



**CHILD NUTRITION SERVICES**  
211 RIDGWAY AVENUE  
SANTA ROSA, CA 95401

## Sample Vending Contract

January 10, 2013

Gravenstein Union School District  
Ms. Linda J. LaMarre, Superintendent  
3840 Twig Avenue  
Sebastopol California 95472

Dear Ms. LaMarre:

Thank you for considering Santa Rosa City Schools Child Nutrition Services as your meal provider. SRCS Child Nutrition is committed to providing safe, nutritious meals designed to be both healthy and well-received by students. Our meals meet all state and federal requirements, such as: less than 30% of calories from fat, less than 10% from saturated fat and one-third of the Recommended Dietary Allowances of protein, Vitamin A, Vitamin C, iron and calcium.

Even through these difficult times our pricing has remained the same for six straight years. Although this does not guarantee future pricing we do everything we can to be as competitive as possible serving quality lunches to our community utilizing local labor and products.

Our school meals have gone through many changes over the years to increase their nutritional value. These include fresh baked items from our bakery, house made items from our well-equipped production kitchen, whole wheat low-fat grilled cheese sandwiches, organic brown rice instead of white, burritos made with whole wheat tortillas and a whole grain low-fat pizza. We also use whole wheat breads for our sandwiches from local suppliers such as Alvarado Street Bakery. We offer a farmer's market salad bar that features locally grown produce when possible at no extra cost from local framers such as Walker Ranch Apples and Pepe Farms as well as Milo the Farmer. There are no trans fats in any of our food. On request we offer sack lunches, nutrient analysis of our menus,

entrée choices, and a team from our central kitchen will come to your school site to cook a complete BBQ lunch (due to the popularity of the BBQs please call and reserve a date months in advance). There is no extra cost for these services.

Enclosed you will find the 2012-2013 Contract for Vended Meal Services from Santa Rosa City Schools, Child Nutrition Services. Please complete the following and return by **July 31, 2012**.

1. Sign and return original to us, along with a copy of your 2012-2013 calendar.
2. Make a copy for yourself.

The contract is not valid until these items are received.

Note that we will be enforcing section 2 under "District" obligations on page 2. It is crucial that we are notified of a calendar change as well as minimum day changes.

May I take this opportunity to thank you for your business, and we look forward to serving you next year.

Sincerely,

Bryan Nyberg  
Director  
Child Nutrition Services  
Santa Rosa City Schools  
707.528.5359

## **AGREEMENT FOR VENDED MEAL SERVICES**

This AGREEMENT, for the period July 1, 2012 through June 30, 2013, is hereby entered into between City of Santa Rosa High School District of the State of California, hereinafter referred to as "City Schools" and: Gravenstein Union School District, hereinafter referred to as: District.

WHEREAS, CITY SCHOOLS has the capability for providing vended meal services and Reimbursable Lunches to various sites and programs on a cost-reimbursement basis:

NOW THEREFORE: the parties hereto agree as follows:

**CITY SCHOOLS SHALL:**

- (1) Prepare and deliver Reimbursable Lunches, excluding milk, to:

**See Attachment A**

**By 11:00 a.m.**

**EACH SCHOOL DAY**, including minimum days, in accordance with the number of meals requested for that day. Eating utensils, straws, and napkins will also be provided.

- (2) Be responsible for meeting the nutritional standards for Reimbursable Lunches as set forth by the United States Department of Agriculture for the National School Lunch Program, and also for the quality of the lunches at the time of delivery.

- (3) Pick up transport baskets from the previous day's delivery at the time of the current day's delivery.

- (4) Present itemized invoice the tenth working day of each month for the previous month's deliveries.

Reimbursable breakfasts for elementary schools will be billed at one dollar and five cents (\$1.05) each, NOT including milk, secondary schools will be billed at one dollar and twenty cents (\$1.20) each, NOT including milk. If "City Schools" supplies milk, there will be an additional charge of twenty-five cents (\$0.25) each.

Reimbursable lunches will be billed at the rate of two dollars and twenty cents (\$2.20) each for elementary, NOT including milk, and two dollars and fifty cents each (\$2.50) for secondary, NOT including milk. If "City Schools" supplies milk, there will be an additional

charge of twenty-five cents (\$0.25) each. A complete staff meal will be billed at four dollars (\$4.00) each.

(5) Assume all liability for proper use and protection of surplus commodities assigned to District. Commodities will only be used for the preparation of lunch meals and may not be sent to sites for snacks.

(6) Provide District with a monthly menu one week prior to the beginning of the month covered by said menu.

(7) Maintain all necessary records on the nutritional components of the lunches and the number of lunches delivered to and make said records available for inspection by the State and Federal authorities upon request.

(8) If service is required on CITY SCHOOLS holidays (days with no CITY SCHOOLS students in attendance), the double time labor will be charged to District. CITY SCHOOLS will pay the regular holiday time and the District will pay the additional double time.

**(9) CITY SCHOOLS shall charge for a minimum of fifteen (15) lunches at any given site. Fewer lunches may be received, but CITY SCHOOLS will not charge less for a regularly scheduled stop.**

(10) Sack lunches can be provided for field trips with five (5) working days' notice to the site providing lunches.

District SHALL:

(1) A. Ensure that adequate storage shall be provided for the lunches from time of delivery until served to the student in accordance with Health and Safety Codes.

B. Ensure that lunches are heated to 165 degrees in accordance with Health and Safety Code #27601.

C. Ensure that an employee is available at sites each school day to verify quality and quantity of said lunches. Errors in count called in shall be the responsibility of District.

D. Ensure that lunches are delivered and served at sites approved on the District National School Lunch Agreement.

Failure to comply shall constitute sufficient reason for CITY SCHOOLS to immediately cease providing lunches under this AGREEMENT.

