Residences of Laguna Beach. The agreement extends until 2041, but allows for the payoff of the Housing and Urban Development (HUD) loan and transfer of the grant deed in case of default. The executed grant deed is held in custody trust at U.S. Bank.
 7. A Capital Improvement Plan (CIP) Reserve, separate and distinct from the FRRP, to provide for the establishment of prioritized projects in a 10-year plan;
 8. A Reserve for Specific Designations which shall be established by the Board annually based on actual anticipated expenditures.

- B. The Reserve for Specific Designations shall be annually reevaluated when financial information regarding actual anticipated expenditures demonstrates that prudent financial management requires an allocation to this Reserve or a reallocation from it.
- C. The annual establishment of the funding levels of the above components of the District's Financial Reserves funds and any periodic adjustment to the funding levels of those components shall occur only after a public hearing is held and before the adoption of the annual budget by the Governing Board.
- D. Following the adoption of the District's annual budget by the Governing Board, any subsequent action by the Board to appropriate or reallocate any of the reserve funds from either the State mandated General Fund, Reserve for Economic Uncertainty or the Facility Repair and Replacement Reserve shall require that four-fifths of all of the members of the Governing Board vote to approve such action.
- E. The Board requires that the Reserve for Specific Planned Designation shall not be included in the Reserve for Economic Uncertainty as such reserve is defined by the Governmental Accounting Standards Board.
- F. In September of each school year, the Assistant Superintendent of Business shall present a status report and recommendations to the Governing Board for the allocation of funds to the General Fund Reserve, the ~~Community Funded Basic Aid~~ Differential Reserve, the Facility Repair and Replacement Plan Reserve, the Aliso Property Reserve, and the Capital Improvement Plan Reserve.

Legal Reference:

Education Code section 17070.75

Date Policy Adopted By the Board: November 14, 2000, by Resolution 00-04

Date Policy Re-Numbered (from 3101 to 3001) By the Board: November 23, 2004

Revised: : May 25, 2010

Revised: May 28, 2013

Revised: February 11, 2014

Revised: November 9, 2015

Policy Reapproved-No Revisions: February 9, 2016

Revised:

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

BP 3270

Business and Noninstructional Operations

The Governing Board recognizes its fiscal responsibility to maximize the use of district equipment, supplies, instructional materials, and other personal property while providing up-to-date resources that facilitate student learning and effective district operations. When the Board, upon recommendation of the Superintendent or designee, declares any district-owned personal property unusable, obsolete, or no longer needed, the Board shall determine the estimated value of the property and shall decide whether the property will be donated, sold, or otherwise disposed of as prescribed by law and administrative regulation.

The Board shall approve the price and terms of any sale or lease of personal property of the district.

If the Board members who are in attendance at a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value, the property may be sold without advertising for bids.

If the Board members who are in attendance at a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of in the local public dump.

Instructional materials shall be considered obsolete or unusable by the district if they have been replaced by more recent editions or new materials selected by the Board, are not aligned with the district's academic standards or course of study, and have no foreseeable value in other instructional areas. Such materials may be sold or donated if they continue to serve educational purposes that would benefit others outside the district. Instructional materials are not appropriate for sale or donation if they meet any of the following criteria:

1. Contain information rendered inaccurate or incomplete by new research or technologies
2. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy
3. Are damaged beyond use or repair

The Superintendent or designee shall establish procedures to be used whenever the district sells equipment or supplies originally acquired under a federal grant or subgrant. Such procedures shall be designed to ensure the highest possible return.

Legal Reference:

EDUCATION CODE

17540-17542 Sale or lease of personal property by one district to another

17545-17555 Sale of personal property

35168 Inventory, including record of time and mode of disposal

60510-60530 Sale, donation, or disposal of instructional materials

GOVERNMENT CODE

25505 District property; disposition; proceeds

CODE OF REGULATIONS, TITLE 5

3944 Consolidated categorical programs, district title to equipment

3946 Disposal of equipment purchased with state and federal consolidated application funds

UNITED STATES CODE, TITLE 40

549 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 Federal uniform grant guidance

Date Board Policy Adopted:

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

GIFTS, GRANTS, AND BEQUESTS

BP 3290

Business and Noninstructional Operations

The Governing Board may accept any gift, grant, or bequest of money, property, or service to the district from any individual, organization, foundation, or public or private agency that desires to support the district's educational program. While greatly appreciating suitable donations, the Board shall reject any gift which may directly or indirectly impair its authority to make decisions in the best interest of district students or its ability or commitment to provide equitable educational opportunities.

Before accepting any gift, grant, or bequest, the Board shall carefully consider any conditions or restrictions imposed by the donor to ensure their consistency with the district's vision, philosophy, and operations. If the Board believes the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

In addition, the Board shall ensure that acceptance of the gift, grant, or bequest does not:

1. Involve creation of a program which the Board would be unable to sustain when the donation is exhausted
2. Entail undesirable or excessive costs
3. Promote the use of violence, drugs, tobacco, or alcohol
4. Advertise or endorse the use of non-nutritious food or beverages during the school day
5. Encourage or enable the violation of any law or district policy
6. Imply endorsement of any business or product or unduly commercialize or politicize the school environment

Any gift of books or instructional materials may only be accepted if they meet district criteria for selection of instructional materials.

When any gift of money received by the district is not immediately used, it shall be placed in the county treasury in accordance with law.

The Superintendent or designee shall annually provide a report to the Board indicating the gifts, grants, and/or bequests received on behalf of the district in the preceding fiscal year. The report shall include a statement of account and expenditure of all gifts of money and an inventory of all gifts of physical assets.

Corporate Sponsorship

The Superintendent or designee may enter into an agreement or arrangement with an outside entity for the sponsorship of an educational, athletic, or other program or activity. When appropriate, the agreement may allow the outside entity to advertise or promote its business, product, or service in district publications or on district property or web sites.

Every sponsorship agreement shall be in writing and shall be approved by the ~~Superintendent or designee~~ **Superintendent or designee** ~~Board~~. The ~~Superintendent or designee~~ **Superintendent or designee** ~~Board~~ shall ensure that the district's relationship and arrangement with the sponsor are consistent with the district's mission, values, and goals. Any advertising or promotional message, image, or other depiction to be used by the sponsor shall meet the standards set for commercial advertising on district property and in district-sponsored publications in accordance with BP 1325 - Advertising and Promotion.

Each sponsorship agreement shall contain statements including, but not limited to:

1. The purpose of the relationship with the sponsor, details of the benefits to the district, and how the benefits will be distributed
2. The duration of the agreement and the roles, expectations, rights, and responsibilities of the district and the sponsor, including whether and to what extent the sponsor is allowed to advertise or promote its products and/or services
3. The authority of the Board to retain exclusive right over the use of the district's name, logo, and other proprietary information and the requirement that the sponsor obtain prior approval of the Board before using such information
4. The prohibition against the collection or distribution of students' personal information except as allowed by law
5. The authority of the ~~Superintendent or designee~~ **Superintendent or designee** ~~Board~~ to terminate the agreement without any penalty or sanction to the district if the sponsor's message, business, or product becomes inconsistent with the district's vision, mission, or goals or the sponsor engages in any prohibited activity

Online Fundraising

Any person or entity who wishes to conduct an online fundraising campaign, including a crowdfunding campaign, for the benefit of the district, a school, or a classroom shall submit a written request for prior approval to the Superintendent or designee. Approval of requests shall take into consideration compatibility with the district's vision and goals, core beliefs, instructional priorities, and infrastructure; the manner in which donations are collected and distributed; equity of the use of funds; and any other factors deemed relevant or appropriate by the district.

Any person or entity approved to conduct an online fundraising campaign shall comply with relevant district policies and procedures, including ensuring financial transparency in describing

the purpose and use of the funds and protecting student privacy as applicable. Such person or entity shall specify that the district, rather than a staff member, classroom, or school, will own the funded resources.

Funds raised by an online fundraising campaign and donated to the district shall be subject to the same terms, criteria for acceptance, and accountability measures as any other donation as specified in this policy.

Appreciation

The Board may show appreciation for any donation to the district in any manner it deems appropriate. Such appreciation may take the form of letters of recognition or Board resolutions; plaques, commendations, or awards; planting of commemorative trees or gardens; or naming or renaming of buildings, grounds, or facilities. Conferment of any such honor shall be in accordance with applicable Board policy.

Legal Reference:

EDUCATION CODE

1834 Acquisition of materials and apparatus

35160 Powers and duties

35162 Power to sue, be sued, hold and convey property

41030 School district may invest surplus monies from bequest or gifts

41031 Special fund or account in county treasury

41032 Authority of school board to accept gift or bequest; investments; gift of land requirements

41035 Advisory committee

41036 Function of advisory committee

41037 Rules and regulations

41038 Applicability of other provisions of chapter

Date Board Policy Adopted:

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

HEALTH AND WELFARE BENEFITS

BP 4154/4254/4354

Personnel

The Governing Board recognizes that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The district shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

For purposes of granting benefits, a registered domestic partner and their child shall have the same rights, protections, and benefits as a spouse and spouse's child.

The district shall offer full-time employees who work an average of 30 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees.

Continuation of Coverage

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

Confidentiality

The Superintendent or designee shall not use or disclose any employee's medical information the district possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law.

