

**MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT
SPECIAL MEETING ~ BOARD OF TRUSTEES
January 14, 2020
AGENDA
DISTRICT OFFICE
1919 B Street, Marysville, CA 95901**

The agenda for board meetings can be made available upon request in a format appropriate for a person with a disability. If you are an individual with a disability who needs special accommodations to participate, please call 749-6101 at least 48 hours in advance. Accommodations may include but are not limited to interpreters, parking, and accessible seating.

**2:00 P.M. ~ OPEN SESSION
BOARD ROOM**

CALL MEETING TO ORDER

ROLL CALL

Mr. Randy L. Rasmussen, President
Mr. Frank J. Crawford, Vice President
Ms. Susan E. Scott, Clerk
Mr. Jim C. Flurry, Trustee Representative
Mr. Paul F. Allison, Member
Mr. Jeff D. Boom, Member
Mr. Randy L. Davis, Member

PLEDGE OF ALLEGIANCE

Frank Crawford, Vice President to the Board of Trustees.

PUBLIC COMMENTS

CATEGORICAL PROGRAMS

1. BOARD POLICY 6020 – PARENT AND FAMILY ENGAGEMENT

Purpose of the agenda item~

The purpose of the agenda item is to request the Board hold a public hearing regarding the revisions to Board Policy 6020 (Parent and Family Engagement).

Background~

The revisions are in accordance with the California Department of Education's (CDE) policy which reflects current state and federal law. CSBA's policies are not compliant with the CDE Federal Program Monitoring Review guidelines. CDE's version includes BP and AR language combined. The policy is attached as follows:

- **"OLD"** - Currently Board approved.
- **"NEW"** - With revisions.

Recommendation~

Recommend the Board hold a public hearing. A motion is required to close the public hearing. A motion is also required to approve the revisions to BP 6020. See Attached Pages 1-10.

**HOLD PUBLIC
HEARING**

**MOTION TO
CLOSE PUBLIC
HEARING**

**MOTION TO
APPROVE
REVISIONS
TO BP 6020**

(Categorical Programs – continued)

2. BOARD POLICY 1312.3 – UNIFORM COMPLAINT PROCEDURES

**HOLD PUBLIC
HEARING**

Purpose of the agenda item~

The purpose of the agenda item is to request the Board hold a public hearing regarding the revisions to Board Policy 1312.3 [Uniform Complaint Procedures (UCP)].

Background~

CDE updated UCP policies and procedures in October 2019. CSBA's policies have not been updated currently. The district needs to adopt CDE's version, which includes BP and AR language combined. The policy is attached as follows (AR 1312.4 and E 1312.4 included for reference):

**MOTION TO
CLOSE PUBLIC
HEARING**

- **"OLD"** - Currently Board approved.
- **"NEW"** - With revisions.

Recommendation~

Recommend the Board hold a public hearing. A motion is required to close the public hearing. A motion is also required to approve the revisions to BP 1312.3. See Attached Pages 11-34.

**MOTION TO
APPROVE
REVISIONS
TO BP 1312.3**

EDUCATIONAL SERVICES

1. BOARD POLICY 6142.7 – PHYSICAL EDUCATION AND ACTIVITY

**HOLD PUBLIC
HEARING**

Purpose of the agenda item~

The purpose of the agenda item is to request the Board hold a public hearing regarding the revisions to Board Policy 6142.7 (Physical Education and Activity).

Background~

The revisions are in accordance with the California Department of Education's (CDE) policy which reflects current state and federal law. CSBA's policies are not compliant with the CDE Federal Program Monitoring Review guidelines. The policy is attached as follows:

**MOTION TO
CLOSE PUBLIC
HEARING**

- **"OLD"** - Currently Board approved with strikethrough/bold revisions.
- **"NEW"** - With revisions.

Recommendation~

Recommend the Board hold a public hearing. A motion is required to close the public hearing. A motion is also required to approve the revisions to BP 6142.7. See Attached Pages 35-46.

**MOTION TO
APPROVE
REVISIONS
TO BP 6142.7**

CLOSED SESSION
CONFERENCE ROOM #1

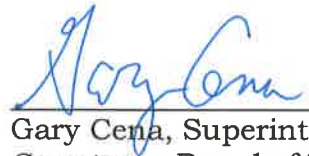
1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: SUPERINTENDENT

MOTION

**2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: ASSISTANT
SUPERINTENDENT OF PERSONNEL SERVICES**

MOTION

ADJOURNMENT

A handwritten signature in blue ink, appearing to read "Gary Cena", is written over a horizontal line.

Gary Cena, Superintendent
Secretary - Board of Trustees

Dated: January 8, 2020
Posted: January 8, 2020

Marysville Joint USD

Board Policy

Parent Involvement

BP 6020

Instruction

The Board of Education recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent/guardian involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall consult with parents/guardians and family members in the development of meaningful opportunities for them to be involved in district and school activities at all grade levels; advisory, decision-making, and advocacy roles; and activities to support learning at home.

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1230 - School-Connected Organizations)
(cf. 1240 - Volunteer Assistance)
(cf. 1250 - Visitors/Outsiders)

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

(cf. 5020 - Parent Rights and Responsibilities)

The district's local control and accountability plan shall include goals and strategies for parent/guardian involvement, including district efforts to seek parent/guardian input in district and school site decision making and to promote parent/guardian participation in programs for English learners, foster youth, students eligible for free and reduced-price meals, and students with disabilities. (Education Code 42238.02, 52060)

(cf. 0460 - Local Control and Accountability Plan)

The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent/guardian and family engagement efforts, including, but not limited to, input from parents/guardians, family members, and school staff on the adequacy of involvement opportunities and on barriers that may inhibit participation.