(2) Provide CITY SCHOOLS with school calendars. Each site shall give notice to CITY SCHOOLS central kitchen manager of calendar changes. Also, notice must be given for minimum day meal requirements and any holidays not clearly indicated on the calendar. **THIS NOTICE MUST BE GIVEN TWO (2) WORKING DAYS PRIOR TO SAID SCHEDULE CHANGE.** If notice is not received two (2) working days prior to said change, a charge will be assessed for that day. The number of lunches billed will be the average daily participation from the prior month.

(3) Provide personnel to serve lunches, clean the serving and eating areas, assemble and deliver transport baskets by Santa Rosa City Schools delivery the next day.

(4) Establish collection procedures which are in accordance with State and Federal regulations relating to the overt identification of needy students, and keep accurate records of the number of free, reduced price, paid, and adult lunches served daily.

(5) Prepare all claims for reimbursement under its own agreement number, receive and approve all free and reduced price meal applications, and maintain all necessary records to substantiate the above items.

(6) Assign to CITY SCHOOLS one hundred percent (100%) of the commodities to which District is entitled and the responsibility for proper use of such commodities. If there is a short-fall of commodities, cash-in-lieu of commodities shall be given to CITY SCHOOLS. Commodities may not be sent to school sites except as they appear on the listed menu.

(7) Pay CITY SCHOOLS within 60 days of invoice or a fee of 1% will be charged on the balance due.

(8) Order, provide, and pay for all milk served with the reimbursable lunches.

TERM/CANCELLATION

This AGREEMENT becomes effective this day July 1, 2012, and will continue until June 30, 2013. This AGREEMENT may be renegotiated and renewed as revised and agreed upon by both parties. This AGREEMENT is valid through June 30, 2013.

Each party to this agreement understands and is aware that the School and College Legal Services, Sonoma County Office of Education, provides legal advice and services to each of the parties on this and other matters. Each party has no objections to the representation of the other parties by the same legal counsel.

APPROVED BY

By \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
School District/Agency

\_\_\_\_\_  
Date

APPROVED BY

CITY OF Santa Rosa HIGH SCHOOL DISTRICT

By \_\_\_\_\_  
Associate Superintendent-Business

\_\_\_\_\_  
Date

Board Approved:



## Revolution Foods - Follow-up and Pricing

Lauren Finzer <Lauren@revfoods.com>  
 To: "llamarre@grav.k12.ca.us" <llamarre@grav.k12.ca.us>

Tue, Jan 29, 2013 at 7:47 AM

Hi Linda,

Thank you so much for taking the time to meet last week! It was such a pleasure to get to meet you and your team, and I sincerely hope that we have the opportunity to partner together in supporting Gravenstein students with fresh and healthy meals.

As promised, pricing and cost analysis for Gravenstein are attached. While we can generally see a significant participation increase (San Francisco orders increased by over 4000 within the first two weeks!), we have based all of our pricing on your current meal numbers.

We know how important it is to break even on the lunch program and our team has worked hard to offer you the best pricing possible. The most competitive pricing we can offer is assuming Revolution Foods will be able to deliver all meals to one school; we do this with a number of our partners and have a system that is quite simple to implement! The charts below highlight both scenarios:

One delivery stop:

Meal	Size	Rev Foods Price	Projected Reimbursement Rate	Average daily quantity	Yearly surplus for Gravenstein after food costs:
Lunch	k-5	\$3.06	\$3.20	At least 105 daily	+\$2,601
Lunch	6-8	\$3.08	\$3.20		
Breakfast	k-12	\$1.80	\$1.80	At least 40 daily (total across both schools)	

Revolution Foods delivers to each school:

	Rev	Projected	Average	Yearly cost

Meal	Size	Foods Price	Reimbursement Rate	daily quantity	for Gravenstein after food costs:
Lunch	k-5	\$3.43	\$3.20	At least 105 daily	<b>\$4,633</b>
Lunch	6-8	\$3.45	\$3.20		
Breakfast	k-12	\$1.80	\$1.80	At least 40 daily (total across both schools)	

Shall we schedule time next week or later this week to talk further about the details? I can walk you through the pricing, cost analysis and answer any questions you might have! I have also attached the following:

- a copy of the equipment catalog, along with information about the lease-to-own program
- the February breakfast and lunch menus

As we discussed, Tamina Wasson at Forestville was an incredible champion in bringing Revolution Foods to her district. Her number is 707.887.2279 x 7504 if you or Sally is interested in speaking with her to learn more about Forestville's experience, both day to day and participation-wise.

Thanks again and looking forward to hearing from you,

Lauren

lauren finzer  
partnership executive

revolution foods  
cell: 925-683-7646

visit: [www.revolutionfoods.com](http://www.revolutionfoods.com)

like: [facebook.com/revolutionfoods](https://www.facebook.com/revolutionfoods)

follow: [@revolutionfoods](https://www.instagram.com/revolutionfoods)



real food for all™

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**5 attachments**

 **CostAnalysis Gravenstein 2013-14 One Drop.xlsx**  
22K

 **CostAnalysis Gravenstein 2013-14 Two Drops.xlsx**  
21K

 **Equipment.zip**  
752K

 **NSLP\_FEB\_COLDBREAKFAST.PPT**  
1955K

 **NSLP\_FEB\_LUNCH.PPT**  
1938K



California School Boards Association

***TIME SENSITIVE, REQUIRES BOARD ACTION  
DEADLINE FRIDAY, MARCH 15, 2013***

January 31, 2013

**TRANSMITTAL**

To: All Board Presidents and Superintendents  
CSBA Member Boards of Education

From: Charlyn Tuter, Sr. Administrative Assistant

Re: 2013 CSBA Delegate Assembly Election  
U.S. Postmark Deadline – Friday, March 15, 2013

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Enclosed in this mailing you will find the following:

- Memo from CSBA President Cindy Marks
- Return envelope U.S. Postmark Deadline – Friday, March 15, 2013
- Red ballot to be signed by Superintendent or Board Clerk
- List of the current Delegates in your region (reverse side of ballot)
- Copy on white paper of the red ballot for insertion in board packets
- Copies of each candidate's biographical sketch and optional résumé, if provided

Please do not hesitate to contact me at (800) 266-3382 ext. 3281 should you have any questions.