Legal Reference:

EDUCATION CODE

7000-7008 Health and welfare benefits, retired certificated employees

17566 Self-insurance fund

35208 Liability insurance

35214 Liability insurance (self-insurance)

44041-44042 Payroll deductions for collection of premiums

44986 Leave of absence, state disability benefits

45136 Benefits for classified employees

CIVIL CODE

56.10-56.16 Disclosure of information by medical providers

56.20-56.245 Use and disclosure of medical information by employers

FAMILY CODE

297-297.5 Rights, protections and benefits under law; registered domestic partners

300 Definition of marriage

GOVERNMENT CODE

12940 Discrimination in employment

22750-22944 Public Employees' Medical and Hospital Care Act

53200-53210 Group insurance

HEALTH AND SAFETY CODE

1366.20-1366.29 Cal-COBRA program, health insurance

1367.08 Disclosure of fees and commissions paid related to health care service plan

1373 Health services plan, coverage for dependent children who are full-time students

1373.621 Continuation coverage, age 60 or older after five years with district

1374.58 Coverage for registered domestic partners, health service plans and health insurers

INSURANCE CODE

10116.5 Continuation coverage, age 60 or older after five years with district

10128.50-10128.59 Cal-COBRA program, disability insurance

10277-10278 Group and individual health insurance, coverage for dependent children

10604.5 Annual disclosure of fees and commissions paid

12670-12692.5 Conversion coverage

LABOR CODE

2800.2 Notification of conversion and continuation coverage

4856 Health benefits for spouse of peace officer killed in performance of duties

UNEMPLOYMENT INSURANCE CODE

2613 Education program; notice of rights and benefits

UNITED STATES CODE, TITLE 1

7 Definition of marriage, spouse

UNITED STATES CODE, TITLE 26

105 Self-insured medical reimbursement plan; definition of highly compensated individual

4980B COBRA continuation coverage

4980H Penalty for noncompliance with employer-provided health care requirements

5000A Minimum essential coverage

6056 Report of health coverage provided to employees

UNITED STATES CODE, TITLE 29

1161-1168 COBRA continuation coverage

UNITED STATES CODE, TITLE 42

300gg-300gg95 Patient Protection and Affordable Care Act, especially:

300gg-16 Group health plan; nondiscrimination in favor of highly compensated individuals
1395-1395g Medicare benefits
CODE OF FEDERAL REGULATIONS, TITLE 26
54.4980B-1-54.4980B-10 COBRA continuation coverage
54.4980H-1-54.4980H-6 Patient Protection and Affordable Care Act
1.105-11 Self-insured medical reimbursement plan
CODE OF FEDERAL REGULATIONS, TITLE 45
164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

Date Board Policy Adopted:

Delete

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

III.

Board Policies Covering All Unrepresented Certificated Employees

Board Policy No. 4208: HEALTH AND WELFARE BENEFITS

- A. The District provides health and welfare benefit coverage for eligible full-time probationary and permanent certificated employees. The Superintendent may approve pro-rated benefits for less than full-time eligible employees. The District retains the right to change or modify any current benefits to implement cost containment measures or cost saving provisions.
- B. Domestic Partners
1. Commencing July 1, 2001, eligible employees of the District may receive paid health (medical, dental and vision) benefits for their domestic partners, upon written request, subject to any legal restrictions and the policies of the District's health care providers and carriers, and subject to the requirements in this Board Policy. Eligible employees for purposes of this Board Policy are those regular employees who are currently eligible for health benefits under other existing Board Policy. This Board Policy shall be applicable only to those eligible employees not in a bargaining unit represented by an exclusive bargaining representative.
 2. The term "domestic partner" for purposes of this Board Policy shall have the same meaning as that definition in Family Code section 297 added by Chapter 588 of the Statutes of 1999. The law defines domestic partners as "two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring." In California, and also under this Board Policy, a domestic partnership shall be established when all of the following requirements are met:
 - a. Both partners have a common residence. The term "common residence" means that both domestic partners share the same residence. It is not necessary that the legal right to possess the common residence be in both of their names. Two people have a common residence even if one or both have additional residences. Domestic partners do not cease to have a common residence if one leaves the common residence but intends to return.
 - b. Both persons agree to be jointly responsible for each other's basic living expenses incurred during the domestic partnership. The term "basic living expenses" means shelter, utilities, and all other costs directly related to the maintenance of the common household of the common residence of the domestic partners. It also means any other cost, such as medical care, if some or all of the cost is paid as a benefit because a person is another person's domestic partner. The term "joint responsibility" means that each partner agrees to provide for the other partner's basic living expenses if the partner is unable to provide for himself or herself.
 - c. Neither person is married nor a member of another domestic partnership.

- d. The two persons are not related by blood in any way that would prevent them from being married to each other in California.
 - e. Both persons are at least eighteen years of age.
 - f. Both persons are capable of consenting to the domestic partnership.
 - g. Neither person has filed a Declaration of Domestic Partnership with the California Secretary of State pursuant to applicable law which has not been terminated pursuant to applicable law.
 - h. Both persons have filed a Declaration of Domestic Partnership with the City of Laguna Beach or California Secretary of State pursuant to applicable law and the partnership has not been terminated.
- 3. Domestic partners of eligible employees shall receive health benefits under this Board Policy only if all requirements in provision B are met, and the District receives a copy of the registered form of the Declaration of Domestic Partnership which has been returned to the domestic partners from the City of Laguna Beach or California Secretary of State (Family Code section 298.5). The District may require verification and/or evidence of compliance in addition to receipt of a copy of the registered form of the Declaration of Domestic Partnership. The burden of proof is on the eligible employee seeking health benefits for his or her domestic partner.
 - 4. Eligible employees who do obtain health benefits for their domestic partners pursuant to Board Policy shall immediately notify the District in writing whenever the domestic partnership is terminated. (Family Code section 299).
 - 5. It is the intent of the Board that this Board Policy be consistent with current law. Any part of this Board Policy which is not consistent with current law shall be void. Any changes in applicable law which impacts this Board Policy shall automatically modify this Board Policy to ensure consistency.
 - 6. Changes in domestic partnerships may not be filed more frequently than annually.
 - 7. The District is not liable for any tax consequences that accrue pursuant to this policy.

Legal Reference:

Family Code sections 297, 298, 298.5, 299, 299.5, 299.6

Government Code sections 22867, 22868, 22869, 22871, 22871.1, 22871.2, 22871.3, 22872, 22873, 22874, 22875, 22876, 22877, 53200, 53201, 53202, 53206, 53205.1

Date Policy Adopted By The Board: September 11, 2001

Delete

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

V.

Board Policies Covering All Unrepresented Classified Employees

Board Policy No. 4405: HEALTH AND WELFARE BENEFITS

- A. The District provides health and welfare benefit coverage for eligible full-time probationary and permanent certificated employees. The Superintendent may approve pro-rated benefits for less than full-time eligible employees. The District retains the right to change or modify any current benefits to implement cost containment measures or cost saving provisions.
- B. Domestic Partners
 - 1. Commencing July 1, 2001, eligible employees of the District may receive paid health (medical, dental and vision) benefits for their domestic partners, upon written request, subject to any legal restrictions and the policies of the District's health care providers and carriers, and subject to the requirements in this Board Policy. Eligible employees for purposes of this Board Policy are those regular employees who are currently eligible for health benefits under other existing Board Policy. This Board Policy shall be applicable only to those eligible employees not in a bargaining unit represented by an exclusive bargaining representative.
 - 2. The term "domestic partner" for purposes of this Board Policy shall have the same meaning as that definition in Family Code section 297 added by Chapter 588 of the Statutes of 1999. The law defines domestic partners as "two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring." In California, and also under this Board Policy, a domestic partnership shall be established when all of the following requirements are met:
 - a. Both partners have a common residence. The term "common residence" means that both domestic partners share the same residence. It is not necessary that the legal right to possess the common residence be in both of their names. Two people have a common residence even if one or both have additional residences. Domestic partners do not cease to have a common residence if one leaves the common residence but intends to return.
 - b. Both persons agree to be jointly responsible for each other's basic living expenses incurred during the domestic partnership. The term "basic living expenses" means shelter, utilities, and all other costs directly related to the maintenance of the common household of the common residence of the domestic partners. It also means any other cost, such as medical care, if some or all of the cost is paid as a benefit because a person is another person's domestic partner. The term "joint responsibility" means that each partner agrees to provide for the other partner's basic living expenses if the partner is unable to provide for himself or herself.

- c. Neither person is married nor a member of another domestic partnership.
 - d. The two persons are not related by blood in any way that would prevent them from being married to each other in California.
 - e. Both persons are at least eighteen years of age.
 - f. Both persons are capable of consenting to the domestic partnership.
 - g. Neither person has filed a Declaration of Domestic Partnership with the California Secretary of State pursuant to applicable law which has not been terminated pursuant to applicable law.
 - h. Both persons have filed a Declaration of Domestic Partnership with the City of Laguna Beach or California Secretary of State pursuant to applicable law and the partnership has not been terminated.
- 3. Domestic partners of eligible employees shall receive health benefits under this Board Policy only if all requirements in provision B are met, **and** the District receives a copy of the registered form of the Declaration of Domestic Partnership which has been returned to the domestic partners from the City of Laguna Beach or California Secretary of State (Family Code section 298.5). The District may require verification and/or evidence of compliance in addition to receipt of a copy of the registered form of the Declaration of Domestic Partnership. The burden of proof is on the eligible employee seeking health benefits for his or her domestic partner.
 - 4. Eligible employees who do obtain health benefits for their domestic partners pursuant to Board Policy shall immediately notify the District in writing whenever the domestic partnership is terminated. (Family Code section 299).
 - 5. It is the intent of the Board that this Board Policy be consistent with current law. Any part of this Board Policy which is not consistent with current law shall be void. Any changes in applicable law which impacts this Board Policy shall automatically modify this Board Policy to ensure consistency.
 - 6. Changes in domestic partnerships may not be filed more frequently than annually.
 - 7. The District is not liable for any tax consequences that accrue pursuant to this policy.