(cf. 0500 - Accountability)

Title I Schools

The Superintendent or designee shall involve parents/guardians and family members in

establishing district expectations and objectives for meaningful parent/guardian and family engagement in schools supported by Title I funding, developing strategies that describe how the district will carry out each activity listed in 20 USC 6318, as contained in the accompanying administrative regulation, and implementing and evaluating such programs, activities, and procedures. As appropriate, the Superintendent or designee shall conduct outreach to all parents/guardians and family members. (Education Code 11503; 20 USC 6318)

(cf. 6171 - Title I Programs)

When the district's Title I, Part A allocation exceeds the amount specified in 20 USC 6318, the Board shall reserve at least one percent of the funding to implement parent/guardian and family engagement activities. The Superintendent or designee shall involve parents/guardians and family members of participating students in decisions regarding how the district's Title I funds will be allotted for parent/guardian and family engagement activities and shall ensure that priority is given to schools in high poverty areas in accordance with law. (20 USC 6318, 6631)

(cf. 3100 - Budget)

Expenditures of such funds shall be consistent with the activities specified in this policy and shall include at least one of the following: (20 USC 6318)

1. Support for schools and nonprofit organizations in providing professional development for district and school staff regarding parent/guardian and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents/guardians and family members
2. Support for programs that reach parents/guardians and family members at home, in the community, and at school
3. Dissemination of information on best practices focused on parent/guardian and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents/guardians and family members
4. Collaboration with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement
5. Any other activities and strategies that the district determines are appropriate and consistent with this policy

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent/guardian and family engagement policy in accordance with 20 USC 6318.

Non-Title I Schools

The Superintendent or designee shall develop and implement strategies applicable to each school

that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in Education Code 11502. (Education Code 11504)

Legal Reference:

EDUCATION CODE

11500-11506 Programs to encourage parent involvement

48985 Notices in languages other than English

51101 Parent rights and responsibilities

52060-52077 Local control and accountability plan

54444.1-54444.2 Parent advisory councils, services to migrant children

56190-56194 Community advisory committee, special education

64001 School plan for student achievement, consolidated application programs

LABOR CODE

230.8 Time off to visit child's school

CODE OF REGULATIONS, TITLE 5

18275 Child care and development programs, parent involvement and education

UNITED STATES CODE, TITLE 20

6311 State plan 6312 Local educational agency plan

6314 Schoolwide programs

6318 Parent and family engagement

6631 Teacher and school leader incentive program, purposes and definitions

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions, auxiliary aids and services

35.160 Communications

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Title I School-Level Parental Involvement Policy

Family Engagement Framework: A Tool for California School Districts, 2014

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Parental Involvement: Title I, Part A, Non-Regulatory Guidance, April 23, 2004

WEB SITES

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

California Department of Education, Family, School, Community Partnerships:

<http://www.cde.ca.gov/lsp/pf>

California Parent Center: <http://parent.sdsu.edu>

California State PTA: <http://www.capta.org>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

National PTA: <http://www.pta.org>

Parent Information and Resource Centers: <http://www.pirc-info.net>

Parents as Teachers National Center: <http://www.parentsteachers.org>

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

Policy MARYSVILLE JT. UNIFIED SCHOOL DISTRICT

adopted: March 11, 2008 Marysville, California

revised: January 25, 2011

revised: October 13, 2015

revised: August 13, 2019

Marysville Joint USD

NEW
(With Revisions)

Board Policy

Parent and Family Engagement

BP 6020

Instruction

The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent and family engagement contributes greatly to student achievement and a positive school environment.

- 1.0 The Governing Board shall establish and implement a policy on parent and family engagement. (California Education Code [EC] sections [§§] 11500-11504, 51101[b]; 20 United States Code [U.S.C.] § 6318[a][1], 6318[a][2])
- 1.1 The Marysville Joint Unified School District (MJUSD) has developed a written Title I parent and family engagement policy with input from parents and family members of participating children. The District Advisory Committee (DAC), which includes parent representatives from each school site in the district, including all Title I, Part A schools, is designed to allow parents and family members to participate in the planning and design of our schools' programs. The Superintendent convenes DAC meetings to formalize the already open lines of communication and engagement of parents and family members. The DAC periodically reviews and provides updates to the parent and family engagement policy to meet the changing needs of our parents, family members, and the district. The LEA has distributed the policy to parents and family members of children served under Title I, Part A. The policy is included in the Parent/Student Rights Handbook at the beginning of each school year and posted on the district website. (20 U.S.C. § 6318[a][2])

To involve parents and family members in the Title I program at the MJUSD, the following practices have been established:

- a) The LEA incorporates the parent and family engagement policy into the LEA level plan. (20 U.S.C. § 6312, 6318[a][2])

The Superintendent or designee works with staff, parents, and family members to develop meaningful opportunities at all grade levels for parents and family members to be involved in district and school activities through advisory, decision-making, advocacy roles, and activities to support learning at home. Parent and family engagement is also woven into the Local Control Accountability Plan (LCAP) to ensure it is a systemic goal throughout the district.

- b) The LEA involves parents and family members in the joint development of the local educational agency planning efforts and in the process of school review and improvement. (20 U.S.C. § 6318[a][2][A])

Parents and family members are encouraged through multiple means to participate on the District LCAP Committee, DAC, and the District English Learner Advisory Committee (DELAC). Parent surveys and multiple site meetings allow all parents and interested stakeholders to provide valuable input on the LCAP to determine district goals, plans,

and actions while leveraging resources to meet the goals set to improve all student outcomes. The MJUSD utilizes a continuous LCAP cycle of improvement to frequently engage stakeholders throughout the development, implementation, and review and adjustment of the district's efforts towards student achievement.

- c) The LEA provides coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the LEA in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance. (20 U.S.C. § 6318[a][2][B])

The district continues to expand efforts in this area. By developing a Parent University to provide training on educational topics of interest to parents and family members, the MJUSD will actively engage stakeholders to bridge the home to school gap. Parents and family members will be instrumental in creating the courses offered.