Thank you.

Enclosures



California School Boards Association

**TIME SENSITIVE, REQUIRES BOARD ACTION  
DEADLINE FRIDAY, MARCH 15, 2013**

January 31, 2013

**MEMORANDUM**

To: All Board Presidents and Superintendents  
CSBA Member Boards of Education

From: Cindy Marks, President

Re: 2013 CSBA Delegate Assembly Election  
U.S. Postmark Deadline – Friday, March 15, 2013

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Enclosed is the ballot material for election of a representative to the CSBA Delegate Assembly from your region or subregion. The material consists of the ballot (on red paper), required candidate biographical sketch form, and if submitted, résumé for each candidate. In addition, we are including a “copy” of the ballot on white paper so that it may be included in board agenda packets, if you choose to do so. **Only the ballot on red paper is to be completed and returned.**

The board as a whole may vote for up to the number of vacancies in the region or subregion as indicated on the ballot. For example, if there are three vacancies in the region or subregion, the board may vote for up to three individuals. Regardless of the number of vacancies, each board may cast no more than one vote for any one candidate. (The ballot also contains a provision for write-in candidates; their name and district must be clearly printed in the space provided.)

The ballot must be signed by the Superintendent or Board Clerk and returned in the enclosed envelope; if the envelope is misplaced, you may use your district’s stationery; please write **DELEGATE ELECTION** prominently on the envelope with the region or subregion number on the bottom left corner. **Ballots must be postmarked by the U.S. Post Office on or before Friday, March 15. No exceptions are allowed.**

Election results will be available no later than Monday, April 1. If there is a tie vote, a run-off election will be held. All re-elected and newly elected Delegates will serve two-year terms beginning April 1, 2013 – March 31, 2015. The next meeting of the Delegate Assembly is on Saturday, May 18 – Sunday, May 19 at the Hyatt Regency in Sacramento.

The names of all Delegates will be available on CSBA’s website no later than Monday, April 1. Please do not hesitate to contact Charlyn Tuter in the Leadership Services Department at (800) 266-3382 ext. 3281 should you have any questions. Thank you.



CSBA

# 2013 Delegate Assembly Candidate Biographical Sketch Form

**Due: Monday, January 7, 2013** (U.S. Postmark or fax - 916.669.3305 or 916.371.3407)

Please complete, sign and date this **required** candidate biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted; both will be copied exactly as received. Please do not state "see résumé" and please do not re-type this form. Any additional page(s) exceeding this candidate form will **not** be accepted.

Name: <u>Ron Abler</u>	CSBA Region/Subregion: <u>3/A</u> / _____
District or COE: <u>Forestville Union School District</u>	Years on board: <u>29</u> ADA: <u>375</u>
Contact Number: <u>707-546-0424</u>	E-mail: <u>abler@callatg.com</u>
Are you a continuing Delegate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, how long have you served as a Delegate? <u>15 Yr +/-</u>

**CSBA's Delegate Assembly sets the general education policy direction for the Association. As a member of the Delegate Assembly, please describe what your top three educational priorities would be, and why they are important to the Association.**

Ranking educational priorities is difficult. I believe that educational priorities are inter-related and success of some depends on realization of others. Three to consider are Funding & Finance; Curriculum & Instruction; and Accountability. Even with Prop 30, funding is about 25% less than it was a few years ago. As I write this the Governor is preparing a January budget which will likely include another attempt at changing the school finance system. The Common Core Standards will result in fundamental changes in every district. As California moves toward implementation of these standards there will many issues requiring the united voice that our association provides its members. The delivery of effective instruction to the state's students can be enhanced with improved and judicious accountability. I advocate for accountability at all levels of the educational system: student; teacher; school site; district; and state. It is important to the education community that CSBA be active in the formation of policies in these and all education related areas so the organization's membership has a unified and effective voice in determining the direction the state will go.

**Another responsibility of Delegates is to communicate the interests of local boards to CSBA's Board of Directors, Executive Committee and staff. Please describe your activities/involvement or interests in your local district or county office.**

I have been the president of the Forestville board several times. I participated in the passage of two bond measures and served on several parcel tax committees. I have served on numerous district committees numerous times over the years which include: Curriculum Committee; Building Committee; Technology Committee; Library Committee; and the negotiating team. When there was a county school board association, I was an active participant. As a member of a CSBA member board, I participated in CSBA activities including being on the CSBA board of directors for five years; delegate assembly for about fifteen years; and numerous CSBA committees. I am in communication with members of the CSBA board of directors, executive committee, and staff that I developed relationships with during that time and I communicate the interests of Sonoma County boards to them.

**Why are you interested in becoming a Delegate and what contribution do you feel you would make as a member of the Delegate Assembly?**

I want to put the experience and contacts I have developed during my previous service in CSBA to effective use by representing the Sonoma County districts collectively and individually. As a continuing delegate I will be up to speed from the first session on.

I can also tell you, based on experience, that I like doing it.

**Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.**

Signature: Ronald C. Abler Date: 01-07-2013

Ronald C. Abler

February 2013 Candidate for CSBA Delegate Assembly, Region 3A

Relevant Service:

Trustee, Forestville Union School District: 1983 to Present

CSBA: Member of Delegate Assembly for about fifteen years; Board of Directors for five years;  
Numerous committees and task forces over the years.