Legal Reference:

Family Code sections 297, 298, 298.5, 299, 299.5, 299.6

Government Code sections 22867, 22868, 22869, 22871, 22871.1, 22871.2, 22871.3, 22872, 22873, 22874, 22875, 22876, 22877, 53200, 53201, 53202, 53206, 53205.1

Date Policy Adopted By The Board: September 25, 2001

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

EMPLOYEE SAFETY

BP 4157/4257/4357

Personnel

The Governing Board is committed to maximizing employee safety and believes that workplace safety is every employee's responsibility. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful.

The Board expects all employees to use safe work practices and, to the extent possible, correct any unsafe conditions which may occur. If an employee is unable to correct an unsafe condition, he/she shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

The Superintendent or designee shall establish and implement a written injury and illness prevention program in accordance with law.

The Superintendent or designee shall ensure the ready availability of first aid materials at district workplaces and shall make effective provisions, in advance, for prompt medical treatment in the event of an employee's serious injury or illness.

No employee shall be discharged or discriminated against for making complaints, instituting proceedings, or testifying with regard to employee safety or health or for participating in any occupational health and safety committee established pursuant to Labor Code 6401.7.

Legal Reference:

EDUCATION CODE

32030-32034 Eye safety

32225-32226 Communications devices in classrooms

32280-32289 School safety plans

44984 Required rules for industrial accident and illness leave of absence

GOVERNMENT CODE

3543.2 Scope of bargaining

LABOR CODE

3300 Definitions

6305 Occupational safety and health standards; special order

6310 Retaliation for filing complaint prohibited

6400-6413.5 Responsibilities and duties of employers and employees, especially:

6401.7 Injury and illness prevention program

CODE OF REGULATIONS, TITLE 8

3203 Injury and illness prevention program

3400 Medical services and first aid
5095-5100 Control of noise exposure
CODE OF FEDERAL REGULATIONS, TITLE 29
1910.95 Noise standards

Date Board Policy Approved:

Delete

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

III.

Board Policies Covering All Unrepresented Certificated Employees

Board Policy No. 4209: EMPLOYEE SAFETY AND PROTECTION

- A. The District shall furnish a place of employment which is safe for employees pursuant to applicable law.
- B. The District shall not require any employee to be in a place of employment which is not safe. No employee shall leave the assigned work station without authorization of the Superintendent or Principal unless there is clearly an emergency. If an employee does leave the assigned work station because of an emergency, the employee will notify promptly the Superintendent or the Principal.
- C. All employees have a responsibility to advise the District immediately of any condition which a reasonable person would consider unsafe.
- D. An employee may, when necessary, use reasonable force in the performance of duties in the interests of self-protection. Such force must not exceed that which is needed to repel or protect from bodily injury. An employee also may take reasonable action for the protection of others and for the protection of District, student or employee property. Under such circumstances, an employee must exercise mature judgment and must act and react in a reasonable and prudent manner.

Legal Reference:
Labor Code sections 6300-6711

Date Policy Adopted By The Board: September 11, 2001

Delete

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

I.

Board Policies Covering All Employees

Board Policy No. 4011: **EMPLOYEE SAFETY AND PROTECTION**

- A. The District shall furnish a place of employment which is safe for employees pursuant to applicable law.
- B. The District shall not require any employee to be in a place of employment which is not safe. No employee shall leave the assigned work station without authorization of the Superintendent or Principal unless there is clearly an emergency. If an employee does leave the assigned work station because of an emergency, the employee will notify promptly the Superintendent or the Principal.
- C. All employees have a responsibility to advise the District immediately of any condition which a reasonable person would consider unsafe.
- D. An employee may, when necessary, use reasonable force in the performance of duties in the interests of self-protection. Such force must not exceed that which is needed to repel or protect from bodily injury. An employee also may take reasonable action for the protection of others and for the protection of District, student or employee property. Under such circumstances, an employee must exercise mature judgment and must act and react in a reasonable and prudent manner.

Legal Reference:

Labor Code sections 6300-6711

Date Policy Adopted By The Board: July 23, 2001

Delete

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

I.

Board Policies Covering All Employees

Board Policy No. 4012: INJURY AND ILLNESS PREVENTION PROGRAM

A. The District's Injury and Illness Prevention Program (IPP)

This comprehensive health and safety program is designed to identify and abate hazards in the workplace by preventing workplace accidents, injuries and illnesses in order to provide a safe and healthful place in which to work. This policy, along with other applicable District rules and regulations and practices, form the District's Injury and Illness Prevention Program. In order to be effective, this program will require the cooperation and support of all District employees.

B. Responsibility For Safety and Health

All employees of the District are responsible for working safely and maintaining a safe and healthful working environment.

C. Program Administrator

The District's Program Administrator is the Superintendent or designee. The Program Administrator is responsible for the overall implementation and maintenance of the District's Injury and Illness Prevention Program. The Program Administrator will:

1. Ensure that managers and supervisors are trained in workplace safety and are familiar with the safety and health hazards to which employees under their immediate supervision or control may be exposed, as well as applicable laws, regulations and District safety rules, policies, practices and procedures;
2. Ensure that employees are trained in accordance with this program;
3. Cause the periodic inspection of all District workplaces in order to identify, evaluate and abate workplace hazards;
4. Develop methods for abating workplace hazards;
5. Ensure that workplace hazards are abated in a timely and effective manner;
6. Ensure that reported workplace hazards, accidents, illnesses or injuries are investigated; and
7. Supervise the delegation of specific tasks required to be performed by the Program.

D. Hazard Assessment Control

1. Identification of Workplace Hazards

a. Periodic Scheduled Inspections

Work areas should be kept neat and orderly. Managers, supervisors, and employees are responsible for conducting daily, ongoing monitoring and inspection of their specific work areas. Additionally, the Program Administrator shall provide for specific inspections of workplace hazards in accordance with current applicable requirements and regulations.

b. Unscheduled Inspections

In addition to scheduled inspections and ongoing review, the Program Administrator will arrange for unscheduled, surprise inspections. The list of subjects for these inspections will be chosen randomly but with particular emphasis placed on maintenance, operations, warehouse, print shop, child nutrition, transportation and science and industrial arts and general housekeeping.

c. New Potential Hazards

The Program Administrator will arrange for an inspection and investigation of any new substance, process, procedure or equipment introduced into the workplace. The Program Administrator also will arrange for an inspection and investigation whenever the District is made aware of a new or previously unrecognized hazard.

d. Employee Reporting of Hazards

Employees are required to report immediately to their supervisors or the Program Administrator any unsafe condition or hazard which they discover in the workplace. Forms for reporting such hazards may be obtained in each work area or from the Program Administrator. The employment of any employee making a *bona fide* report of an unsafe condition or hazard in the workplace will not be adversely affected for making such a report. Employees who wish to remain anonymous may submit the required reporting form to the Program Administrator without signature.

2. Monitoring and Correcting Identified Potential Safety and Health Hazards

a. Identified Safety and Health Hazards

The Program Administrator shall keep a list of identified hazards and a written procedure for dealing with each hazard.

b. Newly Discovered Safety and Health Hazards

The Program Administrator shall develop a written procedure for identifying and correcting in a timely manner hazards newly identified through inspections or employee reports.

E. Emergencies

The Program Administrator shall prepare procedures to handle emergencies in the event of earthquakes, fires and other disasters.

F. District Safety Rules

District-wide safety rules as well as specific safety rules appropriate for each work area and position will be posted in each work area and on or near appropriate equipment. These rules will be communicated to employees by the methods prescribed in paragraph G.

G. Communicating With Employees On Safety And Health Issues

1. Safety Meetings

Safety meetings will be conducted and documented by supervisors periodically on a monthly basis with additional special meetings whenever necessary. During each meeting, supervisors will discuss the District's IPP as well as the following issues:

- a. New hazards that have been introduced or discovered in the workplace;
- b. Causes of recent accidents or injuries and the methods by which similar accidents or injuries can be prevented in the future; and
- c. Any safety issue deemed by supervisors to require enforcement.

2. Postings

This Board Policy will be posted in appropriate work areas along with general and specific safety rules.

H. Safety And Health Training

Awareness of potential health and safety hazards, as well as knowledge of how to control such hazards, is critical to maintaining a safe and healthful work environment and preventing injuries, illnesses, and accidents in the workplace. The District is committed to instructing all employees in safe and healthful work practices. To achieve this goal, the District will provide training to each employee with regard to general safety procedures and with regard to any hazards or safety procedures specific to that employee's work assignment.