- d) The LEA coordinates and integrates Title I, Part A parent and family engagement strategies with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs. (20 U.S.C. § 6318[a][2][C])

Parent and family engagement is celebrated throughout the district regardless of the federal, state, or local program associated with each particular strategy. As a racial and socio-economically diverse district, we strive to involve parents and family members in all aspects of education through a blended and coordinated delivery system. The district continues to involve new ways of crowd sources or reaching out to parents to inform our practices. The panorama climate and social-emotional survey tool is being implemented to give all stakeholders yet another venue to help us learn how to best serve the specific needs of our community.

- e) The LEA conducts, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of the schools served under Title I, Part A. (20 U.S.C. § 6318[a][2][D])

Each year the DAC is involved in the annual review and evaluation of the parent and family engagement policy. Input from the DAC is incorporated into policy revisions when necessary to meet the changing needs of parent, family members, and the district. Parents have identified an interest in more parent-related functions tied to the district including: parent classes, EL parent classes, accessing community resources, social events to build culture, teen health topics for parents, and working with your student for success. This input is driving the planning of events at the district and site levels.

The LEA identifies the following:

- Barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). (20 U.S.C. § 6318[a][2][D][i])

Working with parents who have specific barriers requires knowledge of the barriers before they can be addressed. Examples for low-income parents include holding proximal involvement events to overcome transportation issues,

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scheduling multiple meeting times to allow for parents who have multiple jobs or non-conventional 9-5 schedules to attend, and providing child care to facilitate participation in meetings and activities. Limited English proficiency parents and families are supported through translation services to hold meetings in the parents' native language when possible and structuring meetings to match ethnic minority cultural values. The MJUSD continues to grow these efforts.

- The needs of parents and family members so that they may assist with the learning of their children, including engaging with school personnel and teachers. (20 U.S.C. § 6318[a][2][D][ii])

Through formal means such as the DAC, DELAC, School Site Council (SSC), and English Learner Advisory Committee (ELAC) and less formal avenues such as school fairs, parent and family nights, family involvement days, and a general open policy of parent and family engagement, parents and family members are welcomed into the school environment as the true partners they are.

- Strategies to support successful school and family interactions. (20 U.S.C. § 6318[a][2][D][iii])

The importance of collaboration to build community and trust between the school and family drives the process from the top down while encouraging parents and school sites to respond. Success with these efforts drives data back up to the top in order to reflect and adapt processes of active engagement. Strategies include large school gatherings, small sub-group meetings, parent teacher conferences, as well as a robust Student Study Team (SST) process for struggling students.

- f) The LEA uses the findings of such evaluation in subparagraph (e) to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policy. (20 U.S.C. § 6318[a][2][E])

The MJUSD is currently utilizing evidence-based practices regarding implicit bias, macroaggression, and cultural (from racial to popular) awareness to help better understand and guide parent and family member interactions. As we continue to hone parent and family engagement strategies, their effect will be measured to determine alignment with the intended effort. This kind of data-driven reflection continues to become a deeply embedded practice in the MJUSD.

- g) The LEA involves parents in activities of schools served under Title I, Part A to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the parent and family engagement policy. (20 U.S.C. § 6318[a][2][F])

Parents and family members are involved in this process through formalized structures such as the DAC, DELAC, SSC, and ELAC. Offering structured meetings provide feedback in the process, however site leaders who are able to draw this information out in more informal ways is also key to guiding best practices. Administrators and outreach personnel at the sites are trained to engage in conversation with all parents in an effort to increase the stakeholder feedback we receive.

1.2 The LEA policy on parent and family engagement for all schools (including Title I and non-Title I) in the LEA shall be consistent with the goals and purposes listed below. (EC §§ 11502, 11504, 11506)

- a) Engage parents positively in their children's education by helping parents to develop skills to use at home that support their children's academic efforts at school and their children's development as responsible future members of our society. (EC § 11502[a])

All schools jointly develop a School-Parent Compact with parents outlining how parents, the entire school staff, and students will share the responsibility for improved student academic achievement. The Compact describes specific ways the school and families will partner to help children achieve the state's high academic standards and are based on validated methods to improve engagement.

Inform parents and family members that they can directly affect the success of their children's learning, by providing parents with techniques and strategies that they may utilize to improve their children's academic success and to assist their children in learning at home. (EC § 11502[b])

Annual Title I meetings are conducted at all Title I sites. The meetings create a scheduled platform for interaction, but dialogue on academic achievement is active throughout the entire school year. SSCs approve all Title I expenditures making the Title I program adaptable to meeting the needs of those students who are not achieving at grade level. Parents and family members are encouraged to be a part of the planning, design, implementation, and evaluation on an ongoing basis. In addition, Parent Institute for Quality Education (PIQE), GLAD trainings, and other site specific parent institutes are held to increase parent ability to work synergistically with the school district.

- b) Build consistent and effective communication between the home and the school so that parents may know when and how to assist their children in support of classroom learning activities. (EC § 11502[c])

A host of varied methods to encourage parent and family member engagement are incorporated into the educational program. Sites send home newsletters and parent updates to keep parents and family members apprised of opportunities designed specifically to welcome them to the campus. A communication system also keeps parents and family members updated on parent and family engagement opportunities as well as other important district and site notifications. Notifications are delivered via voice messages, texts, or emails. Back-to-school nights kick off the school year and set the tone for active engagement. Many sites publish parent handbooks that contain a calendar of events marking important parent and family engagement opportunities. The district hosts a website, www.mjusd.com, with individual links to all school sites. The website is utilized at both the district and site level as well as by the Governing Board to post information and keep parents and family members up to date. Parents and family members are involved in proactive approaches to establishing the behavioral supports and social culture needed for all students in a school to achieve social, emotional, and academic success. Parents are also able to communicate through the AERIES parent portal and can view and be involved in the grading and progress of their students.