Volunteer Service over the years:

Board of Directors of Cultural Arts Council of Sonoma County

Member Sonoma County Economic Development Board

PTA Chair

Forestville Youth Park volunteer

Board of Directors R House, Inc

Education:

1968 BA, Accounting, University of Wisconsin, Madison, Wisconsin

1969 MBA, Finance, University of Wisconsin, Madison, Wisconsin



CSBA

# 2013 Delegate Assembly Candidate Biographical Sketch Form

**Due: Monday, January 7, 2013** (U.S. Postmark or fax - 916.669.3305 or 916.371.3407)

Please complete, sign and date this **required** candidate biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted; both will be copied exactly as received. Please do not state "see résumé" and please do not re-type this form. Any additional page(s) exceeding this candidate form will **not** be accepted.

Name: <u>Dianna MacDonald</u>	CSBA Region/Subregion: <u>3</u> / <u>A</u>
District or COE: <u>Cloverdale Unified School District</u>	Years on board: <u>4</u> ADA: <u>1379</u>
Contact Number: <u>707-894-5066</u>	E-mail: <u>diannamacdonald@aol.com</u>
Are you a continuing Delegate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, how long have you served as a Delegate? _____

**CSBA's Delegate Assembly sets the general education policy direction for the Association. As a member of the Delegate Assembly, please describe what your top three educational priorities would be, and why they are important to the Association.**

1.) In the toughest budget times in California, School Finance and budgets will be a top priority. Implementing policy and advocating on behalf of our members for adequate funding for education will be crucial role as a member of the delegate assembly. CSBA will be looking to the association to hear what we are struggling with in our area. 2.) To compete in a global society, California's children need STEM/STEAM so that they will be proficient in science, technology, engineering and math. It is critical that we include the arts by integrating them into the core curriculum. As CSBA members we must examine the role that the Arts and STEM play in preparing our children for our largest growing industries. 3.) And finally, we must understand the Common Core State Standards (CCSS). This new way of teaching and learning is changing in our schools. We must ensure that the proper support is in place as we move forward. Developing varied materials such as; webinars, Power Points, emails and newsletters to help Trustees gain an understanding in these areas and be prepared to ask key questions before making decisions can be developed to support our members.

**Another responsibility of Delegates is to communicate the interests of local boards to CSBA's Board of Directors, Executive Committee and staff. Please describe your activities/involvement or interests in your local district or county office.**

As Board of director for the California State PTA I know the importance of receiving information from our members and feel that two way communications are essential to represent the concerns of our members. In addition to receiving my Masters in Governance from the CSBA in 2011, I have attended several legal and education symposiums and CSBA Conferences with a focus on school funding and policy implementation. For my local school board, I have served as clerk (2009-2010) and President (2010-2011) and currently serve as the Clerk of the Board. Currently, I serve as the Vice President for Education for the California state PTA and serve on the California State PTA Special Needs, Arts, and Legislation Committees. I have had to use several strategies to communicate effectively to our community in the toughest times in education. I will seek input and gather information from our local school boards by; communication through email, social media and phone calls. These strategies and my communication style I believe will be beneficial as a delegate representing our area to communicate our concerns as local trustees to the California School Board Assoc.

**Why are you interested in becoming a Delegate and what contribution do you feel you would make as a member of the Delegate Assembly?**

My passion and commitment is to education, children and families. I believe that initiating change when and where it is needed and using my creativity to make things run more smooth and more effectively is a contribution I can make. I do my homework and come prepared to meetings. I enjoy making complicated subjects understandable to all stakeholders in education. I am extremely enthusiastic, dedicated and have a great sense of humor. With my understanding of budgets and financing, I have no problem asking or responding to tough questions that are faced by state leaders. I am a good communicator and listener and find genuine enjoyment in meeting and working with diverse groups of people. One of my greater attributes is my ability to make connections with people and other organizations to enhance our mission and goals and to strengthen our organization. As a delegate member, I would bring a unique perspective as well as energy to CSBA. My broad experience has enhanced my knowledge of the needs of our children and how we can support them.

**Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.**

Signature: Dianna MacDonald Date: 12-29-12

This complete, **ORIGINAL** Ballot must be **SIGNED** by the Superintendent or Board Clerk and returned in the enclosed envelope postmarked by the post office No later than **FRIDAY, MARCH 15, 2013**. Only ONE Ballot per Board. Be sure to mark your vote "X" in the box. *A PARTIAL, UNSIGNED, PHOTOCOPIED, OR LATE BALLOT WILL NOT BE VALID.*

OFFICIAL 2013 DELEGATE ASSEMBLY BALLOT  
SUBREGION 3-A  
(Sonoma County)

Number of vacancies: 1 (Vote for no more than 1 candidate)

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*Delegates will serve two-year terms beginning April 1, 2013 – March 31, 2015*

*\*denotes incumbent*

Ron Abler (Forestville Union ESD)\*

Dianna MacDonald (Cloverdale USD)

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*Provision for Write-in Candidate Name*

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*School District*

---

*Signature of Superintendent or Board Clerk*

---

*Title*

---

*School District/COE Name*

---

*Date of Board Action*

*See reverse side for a current list of all Delegates in your Region.*

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**Region 3 – Cindi Clinton, Director (Novato USD)**  
**8 Delegates (8 elected)**

**Below is a list of all the current Delegates from this Region.**

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**Subregion A**

Ronald Abler (Forestville Union ESD), term expires 2013  
Ed Gilardi (Cotati-Rohnert Park USD), term expires 2014

**Subregion B**

Indira Lopez (Calistoga Joint USD), term expires 2013

**Subregion C**

David C. Isom (Fairfield-Suisun USD), term expires 2013  
Patricia Shamansky (Fairfield-Suisun USD), term expires 2014  
Vacant, term expires 2013

**Subregion D**

Linda M. Jackson (San Rafael City Schools), term expires 2014

**County Delegate**

Kathleen Willbanks (Sonoma COE), term expires 2013

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**Counties**

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Sonoma (Subregion A)  
Napa (Subregion B)  
Solano (Subregion C)  
Marin (Subregion D)



# **Administrative Regulation**

## **Transportation For School-Related Trips**

AR 3541.1

### **Business and Noninstructional Operations**

\*\*\*Note: Education Code 35330 authorizes the district to provide transportation to and from places in the state, any other state, the District of Columbia, or a foreign country; however, districts will not receive state transportation allowances for field trips or excursions to out-of-state destinations. Requirements for trip approval and/or any Governing Board limitations on travel destinations are addressed at BP/AR 6153 - School-Sponsored Trips. \*\*\*

The district may provide transportation for students, employees, and other individuals for field trips and other school-related trips approved according to Board policy and administrative regulation.