1. Training of employees

Health and safety training will be provided at the following times:

- a. Upon hiring;
- b. Whenever an employee is given a new job assignment for which training has not previously been provided;

- c. Whenever the District becomes aware that new substances, processes, procedures or equipment which represent a new hazard are introduced into the workplace;
- d. Whenever the District becomes aware of a new or previously unrecognized hazard; and
- e. Whenever the Program Administrator or supervisor believes that additional training is necessary.

2. Training of Supervisors

Supervisors will be trained annually and on special occasions as necessary.

I. Accident Investigation

All work related accidents reported to the District will be investigated in a timely manner. Minor incidents and near misses will be investigated as well as serious accidents. A near miss is an incident which, although not serious, could have resulted in serious injury or significant property damage. Investigation of these instances may avoid serious accidents in the future. The Program Administrator or designee will be responsible for investigation of accidents.

The Program Administrator will be provided with a report of each accident investigation and will keep a record of the results of such investigation on a form prescribed by the Program Administrator.

The Program Administrator will cause each accident investigation report to be reviewed for recommendations as to how such accident or near miss can be prevented in the future and implement any preventative measures.

Legal Reference:
Labor Code section 6401.7

Date Policy Adopted By The Board: October 8, 2002

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

EMPLOYEE COMPENSATION

BP 4151/4251/4351

Personnel

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office.

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for years of training and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach.

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site.

Overtime Compensation

A district employee shall be paid an overtime rate of not less than one and one-half times his/her regular rate of pay for any hours worked in excess of eight hours in one day or 40 hours in one work week. However, employees shall be exempt from overtime rules if they are employed as teachers or school administrators or if they qualify as being employed in an executive, administrative, or professional capacity and are paid a fixed salary at or above the salary level established by federal regulations.

Legal Reference:

EDUCATION CODE

45022-45061.5 Salaries, especially:

45023 Availability of salary schedule

45028 Salary schedule for certificated employees

45160-45169 Salaries for classified employees

45268 Salary schedule for classified service in merit system districts

GOVERNMENT CODE

3540-3549 Meeting and negotiating, especially:

3543.2 Scope of representation

3543.7 Duty to meet and negotiate in good faith

LABOR CODE

226 Employee access to payroll records

232 Disclosure of wages

510 Overtime compensation; length of work day and week; alternative schedules

UNITED STATES CODE, TITLE 26

409A Deferred compensation plans

UNITED STATES CODE, TITLE 29

201-219 Fair Labor Standards Act, especially:

203 Definitions

207 Overtime

213 Exemptions from minimum wage and overtime requirements

CODE OF FEDERAL REGULATIONS, TITLE 26

1.409A-1 Definitions and covered plans

CODE OF FEDERAL REGULATIONS, TITLE 29

516.4 Notice of minimum wage and overtime provisions

516.5-516.6 Records

541.0-541.710 Exemptions for executive, administrative, and professional employees

553.1-553.51 Fair Labor Standards Act; applicability to public agencies

COURT DECISIONS

Flores v. City of San Gabriel, 9th Cir., June 2, 2016, No. 14-56421

Date Board Policy Approved:

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

PROBATIONARY/PERMANENT STATUS

BP 4216

Personnel

Employees newly hired for regular positions in the classified service shall be considered probationary employees until they have satisfactorily completed nine months of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of the district.

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

The Superintendent or designee may dismiss an employee during the initial probationary period.

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed nine months of service in that position.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which they were promoted.

This policy shall be made available to classified employees and the public.

Legal Reference:

EDUCATION CODE

45113 Rules and regulations for classified service in districts not incorporating the merit system

45240-45320 Merit system

Date Board Policy Adopted:

Delete

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

V.

Board Policies Covering All Unrepresented Classified Employees

Board Policy No. 4403: **SALARY CHECKS AND DEDUCTIONS**

- A. **Paychecks**: Regular paychecks of employees shall be itemized to include: regular pay, other pay, gross pay, federal withholding tax, social security deduction, retirement deduction, and other miscellaneous deductions, including any health and welfare deductions.
- B. **Payroll Errors**: Whenever it is determined that an error has been made in the calculation or reporting in any classified employee payroll or in the payment of any classified employee's salary, the District shall, within five (5) workdays following such determination, provide the employee pursuant to Education Code section 45167 with a statement of the correction and a supplemental payment drawn against any available funds.
- C. **Over-Payment Of Pay And Allowances**:
1. In the event of any over-payment of pay and allowances, the employee or the District shall notify the other as soon as practicable.
 2. In the event that the District learns of an overpayment, no deduction shall be made from any paycheck unless the employee is first notified about the specific reasons for the overpayment and the employee is given a reasonable opportunity to meet with a District representative to discuss the matter and present evidence in opposition to the finding of overpayment.
 3. Under no circumstances shall a deduction be made from any one paycheck that is greater than twenty-five per-cent (25%) of the employee's gross pay in a pay period. The sole exception to this rule shall be where an individual is no longer an employee of the District.
- D. **Payroll Adjustments**: Any payroll adjustment due an employee, including, but not limited to, vacation pay, working out of class, overtime, additional regular pay, or approved other reasons, shall be paid by regular payroll check following the payroll adjustment. The District will make every effort to ensure the adjustment is included in the regular payroll immediately following the circumstances requiring payroll adjustment.

Legal Reference:
Education Code Sections 45127, 45169

Date Policy Adopted By The Board: September 25, 2001

Delete

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

V.

Board Policies Covering All Unrepresented Classified Employees

Board Policy No. 4404: SALARY RULES

- A. **Regular Rate Of Pay:** The regular rate of pay for each position shall be in accordance with the rates established for each classification as provided for in the salary schedule adopted by the Board.
- B. **Salary Step Advancement:** Employees shall be eligible for a salary step advancement by completion of seventy-five percent of a fiscal year (July 1 - June 30) on each July 1. Regular advancement shall be based primarily on satisfactory job performance. The Superintendent shall investigate any evaluation report before denying an employee step advancement.
- C. **Promotions:** When an employee is assigned to a position in a classification with a higher maximum salary than his previous class, his salary shall be adjusted to the minimum (Step 1) of the new classification; provided, however, that if the minimum of the new classification is lower than his existing salary, he shall be assigned to a step in the new class which is the next higher dollar amount above his existing salary.
- D. **Reclassification:** When a job class is moved from one salary schedule classification to another, all employees whose positions are allocated to the class shall be adjusted to a corresponding step in the new classification.
- E. **Re-employment:** Pursuant to Education Code section 45309, any permanent classified employee who voluntarily resigns from a permanent classified position may be reinstated or re-employed by the Governing Board, within 39 months after his last day of paid service and without further competitive examination, to a position in the former employee's classification as a permanent or limited-term employee, or as a permanent or limited-term employee in a related lower class or a lower class in which the employee formerly had permanent status. If the Governing Board elects to reinstate or reemploy a person as a permanent employee under the provisions of this Board Policy, it shall disregard the break in service of the employee and classify that employee as, and restore to that employee all of the rights, benefits and burdens of a permanent employee in the class to which that employee is reinstated or reemployed.

Legal Reference:
Education Code sections 45160, 45309

Date Policy Adopted By The Board: September 25, 2001

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

ABSENCES AND EXCUSES

BP 5113

Students

The Governing Board believes that regular attendance plays an important role in student achievement. The District shall work with parents/guardians and students to ensure their compliance with all state attendance laws and may use appropriate legal means to correct problems of chronic absence or truancy.

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, Board policy, and administrative regulation.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulation.

Because 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 Board shall, by resolution entered into its minutes, approve reasonable methods that may be used to verify student absences due to illness or quarantine.

Legal Reference:

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

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

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
49701 Provisions of the interstate compact on educational opportunities for military children
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
CODE OF REGULATIONS, TITLE 5
306 Explanation of absence
420-421 Record of verification of absence due to illness and other causes

Date Policy Adopted: November 14, 2017

Delete

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

Board Policy No. 5008: **ABSENCES FOR RELIGIOUS PURPOSES**

- A. The Board pursuant to Education Code section 46014 may allow students to be absent for religious instruction or participation in religious exercises or instruction away from school property. Such absences shall be considered excused absences subject to the following:
1. The student shall attend at least the minimum school day.
 2. The student shall be excused for no more than four (4) school days per month.
 3. The District has received prior written consent of the parent/guardian.
- B. Pursuant to Education Code section 48205, a student shall be excused from school in order to observe a holiday or ceremony of his/her religion, or to attend a religious retreat if requested in writing by the parent/guardian and approved by the Principal. Such absences shall be considered excused absences. Attendance at any religious retreats shall not exceed four hours per semester.

Legal Reference:
Education Code sections 46014, 48205

Date Policy Adopted By The Board: October 10, 2000.

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

GRADUATION CEREMONIES AND ACTIVITIES

BP 5127

Students

High school graduation ceremonies shall be held to recognize those students who have earned a diploma by successfully completing the required LBUSD course of study, satisfying district standards, and passing any required assessments. The Governing Board believes that these students deserve the privilege of a public celebration that recognizes the significance of their achievement and encourages them to continue the pursuit of learning throughout their lives.

High school students who have passed the California High School Proficiency Examination or the General Educational Development Test must also meet district graduation requirements in order to participate in graduation ceremonies.