- c) Train teachers and administrators to communicate effectively with parents. (EC § 11502[d])

Administrators are guided by the California Professional Standards for Education Leaders (CPSELS) in creating environments that are based in effective school to home communication. Professional development on cultural inclusion and implicit bias will provide tools for teachers and administrators to better engage our community in supporting the educational process. Continued training will be provided to enhance differentiated communication styles to reach the district's large low socioeconomic status population.

Integrate parent involvement programs into the school's master plan for academic accountability. (EC § 11502[e])

Parent and family engagement goals are included in the district's LCAP and schools' School Plan for Student Achievement (SPSA). The district LCAP and site SPSAs are reviewed and evaluated annually to determine if we are reaching all family groups effectively.

- 1.3 The LEA receiving more than \$500,000 in Title I, Part A funds reserves at least one percent of its allocation to carry out parent and family engagement activities. (20 U.S.C. § 6318[a][3][A])

One percent of the district's Title I allocation is reserved for parent and family engagement activities and distributed to Title I school sites. Parent and family engagement funds are tracked through their own accounting code to ensure the allocation is transparent and effectively utilized.

- 1.4 Parents and family members of children receiving Title I, Part A services are involved in the decisions regarding how funds reserved are allotted for parental involvement activities. (20 U.S.C. § 6318[a][3][B])

SSCs jointly develop and approve the activities dedicated to support parent family engagement and the budget to support the mutually agreed upon goals and objectives. School sites, in concert with their SSCs, determine the most effective implementation of parent and family engagement strategies to complement their unique school culture.

- 1.5 Not less than 90 percent of the funds reserved are distributed to schools served with priority given to high-need schools. (20 U.S.C. § 6318[a][3][C])

The MJUSD allocates the entire 1% to school sites to directly engage parents and family members.

- 1.6 Funds reserved by an LEA are used to carry out activities and strategies consistent with the LEA's parent and family engagement policy, including not less than one of the following: (20 U.S.C. § 6318[a][3][D])

- a) Supporting schools and nonprofit organizations in providing professional development for LEA and school personnel regarding parent and family engagement strategies. (20 U.S.C. § 6318[a][3][D][i])
- b) Supporting programs that reach parents and family members at home, in the community, and at school. (20 U.S.C. § 6318[a][3][D][ii])

- c) Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members. (20 U.S.C. § 6318[a][3][D][iii])
- d) Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement. (20 U.S.C. § 6318[a][3][D][iv])
- e) Engaging in any other activities and strategies that the LEA determines are appropriate and consistent with the parent and family engagement policy. (20 U.S.C. § 6318[a][3][D][v])

The MJUSD helps connect school sites with community in a multitude of ways. Schools are able to apply for subgrants through the MJUSD Education Foundation to fund specific outreach efforts. In alignment with our policies, the format of parent and family engagement meetings are continually being adapted based on parent feedback to increase participation. During administrative meetings, site administrators are trained on barriers to communication with disenfranchised student populations and effective strategies for guiding student conversations. Continual outreach is necessary to meet families at a place where they can confidently feel like they have access to the school in a manner that supports their needs and student learning outcomes.

Policy MARYSVILLE JT. UNIFIED SCHOOL DISTRICT

adopted: March 11, 2008 Marysville, California
revised: January 25, 2011
revised: October 13, 2015
revised: August 13, 2019
revised: *(Agendized for Board Approval 1/14/20)*

Marysville Joint USD

Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

Marysville Joint Unified School District
1919 B Street
Marysville, CA 95901
(530) 741-6000
www.mjUSD.com

Adopted by our Board of Education or authorized designee (here and after "the board") on August 13, 2019.

Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Marysville Joint Unified School District of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP.

A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of our LCAP.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The Responsibilities of Marysville Joint Unified School District

We shall have the primary responsibility to ensure compliance with applicable state and federal

laws and regulations.

We shall investigate and seek to resolve, in accordance with our UCP process, any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the Marysville Joint Unified School District that are subject to the UCP.

The Marysville Joint Unified School District developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by our board.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- * Accommodations for Pregnant and Parenting Pupils
- * Adult Education
- * After School Education and Safety
- * Agricultural Career Technical Education
- * Career Technical and Technical Education; Career Technical; Technical Training (State)
- * Career Technical Education (Federal)
- * Child Care and Development
- * Compensatory Education
- * Course Periods without Educational Content
- * Education Of Pupils In Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In A School District, and Pupils Of Military Families
- * Every Student Succeeds Act / No Child Left Behind (Titles I-VII)
- * Local Control and Accountability Plans (LCAP)
- * Migrant Education
- * Physical Education Instructional Minutes
- * Pupil Fees
- * Reasonable Accommodations to a Lactating Pupil

- * Regional Occupational Centers and Programs
- * School Plans For Student Achievement
- * School Safety Plans
- * Schoolsite Councils
- * State Preschool
- * State Preschool Health And Safety Issues In LEAs Exempt From Licensing

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.

Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Department of Fair Employment and Housing (DFEH).

Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

Pupil Fees

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.

A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

The Local Control Accountability Plan

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF we are required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to California Education Code (EC) Section 52060(d).

The UCP Annual Notice

We ensure annual dissemination of a written notice of our complaint procedures to all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

Our UCP Annual Notice shall also include information regarding the requirements of EC Section 49010 through 49013 relating to pupil fees and information regarding the requirements of EC Section 52075 relating to the LCAP.

Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

In order to identify appropriate subjects of state preschool health and safety issues, we also have a notice that is posted in each California state preschool program classroom in each school notifying parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations that apply to California state preschool programs pursuant to HSC section 1596.7925 and (2) where to get a form for a state preschool health and safety issues complaint.

Filing UCP Complaints

When Filing Pupil Fees UCP Complaints

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee.

A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

A pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.

When Filing State Preschool Health and Safety Issues UCP Complaints

UCP complaints regarding state preschool health and safety issues pursuant to HSC section 1596.7925 shall include the following statements:

File with the preschool program administrator or his or her designee.