(cf. 3312.2 - Educational Travel Program Contracts)  
(cf. 3540 - Transportation)  
(cf. 3541 - Transportation Routes and Services)  
(cf. 6153 - School-Sponsored Trips)

\*\*\*Note: Pursuant to Education Code 35330, the district may provide or contract for transportation for school-related trips. Public Utilities Code 5384.2 clarifies that school districts and schools are not liable for transportation services provided by a charter-party carrier, as defined in Vehicle Code 545, for which the district has not contracted, arranged, or otherwise provided. Examples of charter-party carriers include stretch Hummers or sport utility vehicles transporting up to 25 students to prom. \*\*\*

The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip. He/she may authorize the use of district vehicles, contract to provide transportation, or arrange transportation by the use of other vehicles.

\*\*\*Note: Pursuant to Education Code 35330, the district must secure sufficient liability insurance when field trips or excursions involve transportation by district vehicles. If travel is to and from a foreign country, liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country. \*\*\*

The Superintendent or designee shall ensure that the district or contractor has sufficient liability insurance for transportation on school-related trips.

(cf. 3530 - Risk Management/Insurance)

When district transportation is provided, students may be released from using district transportation only with the advance written permission of their parents/guardians.

School-related organizations requesting transportation shall be fully responsible for the costs of their trips unless funding has been approved by the Governing Board.

(cf. 1230 - School-Connected Organizations)

#### Transportation by Private Vehicle

\*\*\*Note: The remainder of this section is for use by districts that allow private vehicles to be used to provide transportation for school-related trips and may be revised to reflect district practice, including changing the age requirement for drivers, allowing only school employees and parents/guardians to serve as drivers, and/or increasing the amount of liability insurance required beyond the legal minimum. \*\*\*

\*\*\*Note: According to the California Department of Motor Vehicles (DMV), nonresidents on active military duty in California must have either a California driver's license or a valid driver's license from their state of residence. Vehicle Code 12814.6 provides that any person under age 18, during the first 12 months of issuance of a provisional license, cannot transport individuals under age 20. Districts may contact the DMV to determine if a driver has a record of reckless driving. Sample driver registration and instruction forms are provided in the accompanying exhibits. \*\*\*

The Superintendent or designee may authorize the transportation of students by private vehicle when the vehicle is driven by an adult age 21 or older who possesses a valid California driver's license or, if he/she is a nonresident on active military duty in California, possesses a valid license from his/her state of residence. To be approved, a driver shall have a good driving record and possess at least the minimum insurance required by law. Any person providing transportation to district students in a private vehicle shall register with the district for such purposes.

(cf. 1240 - Volunteer Assistance)

Drivers shall receive safety and emergency instructions which shall be kept in their vehicle.

All student passengers shall submit permission slips signed by their parents/guardians. Teachers shall ensure that each child has submitted a permission slip and the teacher will keep a copy of all permission slips during the field trip.

Each teacher shall submit a list of parent drivers with a list of children riding in each vehicle to the school office and to the principal. All parent and teacher cell phone numbers will be included with this list. A copy of parent driver's license and license plate number will be included with the list.

Teachers will not drive students on field trips but will ride in a vehicle with the students and parents.

The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed. Trucks may not transport more persons than can safely sit in the passenger compartment. The driver shall ensure that the manufacturer's recommendations for his/her vehicle are followed regarding the seating of children in seats equipped with airbags.

The driver or any other person shall not smoke or have in his/her immediate possession a lighted pipe, cigar, or cigarette containing tobacco or any other plant when there is a minor in the motor vehicle, whether the motor vehicle is in motion or at rest. (Health and Safety Code 118948)

### Passenger Restraint Systems

All drivers shall wear safety belts and shall ensure that all passengers are properly secured in seat belts or child passenger restraint systems in accordance with law. (Vehicle Code 27315, 27360, 27360.5, 27363)

\*\*\*Note: SB 929 (Ch. 474, Statutes of 2011) amended Vehicle Code 27360 and 27363 to revise the age and height requirements for children to be secured in a rear seat in an appropriate child passenger restraint system. \*\*\*

A child who is under age 8 years shall be properly secured in a rear seat in an appropriate child passenger restraint system meeting federal safety standards, except under any of the following circumstances: (Vehicle Code 27360, 27363)

1. The child is four feet nine inches or taller, in which case a safety belt may be used.
2. Use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size and an appropriate special needs child passenger restraint system is not available.
3. There is no rear seat, the rear seats are side-facing jump seats or rear-facing seats, the child passenger restraint system cannot be installed properly in the rear seat, all rear seats are already occupied by children under age 8 years, or medical reasons necessitate that the child not ride in the rear seat.
4. The child is otherwise exempted by law.
5. No siblings of students may be included in the field trip.