Students who re-enroll in LBUSD in twelfth grade, other than foster youth, homeless students, former juvenile court school students, and students of military families as specified above, are not eligible to participate in graduation ceremonies. Exceptions to this restriction can be approved by the Superintendent or their designee on a case-by-case basis. A foster youth, homeless student, or former juvenile court school student who transfers into the district any time after completing their second year of high school shall be required to complete all graduation requirements specified in Education Code 51225.3 but shall be exempt from any additional district-adopted graduation requirements, unless the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of their fourth year of high school. Within 30 days of the transfer, any student shall be notified of the availability of the exemption and whether they qualify for it.

In addition, the Superintendent or designee shall facilitate the on-time graduation of children of military families by waiving specific course requirements for graduation if the student has satisfactorily completed similar coursework in another district.

Disciplinary Considerations

In order to encourage high standards of student conduct and behavior, the principal may deny a student the privilege of participating in graduation ceremonies and/or activities in accordance with school rules. Students denied any graduation-related activities shall be notified two weeks prior to the graduation ceremony, unless the suspension offense occurs within the last two weeks of the end of school, with all appeals finalized prior to graduation day. Cases which occur that cannot proceed through the normal review and appeal process will be decided by the school principal and Superintendent or designee. Levels of a normal review would include the Site administrative discipline team followed by the Principal/Superintendent or designee.

Early Graduation

Students who desire to graduate at the end of their sixth or seventh term must submit a written request to graduate early to their principal or their designee.

Students, who complete graduation requirements, meet State testing requirements in their sixth or seventh term, and meet minimum UC A-G requirements to graduate early are eligible to participate in all June graduation exercises and senior activities as determined by the site administration.

Students must declare in their written early graduation request whether they wish to be part of the June graduation exercises and receive their diploma at that time, or request to receive their diploma upon termination of enrollment. Statistical data from the school, including school, student name and address, grade point average, and future plans of all early graduates shall be sent to the Superintendent, or their designee, by mid-January each school year.

Invocations, prayers, or benedictions shall not be included in graduation ceremonies. The school or district shall not sponsor other ceremonies or programs for graduates that include prayer.

Honors and Awards

The Superintendent or designee shall identify other school-sponsored awards which may be given during graduation exercises. A separate awards program may be held to recognize graduating students receiving other school and non-school awards.

Conduct at Graduation Ceremonies

Any student participating in a graduation ceremony shall comply with district policies and regulations pertaining to student conduct.

The Superintendent or designee may require graduating students to wear ceremonial attire, such as cap and gown, at the ceremony **and any other appropriate attire listed in Education Code 35183.1.**

However, any graduating student who has completed basic training and is an active member of any branch of the United States Armed Forces may, at their option, wear their military dress uniform at the ceremony.

Legal Reference:

EDUCATION CODE

35183.1 Graduation ceremonies

35183.3 Graduation ceremonies; military dress uniforms

38119 Lease of personal property; caps and gowns

48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts

51225.5 Honorary diplomas; foreign exchange students

51410-51412 Diplomas

COURT DECISIONS

Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092

Santa Fe Independent School District v. Doe, (2000) 530 U.S. 290

Lee v. Weisman, (1992) 505 U.S. 577

Sands v. Morongo Unified School District, (1991) 53 Cal. 3d 863

Lemon v. Kurtzman, (1971) 403 U.S. 602

Date Board Policy Adopted: March 27, 2018

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

SUICIDE PREVENTION

BP 5141.52

Students

The Governing Board recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. ~~To attempt~~ **In an effort** to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop measures and strategies for suicide prevention, intervention, and postvention.

In developing measures and strategies for use by the district, the Superintendent or designee may consult with school health professionals, school counselors, school psychologists, school social workers, administrators, other staff, parents/guardians, students, local health agencies, mental health professionals, and community organizations.

Such measures and strategies in grades 6-12 shall include, but are not limited to:

Staff development on suicide awareness and prevention for teachers, school counselors, and other district employees who interact with students in the secondary grades (6-12).

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, **including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth.**

The Board shall review, and update as necessary, this policy at least every five years.

Legal Reference:

EDUCATION CODE

215 Student suicide prevention policies

215.5 Suicide prevention hotline contact information on student identification cards

32280-32289 Comprehensive safety plan

49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5850-5883 Children's Mental Health Services Act

COURT DECISIONS

Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554

Date Board Policy Adopted by Board: August 22, 2017

Revised:

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

ATHLETIC COMPETITION

BP 6145.2

Instruction

The Governing Board recognizes that the district's athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The district's athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.

The Board encourages business and community support for district athletic programs, subject to applicable district policies and regulations governing advertisements and donations.

Nondiscrimination and Equivalent Opportunities in the Athletic Program

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law, **including, but not limited to, the use of any racially derogatory or discriminatory school or athletic team name, mascot, or nickname.** The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, **and that students are permitted to participate in athletic activities consistent with their gender identity.**

Any complaint alleging discrimination in the district's athletic program shall be filed in accordance with the district's uniform complaint procedures.

California Interscholastic Federation

~~The Board maintains membership in the California Interscholastic Federation (CIF) and requires that interscholastic athletic activities be conducted in accordance with Board policy, administrative regulations, and CIF bylaws and rules.~~ Any district school that participates in the California Interscholastic Federation (CIF) shall conduct its athletic activities in accordance with CIF bylaws and rules and any applicable district policy and regulation. The Superintendent or designee shall have responsibility for the district's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for site-level decisions, as appropriate.

~~Upon recommendation of the Superintendent,~~ The Board shall annually designate a representative to the local CIF league from ~~each high~~ **the high** school that participates in ~~local~~

~~CIF sports league. Appointees shall represent the district in performing all duties required by the CIF league. In making this selection, the Board~~ The Superintendent or designee shall recommend a candidate for the position who demonstrates an understanding of the district's goals for student learning and interscholastic activities ~~and extracurricular activities~~, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the district, and interpersonal communication and leadership skills.

~~The Superintendent or designee~~ The designated representative(s) shall ~~ensure that the district representatives to CIF~~ vote on issues that impact interscholastic athletics at the league and section levels, **perform any other duties required by the CIF league**, and report regularly to the Board on league, section, and statewide issues related to athletic programs.

Student Eligibility

Eligibility requirements for **student** participation in the district's interscholastic athletic program, including requirements pertaining to academic achievement ~~and residency~~, shall be the same as those set by the district for participation in extracurricular and cocurricular activities.

Students shall not be charged a fee to participate in an athletic program, **including, but not limited to, a fee to cover the cost of uniforms, locks, lockers, or athletic equipment.**

Sportsmanship

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and the Code of Ethics adopted by CIF.

Students and staff shall be subject to disciplinary action for improper conduct.

Health and Safety

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities.

Students shall have a medical clearance before participating in interscholastic athletic programs. Care shall be taken to ensure that all athletic trainings and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

The Superintendent or designee shall develop a written emergency action plan that describes the location of automated external defibrillator(s) and procedures to be followed in the event of sudden cardiac arrest or other medical emergency related to the athletic program's activities or events. The plan shall be posted in accordance with guidelines of the National Federation of State High School Associations.

In the event ~~that an~~ of a serious injury or a perceived imminent risk to a student's health during or immediately after an athletic activity, the coach or any other district employee who is present shall remove the student athlete from the activity, observe universal precautions in handling blood or other bodily fluid, and/or seek medical treatment for the student as appropriate.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

17578 Cleaning and sterilizing of football equipment

17580-17581 Football equipment

32220-32224 Insurance for athletic teams, especially:

32221.5 Required insurance for athletic activities

33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program

33354 California Department of Education authority over interscholastic athletics

33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act

35160.5 District policies; rules and regulations

35179 Interscholastic athletics

35179.1 California High School Coaching Education and Training Program

35179.4 Emergency action plan

35179.5 Interscholastic athletics; limitation on full-contact practices

35179.6 Automated external defibrillator, athletic activities

48850 Interscholastic athletics; students in foster care and homeless students

48900 Grounds for suspension and expulsion

48930-48938 Student organizations

49010-49013 Student fees

49020-49023 Athletic programs; legislative intent, equal opportunity

49030-49034 Performance-enhancing substances

49458 Health examinations, interscholastic athletic program

49475 Health and safety, concussions and head injuries

49700-49701 Education of children of military families

51242 Exemption from physical education for high school students in interscholastic athletic program

HEALTH AND SAFETY CODE

1797.196 Automated external defibrillator

PENAL CODE

245.6 Hazing

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs, especially:

4920-4922 Nondiscrimination in intramural, interscholastic, and club activities

5531 Supervision of extracurricular activities of students

5590-5596 Employment of noncertificated coaches

UNITED STATES CODE, TITLE 20

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.31 Nondiscrimination on the basis of sex in education programs or activities

106.33 Comparable facilities

106.41 Nondiscrimination in athletic programs

COURT DECISIONS

Mansourian v. Regents of University of California, (2010) 602 F. 3d 957

McCormick v. School District of Mamaroneck, (2004) 370 F.3d 275

Kahn v. East Side Union High School District, (2003) 31 Cal. 4th 990

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

Date Board Policy Adopted: July 28, 2015

Revised:

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

INTERNATIONAL EXCHANGE

BP 6145.6

Instruction

A. INTRODUCTION

~~The Governing Board welcomes the enrollment of foreign exchange students for many reasons, including the cultural advantages for both local and foreign exchange students. However, it is the policy of the District that foreign exchange students meet certain requirements prior to being admitted to a District program and as a condition of continued enrollment.~~

The Governing Board recognizes that personal contact between students of different countries and cultures promotes global awareness and international understanding. To that end, the Board welcomes the enrollment of international exchange students and further encourages district students to take any opportunities that they may have to participate in such programs and study in another country.