A state preschool health and safety issues complaint pursuant to HSC section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate local educational agency official for resolution.

A state preschool health and safety issues complaint pursuant to HSC section 1596.7925 may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 of the Education Code is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed.

A complaint form for a state preschool health and safety issue pursuant to HSC section 1596.7925 shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

When Filing All UCP Complaints

We will provide an opportunity for complainants and/or representatives to present evidence or information.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the Marysville Joint Unified School District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

The complaint will be investigated and a written report with a Decision will be issued to the complainant by us within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This report will contain the following elements:

- i. The findings of fact based on the evidence gathered.

- ii. Conclusion of law.
- iii. Disposition of the complaint.
- iv. The rationale for such a disposition.
- v. Corrective actions, if any are warranted.
- vi. Notice of the complainant's right to appeal our Decision to the CDE.
- vii. Procedures to be followed for initiating an appeal to CDE.

UCP Complaint Investigation

The staff member, position, or unit responsible to receive and investigate UCP complaints and ensure our compliance in our agency is:

Assistant Superintendent of Personnel Services
Marysville Joint Unified School District
1919 B Street
Marysville, CA 95901
(530) 749-6144
rcarreon@mjusd.com

The staff member, position, or unit responsible to receive and investigate UCP complaints and ensure our compliance in our agency is knowledgeable about the laws and programs assigned to investigate.

The Marysville Joint Unified School District will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in EC Section 200 and 220 and Government Code (GC) Section section 11135, including any actual or perceived characteristics as set forth in Penal Code (PC) Section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity we conduct, which is funded directly by, or that receives or benefits from any state financial assistance.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

All complainants are protected from retaliation.

We advise complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

UCP Complaint Resolution

If Marysville Joint Unified School District finds merit in a complaint regarding Pupil Fees; Local Control and Accountability Plan (LCAP); and/or Physical Education Instructional Minutes (grades one through eight), the remedy shall to go all affected pupils and parents/guardians.

If we find merit in a complaint regarding Reasonable Accommodations to a Lactating Pupil; Course Periods without Educational Content (grades nine through twelve); and/or Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district, and pupils in military families, the public school or LEA shall provide a remedy to the affected pupil.

We ensure an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

We shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints on a quarterly basis to the county superintendent of schools and our board.

The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of our board.

The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

We are aware that all complaints and responses are public records.

UCP Complaint Appeal Process

An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

A complainant may appeal our Decision of a UCP complaint to the State Superintendent of Public Instruction (SSPI) or his or her designee at the CDE (here and after known as SSPI) regarding all specified federal and state educational programs subject to the UCP.

To appeal our Decision of all UCP complaints except State Preschool Health and Safety Issues the complainant must file a written appeal within 15 days of receiving the Decision to the SSPI.

To appeal our Decision of State Preschool Health and Safety Issues only the complainant must file a written appeal within 30 days of receiving the Decision to the SSPI.

This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of our

Decision are incorrect and/or the law is misapplied.

In addition the appeal shall be sent to CDE with:

1. A copy of the original locally filed complaint; and
2. A copy of our Decision of this original locally filed complaint.

A complainant not satisfied with the resolution of the preschool program administrator or the designee of the district superintendent has the right to describe the complaint to our board at a regularly scheduled hearing.

The SSPI shall comply with the requirements of 5 CCR section 4633 and shall provide an Investigation Report to the State Board of Education describing the basis for the complaint, our response to the state preschool health and safety issues complaint and its remedy or proposed remedy.

Legal Reference:

20 United States Code (U.S.C.) section 6301 et seq.

34 Code of Federal Regulations(cfr) sections 299.11

California Education Code (EC) sections 200, 220, 222, 234.1-234.5, 262.3, 8235.5, 8200-8493; 8500-8538, 32280-32289; 33315;, 35186, 46015, 47606-47606.5, 47607.3, 48645.5, 48645.7, 48853, 48853.5, 48985, 49010-49013, 49069.5, 51210, 51223, 51225.1, 51225.2, 51228.1-51228.3, 52060-52075, 52300-52462, 52500-52616.4, 54440-54445, 64001, 65000.

California Government Code (GC) sections 11135, 17581.6(f).

California Penal Code (PC) section 422.55.

California Welfare and Institutions Code (WIC) sections 300

Policy MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

adopted: March 11, 2008 Marysville, California

revised: April 22, 2008

revised: May 13, 2014

revised: July 28, 2015

revised: June 26, 2018

revised: July 16, 2019

revised: August 13, 2019

Marysville Joint USD

Board Policy

Uniform Complaint Procedures

BP 1312.3
Community Relations

Marysville Joint Unified School District
1919 B Street
Marysville, CA 95901
(530) 741-6000
www.mjUSD.com

Adopted by our **Governing Board** ~~Board of Education~~ or authorized designee (here and after "the board") on January 14, 2020.

Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Marysville Joint Unified School District of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP.

A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of our LCAP.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The Responsibilities of Marysville Joint Unified School District

We shall have the primary responsibility to ensure compliance with applicable state and federal

laws and regulations.

We shall investigate and seek to resolve, in accordance with our UCP process, any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the Marysville Joint Unified School District that are subject to the UCP.

The Marysville Joint Unified School District developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by our board.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- * Accommodations for Pregnant and Parenting Pupils
- * Adult Education
- * After School Education and Safety
- * Agricultural Career Technical Education
- * Career Technical and Technical Education; Career Technical; Technical Training (State)
- * Career Technical Education (Federal)
- * Child Care and Development
- * Compensatory Education
- * Course Periods without Educational Content
- * Education Of Pupils In Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In A School District, and Pupils Of Military Families
- * Every Student Succeeds Act / No Child Left Behind (Titles I-VII)
- * Local Control and Accountability Plans (LCAP)
- * Migrant Education
- * Physical Education Instructional Minutes
- * Pupil Fees
- * Reasonable Accommodations to a Lactating Pupil

- * Regional Occupational Centers and Programs
- * School Plans For Student Achievement
- * School Safety Plans
- * Schoolsite Councils
- * State Preschool
- * State Preschool Health And Safety Issues In LEAs Exempt From Licensing

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.

Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Department of Fair Employment and Housing (DFEH).

Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

Pupil Fees

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.

A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

The Local Control Accountability Plan

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF we are required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to California Education Code (EC) Section 52060(d).

The UCP Annual Notice

We ensure annual dissemination of a written notice of our complaint procedures to all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

Our UCP Annual Notice shall also include information regarding the requirements of EC Section 49010 through 49013 relating to pupil fees and information regarding the requirements of EC Section 52075 relating to the LCAP.

Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

In order to identify appropriate subjects of state preschool health and safety issues, we also have a notice that is posted in each California state preschool program classroom in each school notifying parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations that apply to California state preschool programs pursuant to HSC section 1596.7925 and (2) where to get a form for a state preschool health and safety issues complaint.

Filing UCP Complaints

When Filing Pupil Fees UCP Complaints

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee.

A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

A pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.

When Filing State Preschool Health and Safety Issues UCP Complaints

UCP complaints regarding state preschool health and safety issues pursuant to HSC section 1596.7925 shall include the following statements:

File with the preschool program administrator or his or her designee.

A state preschool health and safety issues complaint pursuant to HSC section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate local educational agency official for resolution.

A state preschool health and safety issues complaint pursuant to HSC section 1596.7925 may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 of the Education Code is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed.

A complaint form for a state preschool health and safety issue pursuant to HSC section 1596.7925 shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

When Filing All UCP Complaints

We will provide an opportunity for complainants and/or representatives to present evidence or information.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the Marysville Joint Unified School District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

The complaint will be investigated and a written report with a Decision will be issued to the complainant by us within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This report will contain the following elements:

- i. The findings of fact based on the evidence gathered.

- ii. Conclusion of law.
- iii. Disposition of the complaint.
- iv. The rationale for such a disposition.
- v. Corrective actions, if any are warranted.
- vi. Notice of the complainant's right to appeal our Decision to the CDE.
- vii. Procedures to be followed for initiating an appeal to CDE.

The preschool program administrator or the designee of the district superintendent shall (1) make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint and (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of the district superintendent.

UCP Complaint Investigation

The staff member, position, or unit responsible to receive and investigate UCP complaints and ensure our compliance in our agency is:

Assistant Superintendent of Personnel Services
Marysville Joint Unified School District Personnel Department
1919 B Street
Marysville, CA 95901
(530) 749-6144
rcarreon@mjusd.com

The staff member, position, or unit responsible to receive and investigate UCP complaints and ensure our compliance in our agency is knowledgeable about the laws and programs assigned to investigate.

The Marysville Joint Unified School District will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in EC Section 200 and 220 and Government Code (GC) Section section 11135, including any actual or perceived characteristics as set forth in Penal Code (PC) Section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity we conduct, which is funded directly by, or that receives or benefits from any state financial assistance.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

All complainants are protected from retaliation.

We advise complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

UCP Complaint Resolution

If Marysville Joint Unified School District finds merit in a complaint regarding Pupil Fees; Local Control and Accountability Plan (LCAP); and/or Physical Education Instructional Minutes (grades one through eight), the remedy shall to go all affected pupils and parents/guardians.

If we find merit in a complaint regarding Reasonable Accommodations to a Lactating Pupil; Course Periods without Educational Content (grades nine through twelve); and/or Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district, and pupils in military families, the public school or LEA shall provide a remedy to the affected pupil.

We ensure an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

We shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints on a quarterly basis to the county superintendent of schools and our board.

The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of our board.

The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

We are aware that all complaints and responses are public records.

UCP Complaint Appeal Process

An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

A complainant may appeal our Decision of a UCP complaint to the State Superintendent of Public Instruction (SSPI) or his or her designee at the CDE (here and after known as SSPI)

regarding all specified federal and state educational programs subject to the UCP.

To appeal our Decision of all UCP complaints except State Preschool Health and Safety Issues the complainant must file a written appeal within 15 days of receiving the Decision to the SSPI.

To appeal our Decision of State Preschool Health and Safety Issues only the complainant must file a written appeal within 30 days of receiving the Decision to the SSPI.

This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of our Decision are incorrect and/or the law is misapplied.

In addition the appeal shall be sent to CDE with:

1. A copy of the original locally filed complaint; and
2. A copy of our Decision of this original locally filed complaint.

A complainant not satisfied with the resolution of the preschool program administrator or the designee of the district superintendent has the right to describe the complaint to our board at a regularly scheduled hearing.

The SSPI shall comply with the requirements of 5 CCR section 4633 and shall provide an Investigation Report to the State Board of Education describing the basis for the complaint, our response to the state preschool health and safety issues complaint and its remedy or proposed remedy.

Legal Reference:

20 United States Code (U.S.C.) section 6301 et seq.

34 Code of Federal Regulations(cfR) sections 299.11

California Education Code (EC) sections 200, 220, 222, 234.1-234.5, 262.3, 8235.5, 8200-8493; 8500-8538, 32280-32289; 33315;, 35186, 46015, 47606-47606.5, 47607.3, 48645.5, 48645.7, 48853, 48853.5, 48985, 49010-49013, 49069.5, 51210, 51223, 51225.1, 51225.2, 51228.1-51228.3, 52060-52075, 52300-52462, 52500-52616.4, 54440-54445, 64001, 65000.

California Government Code (GC) sections 11135, 17581.6(f).

California Penal Code (PC) section 422.55.