### Legal Reference:

EDUCATION CODE

35330 Excursions and field trips

35332 Transportation by air

39830 School bus

44808 Liability when students not on school property  
HEALTH AND SAFETY CODE  
118947-118949 Prohibition against smoking in motor vehicle with minor  
PUBLIC UTILITIES CODE  
5384.2 District not liable for charter-party carrier  
VEHICLE CODE  
545 School bus, definition  
12814.6 Limitations of provisional driver's license  
27315 Mandatory use of seat belts in private passenger vehicles  
27360-27360.5 Child passenger restraint systems  
27363 Child passenger restraint systems, exemptions

Management Resources:

WEB SITES

California Department of Motor Vehicles: <http://www.dmv.ca.gov>

California Highway Patrol: <http://www.chp.ca.gov>

California Office of Traffic Safety: <http://www.ots.ca.gov>

National Highway Traffic Safety Administration: <http://www.nhtsa.dot.gov>

(11/04 11/07) 11/11

Approved 2-13-13

# Driver Information and Instructions

## Transportation For School-Related Trips

E 3541.1

### Business and Noninstructional Operations

#### SCHOOL DRIVER REGISTRATION FORM

##### DRIVER INFORMATION

Driver (circle one):    Employee      Parent/Guardian      Volunteer  
Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: (\_\_\_\_) \_\_\_\_\_ Cell Phone: (\_\_\_\_) \_\_\_\_\_  
Driver's License No.: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

##### VEHICLE INFORMATION

Name of Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Make: \_\_\_\_\_ Year: \_\_\_\_\_ License Plate No.: \_\_\_\_\_  
Registration Expiration: \_\_\_\_\_ Seating Capacity: \_\_\_\_\_

##### INSURANCE INFORMATION

Insurance Company: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_  
Policy No.: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
Liability Limits of Policy: \_\_\_\_\_

##### DRIVER STATEMENT

**I certify that I have not been convicted of reckless driving or driving under the influence of drugs or alcohol within the past six years and that the information given above is true and correct.**

**I understand that if an accident occurs, my insurance coverage shall bear primary responsibility for any losses or claims for damages.**

I certify that I have received and will abide by the driver instructions provided by the district.

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

## DRIVER INSTRUCTIONS

When using your vehicle to transport students on field trips or other school activity trips:

1. I am at least 21 years old and have registered with the district for such purposes and have a valid driver's license and current liability insurance at or above the minimum amount required by law for each occurrence.
2. My vehicle is well maintained and I have had the following checked: tires, brakes, lights, horn, suspension, etc.
3. I have an appropriate amount of gas in the tank and know where I am going and how to get there before leaving campus.
4. I will carry only the number of passengers for which your vehicle was designed **and assigned to me from the teacher**. If you have a pickup truck, carry only as many as can safely sit in the passenger compartment.
5. I will require each passenger to use an appropriate child passenger restraint system (child car seat or booster seat) or safety belt in accordance with law.
6. I will not detour from the planned route, including stopping at a store on the way to the destination or on the way back to school. I understand that no unapproved stops are allowed.
7. No DVD's will be shown while driving to and from the field trip.
8. I understand that I am responsible for the children for the children in my car during the field trip and will follow the teacher's rules and example when chaperoning.
9. I will not leave with the students until the teacher has instructed me to do so. I will also not leave the students at the end of the trip until the teacher has instructed me to do so.
10. I will not give any child, other than my own, food or gifts of any kind without prior consent from the teacher.
11. I have not, nor will take, any drug, medication, or alcohol that could impair my driving ability during the course of the field trip.

\*\*\*Note: SB 7 (Ch. 425, Statutes of 2007) added Health and Safety Code 118947-118949 to make it unlawful for a person to smoke in a motor vehicle in which there is a minor; see accompanying administrative regulation.\*\*\*

12. I will not smoke a pipe, cigar, or cigarette while there are minors in the vehicle, as required by law.

13. I will obey all traffic laws, including the use of cell phone, while on this field trip.

14. I will take the most direct route to the destination or event without unnecessary stops.

15. I will not bring any other children or siblings of the student on the field trip.

In case of emergency, keep all students together and call 911 and the district office.

(3/02) 11/07

Board Approve 2-13-13

**GRAVENSTEIN UNION SCHOOL DISTRICT  
VOLUNTARY DRIVER FORM - VERIFICATION OF INSURANCE**

Your willingness to use your own vehicle to transport students on a field trip is very commendable and appreciated. The District feels responsible for determining the following:

1. Do you have a valid driver's license?  Yes  No License Number: \_\_\_\_\_
2. Have you been convicted of reckless driving, or driving under the influence of drugs or alcohol within the past five years?  
 Yes  No (if yes, the district policy prohibits you serving as a driver).

Name of Person(s) covered by Insurance \_\_\_\_\_  
 Insurance Carrier \_\_\_\_\_  
 Policy Number \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
 (Note: This form will be void after expiration date)

Amount of insurance coverage:

Bodily Injury: \_\_\_\_\_ Property Damage: \_\_\_\_\_ Medical: \_\_\_\_\_

Volunteers driving students on any activity away from school **must show evidence** of the following coverage:

1. Property Damage \$25,000
2. Bodily Injury \$100,000 - \$300,000
3. Medical \$5,000

**DRIVER INFORMATION:**

YES	NO	
___	___	Is 21 years of age?
___	___	Is properly licensed? License number _____
___	___	Has ever been convicted of a major violation?

**VEHICLE INFORMATION**

Make: \_\_\_\_\_ Year: \_\_\_\_\_ Car license number \_\_\_\_\_

How many passenger seats: \_\_\_\_\_ Number of seat belts: \_\_\_\_\_

**VEHICLE SAFETY**

As a driver of a car transporting students, you are responsible for providing a safe vehicle including the following:

- Minimum tread on tires (not bald or worn)
- Working lights, turn signals, mirrors
- Normal mechanical systems, including steering and brakes
- Seatbelts for all passengers
- Appropriate spare tire, highway flares
- Normal operating engine
- Normal interior and exterior

If your vehicle does not meet District expectations, it cannot be used for transporting students.

**DRIVER CERTIFICATION:**

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND CURRENT TO THE BEST OF MY KNOWLEDGE. I AUTHORIZE INVESTIGATION OF ALL STATEMENTS HEREIN RECORDED.