With Board approval, a district school may establish a sister-school relationship with a school in another country.

B. GUIDELINES AND PROCEDURES FOR ADMISSION

~~The following requirements shall apply for admission to a District program:~~

- ~~1. The Superintendent or designee must approve the assignment of all foreign exchange students applying for admission to a District program for grades 9 through 12.~~
- ~~2. To prevent overcrowding, the District will accept the enrollment of no more than four foreign exchange students at one time during each school year. Any exception to this standard must be approved by the Superintendent or designee.~~
- ~~3. Fully completed applications must be presented to the Superintendent's office no later than eight weeks preceding the school year or semester in which the student wishes to enroll.~~
 - ~~a. The Superintendent's office will make available a schedule specifying the deadlines for the submission of completed applications.~~
 - ~~b. The Superintendent's office will provide the completed applications to the high school no later than four weeks before the first day of the school year or semester.~~
- ~~4. To enroll in the District, a foreign exchange student must be participating in an exchange program registered with the California Attorney General's Office, designated by the U.S. Department of State and accepted for listing on the Council for Standards for International Educational Travel Programs (CSIET) Advisory List.~~

- ~~5. Foreign exchange students with or seeking an F-1 visa designation shall not be admitted to a District program. An "F-1 visa" is defined as a non-immigrant visa category intended for use by a non-resident alien whose primary purpose for visiting the United States is to study at an academic school.~~
- ~~6. The District shall not incur any financial obligations for admitting a foreign exchange student in a District program.~~
- ~~7. The organization sponsoring the foreign exchange student must provide the following information to the Superintendent or designee before a foreign exchange student will be admitted:~~
- ~~a. The selection process used by the organization to determine who qualifies as a foreign exchange student.~~
 - ~~b. The selection process used by the organization to determine who qualifies as a foreign exchange area representative.~~
 - ~~c. The selection process used by the organization to determine an appropriate American host family and the method in which the organization monitors the host family's continuing acceptability.~~
 - ~~d. Copies of all applications and related documents submitted by the foreign exchange student and his or her host family to the organization, including but not limited to the following:~~
 - ~~i. A valid English version of the foreign exchange student's transcript indicating his or her grade placement and previous coursework. The transcript must be sufficiently clear to allow the high school guidance department to determine the appropriate grade level placement and coursework for the student.~~
 - ~~ii. Written verification of adequate English proficiency as evidenced by an acceptable score on a nationally recognized test of English proficiency, such as the Secondary Level English Proficiency (SLEP) test or the Test of English as a Foreign Language™ (TOEFL). The Superintendent or designee shall determine whether the foreign exchange student demonstrates adequate English proficiency to enable him or her to function in an English-speaking environment.~~
 - ~~iii. Written evidence that the foreign exchange student has received current and complete immunizations as required by California law.~~
 - ~~vi. An agreement by the foreign exchange student, host family, and the organization sponsoring the foreign exchange student that the District will determine the courses in which the student will be enrolled.~~
 - ~~v. An agreement by the foreign exchange student and the organization sponsoring the foreign exchange student that:~~
 - ~~(1) The District will not grant a high school diploma to the foreign exchange student unless the student has satisfactorily completed all of the District's graduation requirements. At the discretion of the principal or designee, a foreign exchange student who is not eligible for a regular high school diploma may receive an honorary diploma, provided the student has~~

completed at least one semester of full-time enrollment and has achieved at least a 2.0 grade point average.

~~(2) The foreign exchange student will not be accorded "senior status."~~

~~(3) The foreign exchange student will not be permitted to participate in a high school graduation ceremony unless the student has satisfactorily completed all of the District's graduation requirements.~~

~~(4) Transcripts for coursework completed at LBHS will be released upon request by the foreign exchange student only to the student's home high school.~~

~~8. The Superintendent's designee and the high school principal shall participate in a conference with the foreign exchange student's host family prior to finalizing the student's enrollment in a District program.~~

~~9. The student shall not be a high school graduate in his or her native country.~~

~~10. The student shall apply for admission for either a full semester or a full school year. Enrollment shall be for no less than one regular semester and no more than two consecutive semesters during the same school year, excluding summer sessions.~~

~~11. The District recommends that upon enrollment in a District program, the foreign exchange student be at least 15 years of age and not older than 17 years of age.~~

~~12. The foreign exchange student must arrive in time and be prepared to attend classes beginning the first day of the semester in which he or she is enrolled. The foreign exchange student must complete the entire semester or school year for which he or she applied and was granted admission by the District. No extensions will be granted.~~

~~13. Failure of an organization sponsoring a foreign exchange student, the area representative, and/or the host family to adhere to the requirements of this policy may result in suspension of placement privileges for one or more years.~~

~~C. GUIDELINES AND PROCEDURES FOLLOWING ADMISSION~~

~~1. The following guidelines and procedures shall be followed after a foreign exchange student has been admitted to a District program:~~

~~a. At the District level, the Superintendent or designee shall do all of the following:~~

~~i. Recognize the foreign exchange student and his or her host family at a regular Board meeting.~~

~~ii. Prepare and disseminate a news release acknowledging the admission and enrollment of the foreign exchange student.~~

~~b. At the high school level, the principal or designee shall do all of the following:~~

- ~~i. Provide a formal school welcome to the foreign exchange student.~~
- ~~ii. Assign a peer to the foreign exchange student for the purposes of conducting a tour of the high school, showing the foreign exchange student where his or her classes are located, and introducing the foreign exchange student to other high school students.~~
- ~~iii. Spotlight the foreign exchange student in the school newspaper and/or newsletter.~~
- ~~iv. Encourage the foreign exchange student to participate in extracurricular and co-curricular activities.~~
- ~~e. The host family shall do all of the following:~~

- ~~i. Accompany the foreign exchange student to the Board meeting designated for recognizing the student.~~
- ~~ii. Communicate with District and/or high school personnel on a frequent basis to assure that the foreign exchange student's needs are adequately being met.~~
- ~~iii. Inform the high school of any changes in the foreign exchange student's legal, educational, or health status.~~
- ~~d. The foreign exchange student shall do all of the following:~~

- ~~i. Attend a Board meeting for purposes of being recognized as a newly-admitted foreign exchange student.~~
- ~~ii. Follow all rules and regulations of the school and the District.~~
- ~~iii. Strongly consider participating in extracurricular and/or co-curricular activities that will enrich the foreign exchange student's stay and enhance his or her cultural exchange contribution in the school and community. Participation in extracurricular and co-curricular activities shall be conditioned on the foreign exchange student satisfying the eligibility requirements set forth in Board Policy 5011 and space availability.~~

~~(cf. BP 5011—Participation in Extracurricular and Co-Curricular Activities)~~

- ~~iv. Be willing to embrace diverse cultural experiences.~~
- ~~v. Complete and return an exit questionnaire supplied by the District.~~

International Student Exchange Programs

To enroll in a district school, an international exchange student must be participating in an exchange program registered with the California Attorney General's Office, designated by the U.S. Department of State and accepted for listing on the Council for Standards for International Educational Travel's Advisory List.

The Superintendent or designee may limit the number of international exchange students to be accepted at any district high school during any school year.

On a case-by-case basis, the Superintendent or designee may accept for admission into any of grades 9-12 any nonimmigrant foreign student. Any such student shall be admitted for a maximum of one year and shall pay the district the full, unsubsidized per-student cost of attendance at the school. The district shall not incur any financial obligations when sending and/or receiving international exchange students. Program sponsors shall provide assurance of their responsibility for health/accident/liability insurance, the student's home placement, and the resolution of any related personal difficulties which may arise. Tuition fees will be charged to pupils whose parents are actual and legal residents of an adjacent foreign country or an adjacent state. The pupils may be admitted to a school but shall be required to reimburse the district for the cost of educating the pupil.

The Superintendent or designee shall establish district criteria for issuing regular or honorary diplomas to international exchange students. The principal or designee shall refer to these criteria when assisting international exchange students in selecting classes and cocurricular activities based on the student's individual qualifications, needs, and interests.

District staff shall provide relevant counseling to district students who wish to study in a foreign country. District credit for courses successfully completed in the foreign country shall be granted in accordance with Board policy and administrative regulation.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

51225.5 Honorary diplomas; foreign exchange students

GOVERNMENT CODE

12620-12630 International Student Exchange Visitor Placement Organizations

CODE OF FEDERAL REGULATIONS, TITLE 22

62.25 Secondary school students, exchange visitor program

Date Board Policy Adopted:

(Replaces BP 5043)

Delete

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

Board Policy No. 5043: FOREIGN EXCHANGE STUDENTS

A. INTRODUCTION

The Governing Board welcomes the enrollment of foreign exchange students for many reasons, including the cultural advantages for both local and foreign exchange students. However, it is the policy of the District that foreign exchange students meet certain requirements prior to being admitted to a District program and as a condition of continued enrollment.