California Welfare and Institutions Code (WIC) sections 300

Policy MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

adopted: March 11, 2008 Marysville, California

revised: April 22, 2008

revised: May 13, 2014

revised: July 28, 2015

revised: June 26, 2018

revised: July 16, 2019

revised: August 13, 2019

revised: ***(Agendized for Board Approval 1/14/20)***

26

Marysville Joint USD

Administrative Regulation

Williams Uniform Complaint Procedures

AR 1312.4

Community Relations

This document contains rules and instructions about the filing, investigation and resolution of a Williams complaint regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

The Marysville Joint Unified School District adopted the Uniform Complaint Procedures (UCP) process in accordance with Chapter 5.1 (commencing with Section 4680) of the *California Code of Regulations*, Title 5, to resolve Williams complaints. This document presents information about how we process complaints concerning Williams Settlement issues. A UCP complaint is a written and signed statement by a complainant alleging a violation of state laws or regulations. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of state laws or regulations, regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. If a complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The Responsibility of the Marysville Joint Unified School District

The Marysville Joint Unified School District is required to have local policies and procedures that enable Williams Complaints to be handled through our UCP process, to post a classroom notice informing parents, guardians, pupils, and teachers of their rights to file a Williams complaint in each classroom in each school, and to provide a complaint form for Williams complaints regarding alleged deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

If a response is requested by the complainant, the response will go to the mailing address of the complainant indicated on the complaint.

If *Education Code* Section 48985 is applicable and 15 percent or more of the pupils in grades K – 12 enrolled in our district speak a language other than English, the Williams Complaint Classroom Notice and the Williams Complaint Form shall be written in English and in the primary language of the complainant. The complaint response, if requested, and final report shall be written in English and the primary language in which the complaint was filed.

A Williams Complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but will not exceed 10 working days, to the appropriate school district official for resolution.

The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority.

The principal, or, where applicable, district superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received.

The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response.

The principal makes this report; the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee.

The school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district.

The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district.

The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

The complaints and responses shall be available as public records.

The Williams Complaint Classroom Notice

We make sure that the Williams Complaint Classroom Notice is posted in each classroom in each school in the district and includes:

- The parents, guardians, pupils, and teachers,
- a statement proclaiming sufficient textbooks and instructional materials,
- (For there to be sufficient textbooks and instructional materials each pupil, including English Learners, must have a textbook or instructional materials, or both, to use in class and to take home)
- a statement that school facilities must be clean, safe, and maintained in good repair,
- a statement that there should be no teacher vacancies or misassignments, and the location at which to obtain a form to file a complaint in case of a shortage
www.cde.ca.gov/re/cp/uc

The Williams Complaint Form

We make sure that the Williams Complaint form is available for parents, guardians, pupils, and teachers to use.

Every school in our district shall have a complaint form available for such Williams complaints.

The Williams Complaint form shall include:

- A section to indicate if a response is requested,
- a section for contact information including mailing address if a response be requested.

- a statement that a pupil, including an English Learner, does not have standards - aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional materials to use in class.
- a statement that a pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- a statement that textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.
- a statement that a pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
- a statement that a condition poses an urgent or emergency threat to the health or safety of pupils or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air - conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
- a statement that a school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and towels or functional hand dryers.
- a statement that the school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary for pupil safety or to make repairs.
- a statement that a semester begins and a teacher vacancy exists. (A position to which a single designated certificate employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one - semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester).
- a statement that a teacher who lacks credentials or training to teach English Learners is assigned to teach a class with more than 20 percent English Learners pupils in the class.
- a statement that a teacher is assigned to teach a class for which the teacher lacks subject matter competency.
- a section to identify the location of the school in which the alleged violation took place,
- a section to identify the course or grade level, if applicable,
- a section where the complainant describes the specific nature of the complaint in detail,
- a statement that the complainant may include as much text as the complainant feels is necessary, and
- a statement identifying the place to file the complaint that includes the office and address of the principal or his/her designee of the school in which the alleged violation took place.

Filing a Williams Complaint with the Marysville Joint Unified School District

A Williams complaint shall be filed with the principal of the school or his or her designee, in which the complaint arises.

A Williams complaint may be filed anonymously.

The complainant need not use the Williams Complaint form to file a complaint.

How to Appeal a Williams Complaint

A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, involving deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment, has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the governing board.

A complainant who is then not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of *EC* Section 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction at the California Department of Education (CDE) within 15 days of receiving the report.

Conditions that pose an emergency or urgent threat (not cosmetic or nonessential) to the health and safety of pupils or staff while at school include the following:

- Gas leaks.
- Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems.
- Electrical power failure.
- Major sewer line stoppage.
- Major pest or vermin infestation.
- Broken windows or exterior doors or gates that will not lock and that pose a security risk.
- Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupil or staff.
- Structural damage creating a hazardous or uninhabitable condition.

In regards to the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, the complainant shall comply with the appeal requirements of 5 *CCR* Section 4632.

A complainant may appeal the Decision of an emergency or urgent threat to the CDE by filing a written appeal within 15 days of receiving the Decision.

The complainant shall specify the basis for the appeal of the Decision and whether the facts are incorrect and/or the law is misapplied.

The appeal shall be accompanied by:

1. A copy of the original locally filed complaint; and
2. A copy of our Decision of this original locally filed complaint.

State Laws cited:

California *Education Code* Sections 1240, 17592.72, 35186, 35292.5, 48985.

California *Code of Regulations*, Title 5 [5 CCR] Sections 4600–4687

Regulation MARYSVILLE JT. UNIFIED SCHOOL DISTRICT

approved: March 11, 2008 Marysville, California

revised: April 8, 2008

revised: May 13, 2014

revised: June 26, 2018

revised: January 14, 2020

Marysville Joint USD

Exhibit

Williams Uniform Complaint Procedures

E 1312.4

Community Relations

This document provides detailed information with language and components of required elements for your agency's Williams Complaint document.