Driver's Signature _____	Date _____
Address _____	Telephone Number _____

YES NO  
 \_\_\_ \_\_\_ This driver is approved to drive on school field trips  
 \_\_\_ \_\_\_ This car is approved to transport students on field trips.

Superintendent's Signature \_\_\_\_\_ Date \_\_\_\_\_

*re-adopted 2-13-13*



# **Administrative Regulation**

## **Suspension And Expulsion/Due Process**

AR 5144.1

### **Students**

\*\*\*Note: Education Code 35291 requires the Governing Board to adopt rules and regulations for maintaining discipline in the schools under its jurisdiction. In addition, Education Code 48918 and 48918.5 mandate that districts adopt rules concerning the due process rights of students in expulsion situations, and Education Code 48916 mandates procedures for filing and processing requests for readmission. Specific language complying with these mandates is included throughout this administrative regulation.\*\*\*

### Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(u))

### Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

### Grounds for Suspension and Expulsion

Any student, including a student with disabilities, may be subject to suspension or expulsion when it is determined that he/she:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon another person, except in self-defense (Education Code 48900(a))

\*\*\*Note: Education Code 48900 allows for the suspension, but not expulsion, of a student who "aids or abets," as defined in Penal Code 31, the infliction or attempted infliction of physical injury to another person. However, a student may be suspended or expelled if a juvenile court determines that he/she has committed, as an aider or abettor, a crime of physical violence in which the victim suffered either great or serious bodily injury. The term "aiding or abetting," as defined in Penal Code 31, is a complex legal term and requires that, at the time he/she committed the crime, the aider or abettor was aware of the crime and specifically intended to commit the crime. Because of the complexities of criminal law, this issue may be difficult for school administrators to apply in a school setting and legal counsel should be consulted as appropriate.\*\*\*

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, such a student may be suspended or expelled pursuant to Education Code 48900(a) when he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(t))

\*\*\*Note: The Attorney General, in 80 Ops.Cal.Atty.Gen. 91 (1997), determined that a student may be expelled for "possession" of a firearm if the student knowingly and voluntarily had direct control over the firearm. The only exceptions are when the student has permission from school officials to possess the firearm (pursuant to Education Code 48900 and 48915) or when the

possession is brief and solely for the purpose of disposing of the firearm, such as handing it to school officials. See BP 5131.7 - Weapons and Dangerous Instruments.\*\*\*

\*\*\*Note: Pursuant to Penal Code 417.27, students are prohibited from possessing a laser pointer on school premises, except for a valid instructional or other school-related purpose. See BP 5131 - Conduct.\*\*\*

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

12. Knowingly received stolen school property or private property (Education Code 48900(l))

13. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

17. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events.

\*\*\*Note: Education Code 48900(r) defines "bullying" as "any severe or pervasive physical or verbal act or conduct directed toward a student and which would have certain consequences upon a reasonable student.\*\*\*

\*\*\*Note: The legal issues regarding the discipline of students for cyberbullying are complex because the acts often originate off campus (e.g., using a home computer) and because such communications may be protected by the freedom of speech rights of students granted pursuant to Education Code 48907. Generally, courts have upheld discipline against students for off-

campus conduct that constituted cyberbullying that posed a threat to the safety of other students, staff, or school property or presented a risk of substantial disruption of school activities. Districts should consult legal counsel as appropriate. See also BP 5131.2 - Bullying and BP 5145.2 - Freedom of Speech/Expression.\*\*\*

18. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

\*\*\*Note: "Bullying" also would include any act of sexual harassment, hate violence, or harassment, threat, or intimidation (as set forth in Education Code 48900.2, 48900.3, or 48900.4; see items #20-22 below) that is committed by a student of any grade level, when the act results in harm to a reasonable student as specified in the above paragraph. However, when bullying is found under these circumstances, students below grade 4 may not be disciplined for the underlying violations of items #20-22 below, but may only be disciplined for "bullying."\*\*\*

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #20-22 below), that has any of the effects described above on a reasonable student.

\*\*\*Note: Education Code 48900(r), as amended by AB 1732 (Ch. 157, Statutes of 2012), defines "electronic act" to include posts on social network Internet web sites as specified below. However, Education Code 48900(r) provides that an electronic act shall not constitute pervasive conduct solely by reason of its transmission on the Internet.\*\*\*

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

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

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

19. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

\*\*\*Note: The following additional grounds apply only to students in grades 4-12 and may be revised to reflect grade levels offered by the district. As discussed in item #18 above, although Education Code 48900(r) defines bullying to include acts involving items #20-22, only students in grades 4-12 may be suspended or expelled for the individual acts that constitute sexual harassment, hate violence, and harassment as stated in items #20-22 below. The interplay between items #18 and #20-22 can raise complex legal issues. Districts should consult legal counsel as appropriate.\*\*\*

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

20. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

21. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

22. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school or within any other school district, at any time, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school

(cf. 5131.1 - Bus Conduct)

3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

#### Removal from Class by a Teacher and Parental Attendance

\*\*\*Note: The following section is optional and may be revised to reflect district practice.\*\*\*

A teacher may remove any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student removed from class shall not be returned to class during the period of removal without

the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

\*\*\*Note: The remainder of this section is for use by districts that have adopted a policy regarding required parental attendance pursuant to Education Code 48900.1; see the accompanying Board policy.\*\*\*

Pursuant to Board policy, a teacher may require the parent/guardian of a student whom the teacher has removed to attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

\*\*\*Note: Education Code 48900.1 requires the principal's notice to specify when the parent/guardian must attend the class and to take into account reasonable factors that may prevent the parent/guardian from complying, such as illness, injury, disability, or absence from town. The following paragraph establishes a one-week deadline for the parent/guardian's attendance. This deadline may be modified to reflect district practice.\*\*\*

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

Suspension by Superintendent, Principal, or Designee

\*\*\*Note: Pursuant to Education Code 48900, as amended by AB 1729 (Ch. 425, Statutes of 2012), and Education Code 48915, as amended by AB 2537 (Ch. 431, Statutes of 2012), except for certain grave violations requiring suspension as specified below, the Superintendent or principal is authorized to use his/her discretion to provide an alternative, age-appropriate disciplinary measure that is tailored to correct a student's specific misbehavior when considering suspension or expulsion of the student. Education Code 48900.5, as amended by AB 1729, also authorizes documentation in the student's record of any implemented alternative means of



correction and provides examples of such alternatives. For details and a listing of these alternatives, see AR 5144 - Discipline.\*\*\*

The Superintendent, principal, or designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

When other means of correcting a student's behavior are implemented prior to imposing suspension upon the student, including supervised suspension, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

\*\*\*Note: Education Code 48900.5, as amended by AB 1729 (Ch. 425, Statutes of 2012), limits situations warranting suspension for a first offense to when the violation involves Education Code 48900(a)-(e) or the student's presence causes a danger to persons.\*\*\*

However, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated any of items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

In addition, the Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g)
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year

unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

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

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

Although the parent/guardian is required to respond without delay to a request for a conference about his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911)

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

\*\*\*Note: When the student being considered for expulsion is a foster youth, Education Code 48911, as amended by AB 1909 (Ch. 849, Statutes of 2012), and Education Code 48918.1, as added by AB 1909, require the district to invite the student's attorney and an appropriate county child welfare agency representative to the meeting specified above. To ensure such invitation, the following paragraph provides that the district liaison for foster youth be notified. However, any district that has designated another position to carry out this responsibility may modify the paragraph to specify that position. For designation of the liaison for foster youth, see AR 6173.1 - Education for Foster Youth.\*\*\*

If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

\*\*\*Note: The following optional paragraph may be revised to reflect district practice. Since Education Code 48900 and 48900.5, as amended by AB 1729 (Ch. 425, Statutes of 2012), require a district, under certain circumstances, to use alternative disciplinary measures prior to imposing suspension, including supervised suspension, the district may, as necessary, provide services that would address the student's specific misbehavior along with the suspension program. For example, the district may require the student to enroll in a program that teaches prosocial behavior or anger management even while the student is suspended.\*\*\*

In addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

### Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice rvice. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

### Supervised Suspension Classroom

\*\*\*Note: The following optional section is for use by any district establishing a supervised on-campus suspension program pursuant to Education Code 48911.1. However, pursuant to Education Code 48900.5, as amended by AB 1729 (Ch. 425, Statutes of 2012), such a district is required to use other means of correcting a student's behavior before imposing a supervised suspension, unless such a supervised suspension is otherwise permitted by law for a student's first offense. Use of a supervised suspension program does not in any way limit the district's ability to transfer a student to an opportunity school or class or a continuation education school

or class.\*\*\*

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

#### Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

#### Mandatory Recommendation for Expulsion

\*\*\*Note: Pursuant to Education Code 48915, as amended by AB 2537 (Ch. 431, Statutes of 2012), the authority of school administrators in determining when expulsion should be recommended for certain offenses has been broadened as provided in the following paragraph.\*\*\*

Unless the Superintendent, principal, or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student

\*\*\*Note: As amended by AB 2537 (Ch. 431, Statutes of 2012), Education Code 48915 added possession by a student of his/her over-the-counter or prescribed medication as an exception to the possession of controlled substances as provided in item #3 below.\*\*\*

3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

#### Mandatory Recommendation and Mandatory Expulsion

\*\*\*Note: The following section reflects circumstances under which Education Code 48915 requires both a recommendation of expulsion and Board action to expel the student. The Attorney General has determined, in 80 Ops.Cal.Atty.Gen. 347 (1997), that a district may not adopt a zero tolerance policy mandating expulsion of a student for a first offense of possession of a controlled substance or alcohol; see the accompanying Board policy.\*\*\*

The Superintendent, principal, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

\*\*\*Note: The Gun-Free Schools Act, 20 USC 7151, requires districts and county offices of education to submit to the California Department of Education (CDE) assurances of compliance

with state and federal laws related to incidents on campus involving the possession of firearms. Item #1 below reflects language that must be submitted to the CDE for compliance. For other such language that must be submitted to the CDE, see sections in this regulation entitled "Final Action by the Board" and "Notifications to Law Enforcement Authorities."\*\*\*

\*\*\*Note: Education Code 48915, as amended by AB 2537 (Ch. 431, Statutes of 2012), clarifies that possession of an "imitation firearm" is not an offense requiring mandatory expulsion as provided in item #1 below.\*\*\*

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.

2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

#### Student's Right to Expulsion Hearing

\*\*\*Note: Education Code 48918 mandates that the Board establish rules and regulations governing procedures for the expulsion of students. The timelines of Education Code 48918 must be strictly followed; failure to do so may result in loss of the district's power to act (Garcia v. Los Angeles Board of Education). In calculating timelines, the district should also be aware of the difference between the calculation of "school days" and "calendar days" under Education Code 48918.\*\*\*

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed above under "Grounds for Suspension and Expulsion." (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent

postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

\*\*\*Note: The following optional paragraph may be revised to reflect district practice. "Stipulated expulsion" is for districts that have adopted an expedited procedure which requires a student to waive his/her right to a hearing in exchange for an agreement as to the term of the expulsion. Because such waivers are not covered in the Education Code, districts should consult legal counsel as appropriate.\*\*\*

After a determination that one of the grounds listed above under "Grounds for Suspension and Expulsion" has occurred, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian.

#### Rights of Complaining Witness

\*\*\*Note: Education Code 48918.5 mandates the following rights related to the treatment of witnesses alleging acts of sexual assault or sexual battery. Other procedures related to complaining witnesses also may be added as desired by the district. Additional mandated procedures related to the rights and treatment of complaining witnesses are included where appropriate throughout this regulation.\*\*\*

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of