B. GUIDELINES AND PROCEDURES FOR ADMISSION

The following requirements shall apply for admission to a District program:

1. The Superintendent or designee must approve the assignment of all foreign exchange students applying for admission to a District program for grades 9 through 12.
2. To prevent overcrowding, the District will accept the enrollment of no more than four foreign exchange students at one time during each school year. Any exception to this standard must be approved by the Superintendent or designee.
3. Fully completed applications must be presented to the Superintendent's office no later than eight weeks preceding the school year or semester in which the student wishes to enroll.
 - a. The Superintendent's office will make available a schedule specifying the deadlines for the submission of completed applications.
 - b. The Superintendent's office will provide the completed applications to the high school no later than four weeks before the first day of the school year or semester.
4. To enroll in the District, a foreign exchange student must be participating in an exchange program registered with the California Attorney General's Office, designated by the U.S. Department of State and accepted for listing on the Council for Standards for International Educational Travel Programs (CSIET) Advisory List.
5. Foreign exchange students with or seeking an F-1 visa designation shall not be admitted to a District program. An "F-1 visa" is defined as a non-immigrant visa category intended for use by a non-resident alien whose primary purpose for visiting the United States is to study at an academic school.
6. The District shall not incur any financial obligations for admitting a foreign exchange student in a District program.
7. The organization sponsoring the foreign exchange student must provide the following information to the Superintendent or designee before a foreign exchange student will be admitted:
 - a. The selection process used by the organization to determine who qualifies as a foreign exchange student.
 - b. The selection process used by the organization to determine who qualifies as a foreign exchange area representative.
 - c. The selection process used by the organization to determine an appropriate American host family and the method in which the organization monitors the host family's continuing acceptability.

d. Copies of all applications and related documents submitted by the foreign exchange student and his or her host family to the organization, including but not limited to the following:

- i. A valid English version of the foreign exchange student's transcript indicating his or her grade placement and previous coursework. The transcript must be sufficiently clear to allow the high school guidance department to determine the appropriate grade level placement and coursework for the student.
- ii. Written verification of adequate English proficiency as evidenced by an acceptable score on a nationally recognized test of English proficiency, such as the Secondary Level English Proficiency (SLEP) test or the Test of English as a Foreign Language™ (TOEFL). The Superintendent or designee shall determine whether the foreign exchange student demonstrates adequate English proficiency to enable him or her to function in an English-speaking environment.
- iii. Written evidence that the foreign exchange student has received current and complete immunizations as required by California law.
- vi. An agreement by the foreign exchange student, host family, and the organization sponsoring the foreign exchange student that the District will determine the courses in which the student will be enrolled.
- v. An agreement by the foreign exchange student and the organization sponsoring the foreign exchange student that:

(1) The District will not grant a high school diploma to the foreign exchange student unless the student has satisfactorily completed all of the District's graduation requirements. At the discretion of the principal or designee, a foreign exchange student who is not eligible for a regular high school diploma may receive an honorary diploma, provided the student has completed at least one semester of full-time enrollment and has achieved at least a 2.0 grade point average.

(2) The foreign exchange student will not be accorded "senior status."

(3) The foreign exchange student will not be permitted to participate in a high school graduation ceremony unless the student has satisfactorily completed all of the District's graduation requirements.

(4) Transcripts for coursework completed at LBHS will be released upon request by the foreign exchange student only to the student's home high school.

8. The Superintendent's designee and the high school principal shall participate in a conference with the foreign exchange student's host family prior to finalizing the student's enrollment in a District program.

9. The student shall not be a high school graduate in his or her native country.

10. The student shall apply for admission for either a full semester or a full school year. Enrollment shall be for no less than one regular semester and no more than two consecutive semesters during the same school year, excluding summer sessions.

11. The District recommends that upon enrollment in a District program, the foreign exchange student be at least 15 years of age and not older than 17 years of age.

12. The foreign exchange student must arrive in time and be prepared to attend classes beginning the first day of the semester in which he or she is enrolled. The foreign exchange student must complete the entire semester or school year for which he or she applied and was granted admission by the District. No extensions will be granted.

13. Failure of an organization sponsoring a foreign exchange student, the area representative, and/or the host family to adhere to the requirements of this policy may result in suspension of placement privileges for one or more years.

C. GUIDELINES AND PROCEDURES FOLLOWING ADMISSION

1. The following guidelines and procedures shall be followed after a foreign exchange student has been admitted to a District program.

a. At the District level, the Superintendent or designee shall do all of the following:

- i. Recognize the foreign exchange student and his or her host family at a regular Board meeting.
- ii. Prepare and disseminate a news release acknowledging the admission and enrollment of the foreign exchange student.

b. At the high school level, the principal or designee shall do all of the following:

- i. Provide a formal school welcome to the foreign exchange student.
 - ii. Assign a peer to the foreign exchange student for the purposes of conducting a tour of the high school, showing the foreign exchange student where his or her classes are located, and introducing the foreign exchange student to other high school students.
 - iii. Spotlight the foreign exchange student in the school newspaper and/or newsletter.
 - iv. Encourage the foreign exchange student to participate in extracurricular and co-curricular activities.
- c. The host family shall do all of the following:

- i. Accompany the foreign exchange student to the Board meeting designated for recognizing the student.
- ii. Communicate with District and/or high school personnel on a frequent basis to assure that the foreign exchange student's needs are adequately being met.
- iii. Inform the high school of any changes in the foreign exchange student's legal, educational, or health status.

d. The foreign exchange student shall do all of the following:

- i. Attend a Board meeting for purposes of being recognized as a newly-admitted foreign exchange student.
- ii. Follow all rules and regulations of the school and the District.
- iii. Strongly consider participating in extracurricular and/or co-curricular activities that will enrich the foreign exchange student's stay and enhance his or her cultural exchange contribution in the school and community. Participation in extracurricular and co-curricular activities shall be conditioned on the foreign exchange student satisfying the eligibility requirements set forth in Board Policy 5011 and space availability.

(cf. BP 5011 – Participation in Extracurricular and Co-Curricular Activities)

- iv. Be willing to embrace diverse cultural experiences.
- v. Complete and return an exit questionnaire supplied by the District.

Legal References

EDUCATION CODE

35160 Authority of governing board

35160.1 Broad authority of school districts

51225.3 Requirements for graduation

51225.5 Honorary diplomas; foreign exchange students

GOVERNMENT CODE

12620-12630 International Student Exchange Visitor Placement Organizations

UNITED STATES CODE, TITLE 8

1184 Foreign students

CODE OF FEDERAL REGULATIONS, TITLE 22

62.25 Secondary school students

Date Policy Adopted By the Board: June 8, 2010

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES

BP 6146.4

Instruction

The Governing Board recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and district wide assessments.

Certificate of Educational Achievement or Completion

Instead of a high school diploma, a student with disabilities may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements:

1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in their IEP
2. Satisfactorily met their IEP goals and objectives during high school as determined by the IEP team
3. Satisfactorily attended high school, participated in the instruction as prescribed in their IEP, and met the objectives of the statement of transition services

A student with disabilities who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate.

Legal Reference:

EDUCATION CODE

56341 Individualized education program team

56345 Elements of the IEP

56390-56392 Certificate of completion, special education

CODE OF REGULATIONS, TITLE 5

3070 Graduation

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.320 Definition of IEP

Date Board Policy Adopted:

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

LIMITS OF BOARD MEMBER AUTHORITY

BB 9200

Board Bylaws

The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate.

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

A Board member whose child is attending a district school should be aware of his/her role as a Board member when interacting with district employees about his/her child. Because his/her position as a Board member may inhibit the performance of school personnel, the Board member should inform the Superintendent or designee before volunteering in his/her child's classroom.

The Superintendent or designee shall provide a copy of the state's open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

Board members and persons elected to the Board who have not yet assumed office are responsible for complying with the requirements of the Brown Act.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards, especially:

35160-35184 Powers and duties

35291 Rules

35292 Visits to schools (Board members)

51101 Rights of parents/guardians

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:

54952.1 Member of a legislative body of a local agency

54952.7 Copies of chapter to members of legislative body

Date Policy was Adopted by the Board: December 11, 2012

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

BOARD POLICIES

BB 9310

Board Bylaws

The Governing Board shall adopt written policies to convey its expectations for actions that will be taken in the district, clarify roles and responsibilities of the Board and Superintendent, and communicate Board philosophy and positions to the students, staff, parents/guardians and the community. Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements.

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

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

Policy Development and Adoption Process

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

1. The Board and/or Superintendent or designee shall identify the need for a new policy or revision of an existing policy. The need may arise from a change in law, a new district vision or goals, educational research or trends, or a change in the superintendency or Board membership. The need may also occur as a result of an incident that has arisen in the district or a recommendation or request from staff or other interested persons.
2. As needed, the Superintendent or designee shall gather fiscal and other data, staff and public input, related district policies, sample policies from other organizations or agencies, and other useful information to fully inform the Board about the issue.
3. The Board may hold discussions during a public Board meeting to gain an understanding of the issue and provide initial direction to the Superintendent or designee. The discussion may include, but not be limited to, how the proposed policy may affect student learning, community expectations, staff recommendations, fiscal impact, as well as the policy's impact on governance and operational efficiency.
4. The Board or Superintendent may request that legal counsel review the draft policy as appropriate.
5. The Superintendent or designee shall develop and present a draft policy for a first reading at a public Board meeting. At its second reading, the Board may take action on the proposed policy. The Board may waive the second reading or may require an additional reading if necessary.