A Williams complaint, concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment, shall be filed with the principal (or designee) of the school in which the Williams-issue allegedly occurred. A Williams complaint may be filed anonymously and a complainant need not use a Williams Complaint document to file a complaint.

Should a complainant choose to directly file a Williams complaint at a school in which a Williams-issue allegedly occurred an LEA shall include all of the following language in its Williams Complaint document.

This document is for LEAs to make available to anyone who wants to file a complaint regarding an alleged deficiency related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The use of this particular sample is not required. This sample contains elements required by California *Education Code (EC)* Section 35186 and 5 *CCR* sections 4600-4687.

If *Education Code* Section 48985 is applicable and 15 percent or more of the pupils in grades K – 12 enrolled in your LEA speak a language other than English, the Williams Complaint document shall be written in English and in the primary language of the complainant. Translations for this sample are available free of charge on the webpage of the Categorical Programs Complaint Management (CPCM) office at the California Department of Education (CDE).

For Filing Williams Complaints

California *Education Code (EC)* Section 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The complaint and response are public documents as provided by statute. Complaints may be filed anonymously. However, if you wish to receive a response, you must provide the following contact information.

Is a response requested – yes or no?

Name:

Mailing Address:

Phone Number:

Issue of complaint:

Textbooks and Instructional Materials

A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.

A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.

Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

Facility Conditions

A condition poses an urgent or emergency threat to the health or safety of students or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.

A school restroom has not been maintained or cleaned regularly, is not fully operational and has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes.

Teacher Vacancy or Misassignment

Teacher vacancy - A semester begins and a teacher vacancy exists. (A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.)

Teacher misassignment - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.

Teacher misassignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

The complainant adds the following information:

Date of Problem:

Location of problem:

School name:

Address:

Room number:

Course or Grade Level and Teacher Name:

Describe complaint in detail. You may include as much text as necessary:

File this complaint with the principal of the school or his/her designee in which the complaint occurred:

Location:

Address:

A complaint about problems beyond the authority of the principal shall be forwarded within 10 working days to the appropriate school district official for resolution.

Exhibit MARYSVILLE JT. UNIFIED SCHOOL DISTRICT

version: March 11, 2008 Marysville, California

revised: June 26, 2018

revised: August 12, 2019

revised: January 14, 2020

Marysville Joint USD

Board Policy

Physical Education And Activity

BP 6142.7

Instruction

Board of Education recognizes the positive benefits of physical activity for student health and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

The Board shall approve the components of the physical education program. The district's program shall provide a developmentally appropriate sequence of instruction aligned with state's model content standards and curriculum. The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

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

All physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The district provides instruction in physical education that provides equal access and equal opportunities for participation for all pupils in grades one through twelve, inclusive, regardless of gender, sexual orientation, and mental or physical disability. (EC sections 220, 221.5[f], 33352[b][8]; 5 CCR sections 4900, 4930, 4931, 4940, 4960; Title IX 106.33, 106.34; 34 CFR Section 300.108)

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

(cf. 6159 - Individualized Education Program)

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

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 - Environmental Safety)

(cf. 5141.7 - Sun Safety)

Staffing

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4113 - Assignment)

(cf. 4222 - Teacher Aides/Paraprofessionals)

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

(cf. 4131 - Staff Development)

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

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education to students in grades 5, 7, and 9. (Education Code 60800)

The Superintendent or designee shall annually report to the Board the results of the physical fitness testing for each school and applicable grade level. He/she shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241 as described below, and any other data agreed upon by the Board and the Superintendent or designee to evaluate the effectiveness of the district's program in meeting goals for physical activity.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Physical Fitness Testing

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

Program Evaluation

The Superintendent or designee shall report the aggregate results of the physical performance testing in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

There are three distinct and separate exemptions available under Education Code 51241. Each exemption is described below.

1. Temporary Exemptions:

The Superintendent or designee may grant a student a temporary exemption physical education under either of the following conditions: (Education Code 51241)

- a. The student is ill or injured and a modified program to meet his/her needs cannot be provided.
- b. The student is enrolled for one-half time or less.

2. Two-year Exemptions:

With student's consent, the Superintendent or designee may exempt a student from physical education courses for two years any time during grades ten to twelve provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade nine. (Education Code 51241)

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the FITNESSGRAM to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

(cf. 6112 - School Day)

3. Permanent Exemptions:

The Superintendent or designee may grant a student a permanent exemption from physical education under any of the following conditions: (Education Code 51241)

- a. The student is age 16 or older and has been enrolled in the 10th grade for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than he/she would have attended if enrolled in a physical education course.
- b. The student is enrolled as a postgraduate student.
- c. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Legal Reference:

EDUCATION CODE

33126 School accountability report card
33350-33354 CDE responsibilities re: physical education
35256 School accountability report card
44250-44277 Credential types
49066 Grades; physical education class
51210 Course of study, grades 1-6
51220 Course of study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51241 Temporary, two-year or permanent exemption from physical education
51242 Exemption from physical education for athletic program participants
52316 Excuse from attending physical education classes
60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

1040-1048 Physical performance test
3051.5 Adapted physical education for individuals with exceptional needs
4600-4687 Uniform complaint procedures
10060 Criteria for high school physical education programs
80020 Additional assignment authorizations for specific credentials
80037 Designated subjects teaching credential; special teaching authorization in physical education
80046.1 Added authorization to teach adapted physical education

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1758b Local wellness policy

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 230 (1970)

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Management Resources:

CSBA PUBLICATIONS

Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement, Legal Alert, May 2015

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

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WEB SITES

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California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Educational Data System, California physical fitness:

<http://www.eddata.com/projects/current/cpf>

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

President's Council on Physical Fitness and Sports: <http://www.fitness.gov>

U.S. Department of Health and Human Services: <http://www.health.gov>

Policy MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

adopted: March 11, 2008 Marysville, California

revised: April 14, 2009

revised: May 13, 2014

revised: August 13, 2019

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