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

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

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

Board Bylaws

The Board shall prescribe and enforce rules for its own government consistent with state law and regulations.

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

Administrative Regulations

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

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

The Board may review regulations for the purpose of ensuring conformity with the intent of Board policy.

Monitoring and Evaluation

At the time a policy is adopted, the Board and Superintendent or designee shall determine whether an evaluation of the policy should be scheduled and, if so, shall agree upon a timeline and measures for evaluating the effectiveness of the policy in achieving its purpose.

Access to Policies

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

As necessary, the Superintendent or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised. He/she may determine the appropriate communications strategy depending on the issue.

Suspension of Policies

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

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35160 Authority of governing boards

35160.5 Annual review of school district policies

35163 Official actions, minutes and journal

35164 Vote requirements

Date Bylaw Adopted By the Board: June 10, 2014

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

CLOSED SESSION PURPOSES AND AGENDAS

BB 9321

Board Bylaws

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law.

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1.

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed.

In accordance with law, a Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information.

Personnel Matters

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session.

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information.

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act:

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative.

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees.

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation.

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations.

Matters Related to Students

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled.

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student.

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

Security Matters

The Board may meet in closed session with the Governor, Attorney General, district attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities.

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present.

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult.

Conference with Real Property Negotiator

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property.

Before holding the closed session, the Board shall hold an open and public session to identify its

negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate.

For purposes of real property transactions, negotiators may include members of the Board.

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both.

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

Litigation is considered "pending" in any of the following circumstances:

1. Litigation to which the district is a "party" has been initiated formally.
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized.

Existing facts and circumstances for these purposes are limited to the following:

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
- c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.
- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.

- e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation.

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage.

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation."

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations.

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above.

Joint Powers Agency Issues

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member.

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made.

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members.

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district.

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included.

Review of Audit Report from California State Auditor's Office

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law.

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office."

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review.

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student suspension)

44929.21 Districts with ADA of 250 or more

48912 Governing board suspension

48918 Rules governing expulsion procedures; hearings and notice

49070 Challenging content of students records

60617 Meetings of governing board

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

6252-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act

Date Bylaw Adopted by the Board: March 24, 2015

Date Revisions Approved by the Board: January 24, 2017

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

AGENDA/MEETING MATERIALS

BB 9322

Board Bylaws

Agenda Content

Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning.

Each agenda shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session.

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. However, the agenda need not provide an opportunity for public comment when the agenda item has previously been considered at an open meeting of a committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item at that meeting and that the item has not been substantially changed since the committee considered it.

The agenda for a regular Board meeting shall also provide members of the public an opportunity to provide comment on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board.

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item that have been distributed to the Board less than 72 hours before the meeting.

The agenda shall include information regarding how, when, and to whom a request should be made if an individual requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting

Agenda Preparation

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting.

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information, if any, at least two weeks before the scheduled meeting date. Items submitted less than two weeks before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item

on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation.

If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board to take action to determine whether the item shall be placed on the agenda.

The Board president and Superintendent shall **also** decide whether an agenda item is appropriate for discussion in open or closed session and whether the item should be an action item subject to Board vote or an information item that does not require immediate action.

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered.

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda.

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

Agenda Dissemination to Board Members

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available documents pertinent to the meeting.

When special meetings are called, **Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted.**

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee **to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, outside of a noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.**

Agenda Dissemination to Members of the Public

Any agenda and related materials distributed to the Board shall be made available to the public upon request without delay. Only those documents which are disclosable public records under the Public Records Act and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public.

In addition, the Superintendent or designee shall post the agenda on the homepage of the district web site. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code 54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the web site with the district's agendas, and the current agenda shall be the first available.

If a document which relates to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board.

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first.

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year.

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act.

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda

GOVERNMENT CODE

6250-6270 Public Records Act

53635.7 Separate item of business

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Availability of public records

54960.2 Challenging board actions; cease and desist

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

Mooney v. Garcia, (2012) 207 Cal.App.4th 229

Caldwell v. Roseville Joint Union High School District, 2007 U.S. Dist. LEXIS 66318

ATTORNEY GENERAL OPINIONS

99 Ops. Cal. Atty. Gen. 11 (2016)

78 Ops.Cal.Atty.Gen. 327 (1995)

Date Board Bylaw Adopted by Board: March 24, 2015

Revised:

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

ACTIONS BY THE BOARD

BB 9323.2

Board Bylaws

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law.

An "action" by the Board means:

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the members to make a positive or negative decision
3. A vote by a majority of the members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final.

Actions taken by the Board in open session shall be recorded in the Board minutes.

Action on Non-Agenda Items

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions:

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

Challenging Board Actions

Any interested person or the district attorney's office may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of Government Code 54954.2 (agenda posting), Government Code 54953 (open meeting and teleconferencing), Government Code 54954.5 (closed session item descriptions), Government Code 54954.6 (new or increased tax assessments), Government Code 54956 (special meetings), or Government Code 54956.5 (emergency meetings).

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place.

Within 30 days of receiving the demand, the Board shall do one of the following:

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

Legal Reference:

EDUCATION CODE

15266 School construction bonds

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

17510-17511 Resolution requiring unanimous vote of all members constituting board

17546 Private sale of personal property

17556-17561 Dedication of real property

17582-17583 District deferred maintenance fund

35140-35149 Meetings

35160-35178.4 Powers and duties

48660-48661 Community day schools establishment and restrictions

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities

53724 Parcel tax resolution requirements

53790-53792 Exceeding the budget

53820-53833 Temporary borrowing

53850-53858 Temporary borrowing

54950-54963 The Ralph M. Brown Act, especially:

54952.6 Action taken, definition

54953 Meetings to be open and public; attendance; secret ballots

54960 Action to prevent violations

65352.2 Coordination with planning agency

Date Board Bylaw Adopted by the Board: March 24, 2015

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

CENSURE OF INDIVIDUAL BOARD MEMBERS FOR IMPROPER CONDUCT

BB 9323.3

Board Bylaws

The members of the Board of Education of the Laguna Beach Unified School District (the "District") recognize that both the Board of Education of the District (the "Board"), as an entity, and each specific Board Member, as an individual fiduciary to the District, are bound to comply with a variety of statutory, regulatory and administrative rules and regulations in performing their roles and responsibilities as a Board and as individual members. By way of example, these obligations include, but are not limited to, compliance with the requirements of the California Education Code, the Ralph M. Brown Act, the Educational Employment Relations Act, the California Code of Administrative Regulations, the Board Policies and Administrative Regulations developed by the Board, itself, and the specific directives and admonitions that the Board issues from time to time.

The Board also recognizes that, despite the Board's best efforts, from time to time individual Board members may disregard or ignore their obligations as a Board member and take actions, make statements or otherwise engage in conduct that violates the individual Member's obligations under statute, regulations, Board policy or Board direction. It is the Board's sincere hope that such instances do not occur. That said, the Board wishes herein to provide a protocol for officially censuring individual Board members who take such unlawful or improper actions. Accordingly, the Board adopts the following policy and protocol for initiating the censure of an individual Board member when necessary and appropriate because of that Board member's improper actions, statements or other conduct.

The first step would be to attempt to informally resolve the issue with one Board Member speaking to the individual Board Member who has acted in a manner that violates the Member's obligations under statute, regulations, Board policy or Board direction. The Board Member will be informed that if such behavior remains unchanged that it would constitute a motion to censure.

If the behavior continues, the following policy and protocol will be utilized:

1. When, in the opinion of any member of the Board, another Board member has, by his or her actions, statements or other conduct, violated his or her obligations or responsibilities under statute, regulation, Board Policy, protocol, governance standards or specific Board direction, the Board Member so concluding shall have the right to place on the Board's Public Session agenda a Motion to Censure the supposedly offending Board Member. The placement of this item on the Board's public session agenda will be in compliance with Board Bylaw 9322, Agenda/Meeting Materials. If the supposedly offending member is the Board President, the Clerk shall be the Board representative to consider the placement of the item on the agenda.

2. Any such motion, when made, shall be in writing and shall include:
 - a. A specific description of the statute, regulation, Board policy or board direction that is claimed to have been violated;
 - b. A specific factual description of the alleged action, statement or other conduct of the Board Member at issue and a description of how that action, statement or other conduct constitutes a violation;
3. The specific language for the proposed censure by the Board of the Board Member for the alleged violation.
4. Any Motion to Censure will be effective upon three affirmative votes of the voting Board members. The Board Member who is the subject of the Censure Motion shall not, however, be permitted to vote on the motion, and their vote shall not be counted in calculating the simple majority.
5. Upon the introduction of any Motion to Censure, and prior to any vote thereon, and in an effort to avoid an official Board Censure, the Board Member who is the subject of said Censure Motion shall be provided the opportunity to explain their action, statement, or other conduct, to apologize, therefore, and to agree to future compliance with all relevant and applicable statutes, regulations, laws and Board policies and Administrative Regulations. The foregoing shall not, however, prevent the Board from voting upon or perfecting the Motion to Censure.

Date Adopted by the Board: