The Napa County Board of Education will hold a regular meeting on Tuesday, July 11, 2023, at 3:30 p.m., at the Napa County Office of Education, 2121 Imola Avenue, Napa, CA. **Members of the public may attend the meeting in-person or virtually. Please view Public Participation information below.**

**Revised Agenda and 7/7/23**

This hybrid meeting will be conducted with a mixture of in-person and remote attendance.

Please visit [https://napacoe.zoom.us/j/85404848681](https://napacoe.zoom.us/j/85404848681)

1. **ORGANIZATION**
   A. Call to Order
   B. Flag Salute
   C. Public Participation
      Members of the public are invited to participate in person or can join by computer, tablet, smartphone, or telephone. Remote access can be achieved by following the instructions below:
      **Join from PC, Mac, Linux, iOS or Android:**
      You are invited to a Zoom webinar.
      When: July 11, 2023 03:30 PM Pacific Time (US and Canada)
      Topic: NCOE July 11 Board Meeting
      Join from a PC, Mac, iPad, iPhone or Android device:
      Please click the link below to join the webinar:
      [https://napacoe.zoom.us/j/85404848681](https://napacoe.zoom.us/j/85404848681)
      Or One tap mobile :
      US: +166999006833,,85404848681# or +16694449171,,85404848681#
      Or Telephone:
      Dial(for higher quality, dial a number based on your current location):
      US: +1 669 900 6833 or +1 669 444 9171 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968
      Webinar ID: 854 0484 8681
      International numbers available: [https://napacoe.zoom.us/u/kFD1RNcZp](https://napacoe.zoom.us/u/kFD1RNcZp)
   D. Welcome to Visitors
   E. Approval of Agenda
   F. Approval of Minutes – June 13, 2023
   G. Public Comment
Members of the public wishing to provide public comment must request to be called upon using one of the following options:

i. using the chat feature on the web conference to send a request to meeting hosts, or

ii. using the hand raising feature in the participant panel on the web conference, or hand raising if in-person attendance, or,

iii. emailing a request to jschultz@napacoe.org or smorris@napacoe.org.

Comments by the Public for Items on the Agenda: Anyone may provide public comment to the Board in support of, or in opposition to, any item being presented to the Board for consideration on the agenda during the Board’s consideration of the item. Individuals shall be allowed up to three minutes for their presentation.

Comments by the Public for Items NOT on the Agenda: Suggestions, comments, and requests may be presented to the Board at this time, for items not on the agenda, on those subjects over which the Board has jurisdiction. Normally, the Board will take no action on any topic at this time. Individuals shall be allowed up to three minutes for their presentations.

2. ADJOURN TO CLOSED SESSION

The Board will enter closed session for discussion as follows:

Conference with Legal Counsel Regarding Pending Litigation: Napa Valley Unified School District vs. California State Board of Education.

3. OPEN SESSION

4. REPORT FROM CLOSED SESSION

The Board will report on action taken in closed session.

5. PRESENTATIONS

A. Consultant Report on Charter Oversight, Lynne Vaughan, Ph.D. (Josh Schultz, Deputy Superintendent)

B. College and Career Readiness Culinary Pathway students mentored and supervised by Michelin Star Chef, Robert Curry, to prepare and serve hors d’oeuvres for the Napa Valley Education Foundation Taste for Knowledge Gala. (Angela Higdon, Program Manager, Work-Based Learning, College and Career Readiness)

C. Expanded Learning Summer Programs Presentation (Sara Sitch, Director, Community Programs)

6. CORRESPONDENCE, COMMUNICATIONS, AND REPORTS

The Superintendent and/or Board members may report miscellaneous items for information purposes.

7. CONSENT AGENDA ITEMS
Background information on these items is provided to the Board prior to the meeting. Action is taken by a common motion without discussion unless discussion of an item(s) is requested by a Board member(s).

A. Temporary County Certificates: Education Code Section 44332 authorizes the issuance of Temporary County Certificates for the purpose of authorizing salary payments to employees whose credential applications are being processed. (Julie McClure, Associate Superintendent)

B. Approval of Resolution 2023-10: Board Member Compensation. Napa County Board of Education Bylaw 9250(a) provides for compensation to its Board members for attending meetings. The Bylaw further provides for compensation to members who miss meetings of the Board while performing designated services for the county or absent because of illness, jury duty or a hardship deemed acceptable by the Board. (Julie McClure, Associate Superintendent)

8. **ACTION ITEMS**

A. Board Approval Resolution 2023-11: AmeriCorps VIP 2023-2024 “AmeriCorps Volunteer Infrastructure Program” (VIP) AmeriCorps Program Contract. The Board will be asked to approve Resolution 2023-11: AmeriCorps VIP 2023-2024 “AmeriCorps Volunteer Infrastructure Program” (VIP) AmeriCorps Program Contract in the amount of $1,822,800. (Julie McClure, Associate Superintendent)

B. Board Approval Resolution 2023-12: CalSERVES 2023-2024 “CalSERVES AmeriCorps Expanded Learning” AmeriCorps Program Contract. The Board will be asked to approve Resolution 2023-12: CalSERVES 2023-2024 “CalSERVES AmeriCorps Expanded Learning” AmeriCorps Program Contract in the amount of $713,000. (Julie McClure, Associate Superintendent)

C. Board Approval of a Memorandum of Understanding With Mayacamas Charter Middle School: The Board will be asked to approve a Memorandum of Understanding between NCOE and Mayacamas Charter Middle School (MCMS) regarding oversight and operations of MCMS.

D. Board Approval Resolution 2023-13: Exemption to the Separation from Service Requirement. The Board will be asked to approve Resolution 2023-13 exempting retiree Rena Bruner from the 180-waiting period for the appointment as a retired annuitant employee.

9. **SCHEDULED MATTER**

Discussion, review, and direction regarding:

A. Possible motion of support of state and federal legislative updates and positions on legislation. (Jennifer Kresge, Board Trustee)

10. **INFORMATION ITEMS**

A. Personnel Activity Report: vacancies, listing of personnel appointments, terminations, transfers, etc. (Julie McClure, Associate Superintendent)
B. First Reading County Office Regulation 5113: Absences and Excuses (Julie McClure, Associate Superintendent)

C. First Reading County Office Board Policy, Regulation, and Exhibit 6173: Education for Homeless Children (Julie McClure, Associate Superintendent)

D. Williams Uniform Complaints Procedures Quarterly Report (Josh Schultz, Deputy Superintendent)

E. Update Ad Hoc Committee Mayacamas Charter School (Janna Waldinger, Board Member)

F. CCBE Call for Officer Nominations – deadline to submit application July 31, 2023 (Julie McClure, Associate Superintendent)

11. FUTURE AGENDA ITEMS

12. NEXT MEETING OF THE NAPA COUNTY BOARD OF EDUCATION
   The regular meeting of the Napa County Board of Education will be held August 1, 2023.

13. ADJOURNMENT

   In compliance with the American with Disabilities Act, if special assistance is needed to participate in this meeting, contact the Napa County Office of Education (NCOE) at 253-6810. Notification forty-eight hours prior to the meeting will enable the NCOE to make reasonable arrangements to ensure accessibility to this meeting. I HEREBY CERTIFY THE AGENDA FOR THE STATED MEETING WAS POSTED ON THE NCOE WEBSITE AND IN NCOE’S DISPLAY CASE AT 2121 IMOLA AVENUE, NAPA, CA 94559, and the Napa Preschool site, Friday, July 7, 2023. Informational material is available for review at the NCOE.

   Ellen Sitter, Recording Secretary
   NCOE Board of Education
MEETING OF THE NAPA COUNTY BOARD OF EDUCATION
Tuesday, June 13, 2023

Members present
Jean Donaldson, Ann Cash, Gerry Parrott, Sindy Biederman, Janna Waldinger
Remote Attendance: Jennifer Kresge
Absent: Don Huffman

1. ORGANIZATION

A. CALL TO ORDER
Vice President Biederman called the meeting to order at 3:30 p.m.

B. FLAG SALUTE
The salute to the Flag was led by Jean Donaldson.

C. PUBLIC PARTICIPATION
Vice President Biederman reviewed the instructions for public participation via teleconference.

D. WELCOME TO VISITORS
Visitors were welcomed to the meeting.

E. APPROVAL OF AGENDA
At the request of Ms. Waldinger and a second by Mr. Donaldson, Item 4.D. Board Approval Appointment of Student Board Members was moved to precede Item 2.A. Presidential Award for Math and Science Teachers. A roll call vote was taken – Mr. Parrott, Mrs. Cash, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger, Mrs. Kresge. Noes – None.

F. APPROVAL OF MINUTES
At the request of Ms. Waldinger and a second by Mrs. Kresge, the Minutes from the June 6, 2023 meeting were amended to show that Mr. Donaldson made a motion to approve the Minutes and Mr. Parrott seconded the motion. A roll call vote was taken - Mr. Parrott, Mr. Donaldson, Mrs. Cash, Ms. Waldinger, Mrs. Biederman, Mrs. Kresge. Noes – None.

G. There were no comments from the public.

2. PRESENTATIONS

A. Dr. Nemko introduced Jonathan Southam, Math Teacher, New Technology High School who was a finalist for the Presidential Award for Math and Science Teachers.

Mr. Southam presented a video of his classroom engaged in the lesson submitted and also explained the process required to be considered for the Presidential
Award for Math and Science Teachers. Mr. Southam noted that a student nominated him for the award.

3. CORRESPONDENCE, COMMUNICATIONS, AND REPORTS

- Mr. Donaldson reported that he and Janna Waldinger attended the recent NVUSD Board meeting.
- Ms. Waldinger reported on the ethnic studies textbook the NVUSD has chosen for the curriculum.
- Mrs. Biederman attended robotics video competition at American Canyon Middle School to help judge the videos and provided certificates to the winner on Monday.
- Dr. Nemko reported that we were notified yesterday that Camille Creek received two grants ($7,000 and $8,000) for construction and welding from the Community Foundation.
- Dr. Nemko provided an overview on the NCOE’s strategic plan efforts and thanked Julie McClure for organizing a strategic priorities session today with groups working on priorities and how we will implement them.
- Ms. McClure reported that we have four different teams from different programs in the organization, all with different jobs, working on the strategic plan priority areas. Ms. McClure invited the Board to attend any of the meetings.

4. ACTION ITEMS

A. On a motion by Ms. Waldinger and a second by Mrs. Cash, the Board approved the Local Control and Accountability Plan (LCAP) for 2023-24 through 2025-26. A roll call vote was taken: Ayes – Mr. Parrott, Mrs. Cash, Mrs. Kresge, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger. Noes – None.

B. On a motion by Ms. Waldinger and a second by Mr. Donaldson, the Board adopted the Final 2023-2024 Budget. A roll call vote was taken: Ayes - Mr. Parrott, Mrs. Cash, Mrs. Kresge, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger. Noes – None.

C. On a motion by Mrs. Kresge and a second by Mr. Parrott, the Board approved Exhibit 0420.41-E(1) Oversight of County Charter Schools. A roll call vote was taken: Ayes – Mr. Parrott, Mrs. Cash, Mrs. Kresge, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger. Noes – None.

D. On a motion by Ms. Waldinger and a second by Mrs. Kresge, the Board approved the Appointment of Student Board Members Edriana Stephens and Sebastian Tomas. A roll call vote was taken: Ayes – Mr. Parrott, Mrs. Cash, Mrs. Kresge, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger. Noes – None.

Dr. Barbara Nemko administered the oath of office to new student Board members Edriana Stephens and Sebastian Tomas.
A motion was made by Mrs. Biederman and seconded by Mrs. Cash and Mr. Parrott to take a short break at 3:45 p.m. to celebrate the new student Board members. A roll call vote was taken – Ms. Waldinger, Mrs. Kresge, Mr. Parrott, Mr. Donaldson, Mrs. Cash, Mrs. Biederman. Noes – None.

The meeting resumed at 3:55 p.m.

Ms. McClure noted the basic training information for the Student Board members in the agenda packet was reviewed with the new Student Board members, and we will look to CSBA for future trainings.

5. INFORMATION ITEMS
A. Lucy Edwards, Director, Continuous Improvement and Academic Support, shared how the NCOE will be supporting Napa County school districts with their continuous improvement efforts.

B. Lucy Edwards, Director, Continuous Improvement and Academic Support, presented the results of the LCFF Local Indicators to the Board in conjunction with the adoption of the LCAP.

6. FUTURE AGENDA ITEMS

7. NEXT MEETINGS OF THE NAPA COUNTY BOARD OF EDUCATION
The next regular meeting of the Napa County Board of Education will be held Tuesday, July 11, 2023.

8. ADJOURNMENT
There being no further business, the meeting was adjourned at 4:47 p.m.

Respectfully submitted,

Barbara Nemko, Secretary

Approved_______________________ Date ___________________
MEETING OF THE NAPA COUNTY BOARD OF EDUCATION  
Tuesday, June 6, 2023

Members present
Jean Donaldson, Ann Cash, Gerry Parrott, Jennifer Kresge, Sindy Biederman, Janna Waldinger
Absent: Don Huffman

1. ORGANIZATION

A. CALL TO ORDER
Vice President Biederman called the meeting to order at 3:30 p.m.

B. FLAG SALUTE
The salute to the Flag was led by Ann Cash.

C. PUBLIC PARTICIPATION
Vice President Biederman reviewed the instructions for public participation via teleconference.

D. WELCOME TO VISITORS
Visitors were welcomed to the meeting.

E. APPROVAL OF AGENDA
At the request of Ms. Waldinger and a second by Mr. Donaldson, Item 2.D. Universal Prekindergarten Mixed Delivery Information presentation was moved to precede Item 2.B. Public Hearing on the proposed Local Control and Accountability Plan (LCAP) for 2022-23 through 2024-25.  

Ayes – Mr. Parrott, Mrs. Cash, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger.  Noes – None.  Mrs. Kresge not present to vote.

F. APPROVAL OF MINUTES
On a motion by Mrs. Biederman and a second by Mrs. Kresge, the Minutes of May 2, 2023 were approved.  Ayes – Mr. Parrott, Mr. Donaldson, Mrs. Cash, Mrs. Biederman.  Noes – None.  Abstained – Ms. Waldinger.  Mrs. Kresge not present to vote.

On a motion by Mr. Donaldson and a second by Mrs. Cash, the Minutes of the May 2, 2023 Special Meeting were amended to reflect that Vice President Biederman called the meeting to order with a quorum at 11:30 a.m., and proposed a break until President Huffman’s arrival.  Mr. Huffman arrived and resumed the agenda from there at 11:40 a.m.  Ayes – Mr. Parrott, Mr. Donaldson, Mrs. Cash, Mrs. Biederman.  Noes – None.  Abstained – Ms. Waldinger.  Mrs. Kresge not present to vote.

G. Public comment was given.
2. PRESENTATIONS

A. The Board interviewed Camille Creek students, Edriana Stephens and Sebastian Tomas, for the student Board Member positions. The students will be appointed at the June 13 special Board meeting.

B. A Public Hearing was opened at 4:30 p.m. on the proposed Local Control and Accountability Plan (LCAP). The proposed LCAP is presented for the purpose of accepting public input prior to the adoption of the final budget at the June 13, 2023 Board meeting.

There was no public comment given.

The Public Hearing elicited no comments from the public and was closed at 5:10 p.m.

C. A Public Hearing was opened at 5:10 p.m. on the Napa County Office of Education’s proposed 2022-23 through 2024-25 budget. The proposed budget is presented for the purpose of accepting public input prior to the adoption of the final budget at the June 13, 2023 board meeting.

There was no public comment given.

The Public Hearing elicited no comments from the public and was closed at 5:30 p.m.

D. Kelsey Petithomme, Director, Early Childhood Services, and Jeanne Fridolfs, Local Childcare Planning Council & Program Enrollment Coordinator, Early Childhood Services, provided a PowerPoint on the benefits of Universal Prekindergarten including the early learning programs and timelines for children with different pathways to successful learning for 0-3 years old to Kindergarten level at 5 years of age. This presentation preceded Item 2.B. as previously approved.

The Board took a short break from 5:30 p.m. to 5:45 p.m.

3. CORRESPONDENCE, COMMUNICATIONS, AND REPORTS

- Mr. Donaldson reminded the Board that Rotary is holding a barbecue fundraiser Spirit of Rotary: Equine and Wine by the Shoreline on June 17, 4:00 – 8:00 p.m., at the Spirthorse Ranch in American Canyon.
- Ms. Waldinger reported that she attended the Senator Bill Dodd event at his home for elected officials.
- Mrs. Kresge thanked Dr. Nemko for bringing the PUC PacificQuest summer program to the Board’s attention at the last meeting.
- Mr. Parrott reported on the Pride flag raising event at the NCOE and how much he enjoyed being a part of it.
- Mrs. Biederman reported that she attended the American Canyon City Council meeting recently where the safe gun storage policy was adopted.
They will start educating the community through social media on how to safely store guns.

- Mrs. Biederman reported that she attended the NVUSD State of the District on May 8.
- Mrs. Biederman reported that she is a judge for the robotics video competition at American Canyon Middle School on June 9, and awards will be handed out on June 12.
- Dr. Nemko reported that she and Jill Barnes were invited by AASA to present at their conference on the social and emotional learning cards Dr. Nemko has from the Chan Zuckerberg Foundation.
- Dr. Nemko reported that the CAAASA group had their meeting at the NOCE on May 23, and Camille Creek students prepared lunch for them at the school. The highlight for Dr. Nemko was the students in their chef coats and the pride the students took in their work.
- Dr. Nemko reported that Congregation Beth Shalom had a meeting on Tuesday regarding concern over rising antisemitism. Dr. Nemko noted that the NVUSD is about to adopt an ethnic studies textbook and while the book is fine, there is no mention of Jewish heritage in the book. Dr. Nemko encouraged anyone who is interested to attend the NVUSD board meeting on June 8 to express the need to include a unit on Jewish Americans that is developed by their committee. There are many community members willing to help.

4. CONSENT AGENDA ITEMS
A. On a motion by Mrs. Kresge and a second by Mr. Parrott, the Board approved Consent Agenda Item 4.A. (Temporary County Certificates). Ayes – Mr. Parrott, Mrs. Cash, Mrs. Kresge, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger. Noes – None.

B. On a motion by Mrs. Kresge and a second by Mr. Parrott, the Board approved Consent Agenda Item 4.B. (Board Compensation – Mr. Huffman). Ayes – Mr. Parrott, Mrs. Cash, Mrs. Kresge, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger. Noes – None.

5. ACTION ITEMS
A. On a motion by Mrs. Kresge and a second by Mr. Donaldson, the Board approved the changes to Board Bylaw 9250 Remuneration, Reimbursement and other Benefits. Ayes – Mr. Parrott, Mrs. Cash, Mrs. Kresge, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger. Noes – None.

B. On a motion by Ms. Waldinger and a second by Mrs. Kresge, the Board approved Board Policy 0420.41 Oversight of County Charter Schools. Ayes – Mr. Parrott, Mrs. Cash, Mrs. Kresge, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger. Noes – None.

C. On a motion by Ms. Waldinger and a second by Mrs. Kresge, the Board approved the Golden Bell Nominations for: College and Career Readiness 4-Tiered Work-Based
Learning System and Career Fairs; Camille Creek Community School Family Centered Approach to Supporting Student Success; and Community Programs Addressing Youth Disparities through Targeted Supports. \textit{Ayes} – Mr. Parrott, Mrs. Cash, Mrs. Kresge, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger. \textit{Noes} – None.

D. On a motion by Mrs. Kresge and a second by Mr. Parrott, the board approved the Consolidated Application and Reporting System (CARS) 2023-2024 Application for funding Categorical Aid Programs. \textit{Ayes} – Mr. Parrott, Mrs. Cash, Mrs. Kresge, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger. \textit{Noes} – None.

E. On a motion by Mrs. Kresge and a second by Ms. Waldinger, the Board approved the Consolidated Application and Reporting System (CARS) 2023-2024 Protected Prayer Certification. \textit{Ayes} – Mr. Parrott, Mrs. Cash, Mrs. Kresge, Mr. Donaldson, Mrs. Biederman, Ms. Waldinger. \textit{Noes} – None.

\textbf{6. SCHEDULED MATTER}

Mrs. Kresge encouraged the Board to read the \textit{CSBA Daily News Roundup} regarding AB 938 which is a bill seeking to raise teacher pay 50 percent by 2030. The bill is currently going through revision.

\textbf{7. INFORMATION ITEMS}

A. The Board accepted the Personnel Activity Report as presented.

B. Mr. Schultz provided a First Reading of the County Board Exhibit 0420.41-E(1) Oversight of County Charter Schools. The Exhibit is a companion document to Board Policy 0420.41. The Exhibit enumerates the many different requirements involved that charter schools must comply with, and the Exhibit will be brought back for a Second Reading and Board approval at the June 13 meeting.

Mrs. Biederman requested that safe gun storage information be included under the Student Health category in County Board Exhibit 0420.41-E(1) Oversight of County Charter Schools for Mayacamas Charter Middle School.

Ms. Waldinger asked that Mr. Schultz send the terms of the new policy the Board is approving to Mayacamas Charter Middle School.

C. In following public disclosure practice, Mr. Schultz reported on the SEIU 1021 to Napa County Office of Education Bargaining Proposal for 2023-2024.

D. Ms. McClure reminded the Board to file Form 470 with Elections.

E. Mr. Parrott provided an updated summary on the Mayacamas Charter Middle School’s endeavors to include teachers and staff, marketing, enrollment, operations, and governance matters.

F. Dr. Nemko reminded the Board of the 2024 Officer Candidacy Nomination and Application form requirements for CCBE. The deadline to submit application and
nomination form is July 31, 2023. Mr. Parrott noted that he will consider an officer position.

8. FUTURE AGENDA ITEMS

9. NEXT MEETINGS OF THE NAPA COUNTY BOARD OF EDUCATION
A regular meeting of the Napa County Board of Education to approve the LCAP and Budget will be held Tuesday, June 13, 2023 at 3:30 p.m.

The next regular meeting of the Napa County Board of Education will be held Tuesday, July 11, 2023.

10. ADJOURNMENT
There being no further business, the meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Barbara Nemko, Secretary

Approved_______________________ ___________________  Date __________________________
EXL SUMMER PROGRAMS

Napa, Calistoga & Santa Rosa
SUMMER PROGRAM TIMELINE

**JUNE**
- Santa Rosa Session 1 Program: BUSD June 12-30
- WESD Start June 12
- Calistoga Program Start: June 20
- Napa Program Start: June 21

**JULY**
- Santa Rosa Session 1 Program: WESD End July 7
- Santa Rosa Session 2 Program: BUSD Start July 17
- WESD July 17-28
- Calistoga Program End: July 19
- Napa Program End: July 21

**AUGUST**
- Santa Rosa Session 2 Program End: BUSD End August 4
CURRENTLY SERVING TK-8TH GRADE STUDENTS

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<th>Students</th>
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<tr>
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<tr>
<td>Total:</td>
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<td>Grand TOTAL:</td>
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ACTIVITIES INCLUDE:

- ART CAMP
- STEM CAMP
- YOUTH CINEMA PROJECT
- LEGOS
- FIELD TRIPS
- GAMES & CLUBS!
FIELD TRIP FUN!
We have lots of field trips happening this summer. Come join us!

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<thead>
<tr>
<th>Napa</th>
<th>Santa Rosa</th>
<th>Funding Sources</th>
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<tbody>
<tr>
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<td>ELO-P</td>
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<td>Fairytale Town</td>
<td>Bodega Bay</td>
<td>CA State Parks: PORTS</td>
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<tr>
<td>&amp; More….</td>
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</table>

Exploratorium
THANK YOU!
TITLE:
Temporary County Certificates

HISTORY:
Education Code Section 44332 authorizes the issuance of Temporary County Certificates for the purpose of authorizing salary payments to certificated employees whose credential applications are being processed. The applicant must make a statement under oath that he or she has duly filed an application for a credential and that to the best of his or her knowledge no reason exists why a certificate should not be issued.

CURRENT PROPOSAL:
Consider approval of Temporary County Certificates. Such certificate shall be valid for not more than one calendar year from the date of issuance. In no event shall a Temporary Certificate be valid beyond the time that the commission either issues or denies the originally requested credential or permit. Therefore, it is necessary to process these certificates in a timely manner. This authorization extends to all public school districts under the Napa County Office of Education jurisdiction.

FUNDING SOURCE:
Not Applicable

RECOMMENDATION:
It is recommended that the Napa County Board of Education approve the issuance of the Temporary County Certificates presented at this July 11, 2023 meeting.

Prepared by: Sarah White
06/28/2023
TO:  Napa County Board of Education                  DATE:  July, 11 2023  
FROM:  Sarah White, Credentials Analyst                  Item 7-A  
RE:  Temporary County Certificates  

NAPA COUNTY OFFICE OF EDUCATION  
NAME                        TYPE                        DOJ CLEARED  

Keller, Jenny                Child Dev. Associate Teacher  6/6/2019  
Casas, Doralba               Child Dev Teacher                3/25/2013  

NAPA VALLEY UNIFIED SCHOOL DISTRICT  
NAME                        TYPE                        DOJ CLEARED  

Wilson, Monica               CD Supervisor Permit                  7/24/2014  
Dearborn, Annmarie           Supplement Auth- SPANISH                  10/24/2016  
Gooch, Kathryn               Adult ED, ESL ENGLISH                  8/21/2018  
Linneman, Kathryn            Admin Services                        5/17/2023  

FOR BOARD APPROVAL  
Waiver 72-HR  
Public Notice
Title:
Resolution 2023-11: AmeriCorps VIP 2023-2024 "AmeriCorps Volunteer Infrastructure Program" (VIP) AmeriCorps Program Contract

History:
The CalSERVES project, under the direction of Sara Sitch, operates an AmeriCorps funded program for the Napa County Office of Education. "CalSERVES Volunteer Infrastructure Program" utilizes AmeriCorps members to provide volunteer capacity building in non-profits and educational organizations. CalSERVES is funded under competitive grant programs every three years, but funds are actually awarded in annual contract increments.

Current Proposal:
This resolution is required in order to accept the 2023-2024 contracts and funding for the VIP Project up to the amount of $1,822,800.

Funding Source:
The Corporation for National and Community Service's AmeriCorps program awards funds to the State of California's community service agency, CaliforniaVolunteers – Office of the Governor (CV). CV then sub-awards funds to NCOE and other entities running AmeriCorps programs in California.

Specific Recommendation:
It is recommended that the Board adopt Resolution 2023-11 acknowledging and accepting responsibility for the grant awards and the contracts for the grant awards, approving the term and dollar amount of the contracts, and appointing the Superintendent and/or Chief Business Official to act on the behalf of the Board.

Prepared By:
Sara Sitch, Program Director
July 11, 2023
TITLE:

Resolution 2023-12: CalSERVES 2023-2024 "CalSERVES AmeriCorps Expanded Learning" AmeriCorps Program Contract

HISTORY:

The CalSERVES project, under the direction of Sara Sitch, operates an AmeriCorps funded program for the Napa County Office of Education. "CalSERVES Expanded Learning" utilizes AmeriCorps members to provide tutoring, mentoring, and family services that support academic achievement and character development. CalSERVES is funded under competitive grant programs every three years, but funds are actually awarded in annual contract increments.

CURRENT PROPOSAL:

This resolution is required in order to accept the 2023-2024 contracts and funding for CalSERVES Expanded Learning in the amount of $713,000

FUNDING SOURCE:

The Corporation for National and Community Service's AmeriCorps program awards funds to the State of California's community service agency, CaliforniaVolunteers – Office of the Governor (CV). CV then sub-awards funds to NCOE and other entities running AmeriCorps programs in California.

SPECIFIC RECOMMENDATION:

It is recommended that the Board adopt Resolution 2023-12 acknowledging and accepting responsibility for the grant awards and the contracts for the grant awards, approving the term and dollar amount of the contracts, and appointing the Superintendent and/or Chief Business Official to act on the behalf of the Board.

PREPARED BY:

Sara Sitch, Program Director
July 11, 2023
TITLE: Board Approval of a Memorandum of Understanding (MOU) Between NCOE and Mayacamas Charter Middle School (MCMS)

HISTORY:
It is generally considered best practice for charter authorizers to enter into an MOU with a charter school it authorizes to clarify the working relationship be the two parties regarding the operations of the charter school and the oversight of the charter by the authorizer. The MOU presented to the Board for approval was negotiated between NCOE staff and representatives of MCMS, based on a template provided by MCMS. NCOE legal counsel and North Bay Schools Insurance Authority also provided input. An earlier draft of the MOU was also provided to the Board Ad Hoc Committee on MCMS for feedback.

CURRENT PROPOSAL:
Requesting Board review of the attached MOU and consider approval.

FUNDING SOURCE:
NCOE unrestricted General Fund.

SPECIFIC RECOMMENDATION:
Board approval of the MOU.

Prepared by: Josh Schultz
7/5/23
MEMORANDUM OF UNDERSTANDING
REGARDING CHARTER SCHOOL OVERSIGHT AND OPERATIONS
by and between
NAPA COUNTY BOARD OF EDUCATION, NAPA COUNTY OFFICE OF
EDUCATION,
AND
THE NAPA FOUNDATION FOR OPTIONS IN EDUCATION
(OPERATING MAYACAMAS CHARTER MIDDLE SCHOOL)

This Memorandum of Understanding ("Agreement") is executed by and between
the Napa County Board of Education ("County Board") and the Napa County
Superintendent of Schools ("Superintendent"), collectively referred to herein as the
Napa County Office of Education ("NCOE"), and The Napa Foundation for Options in
Education, a California Nonprofit Public Benefit Corporation ("Foundation"), operating
Mayacamas Charter Middle School ("MCMS").

I. RECITALS

A. The County Board is a body elected pursuant to Education Code Section 1007
to govern the NCOE, in accordance with Education Code Section 1042,
collaboratively with the County Superintendent, an elected county officer.

B. The NCOE is a county office of education existing under the laws of the
State of California. The NCOE has independent constitutional and
statutory duties and responsibilities from those of the County Board.

C. The Foundation is a non-profit public benefit corporation, operating
MCMS, a charter public school formed and operating in accordance with
state law and under the oversight of the NCOE. The Foundation shall be
responsible for, and have all rights and benefits attributable to, MCMS as
further outlined herein, and where this Agreement obligates the MCMS to
a particular course of action, the Foundation is coextensively required to
fulfill such obligation. Hereinafter, Mayacamas Charter Middle School and
the Foundation are collectively referred to as the "Charter School".

D. The NCOE is the authorizing agency of the MCMS. On September 15, 2022
the California State Board of Education (SBE) approved the Petition for
MCMS for a five-year term, from July 1, 2023 to June 30, 2027 ("Term"),
and assigned oversight to NCOE.

E. This Agreement is intended to outline the agreement of the Charter
School and the NCOE governing their respective fiscal, legal, and
administrative responsibilities, their legal relationships and operation of
Charter School.

F. The terms of this Agreement are intended by both parties to become part
of the standards and procedures set forth in the Charter School’s Charter
II. AGREEMENTS

A. Term

1. Along with the Charter, this Agreement will govern Charter School’s operation of MCMS and its relationship with the NCOE.

2. Any modification of this Agreement must be in writing, executed by duly authorized representatives of both NCOE and Charter School, ratified by their respective Boards, and must indicate intent to modify or amend this Agreement.

3. The duly authorized representative of Charter School is either of the Co-Presidents or any designee thereof.

4. The duly authorized representative of the NCOE is the Superintendent or any designee thereof. In order to ensure consistency in communications, all communication regarding any aspect of the operation of Charter School shall be initiated by the designated representative of Charter School with the Superintendent of the NCOE, unless the Superintendent delegates this function to another employee of the NCOE.

5. This Agreement shall commence on July 1, 2023 and shall expire on June 30, 2027, subject to and effective upon approval of the parties’ respective governing boards, and effective until terminated in accordance with this Agreement.

6. By March 1 of each year of this Agreement beginning in 2024, both parties shall present any proposed revisions to this MOU. Both parties recognize the importance of ensuring an up-to-date MOU is in place for each school year and will make a good faith effort to finalize agreed upon changes to the MOU by June 1 of each year, to take effect the following fiscal year. If there is no agreement approved by both Boards by June 30 of each year, this MOU will extend by one year except those provisions made applicable to a specified year shall not extend.

7. This Agreement shall terminate automatically upon closure of Charter School for any reason, except as may be specified otherwise herein. “Closure” means that all legally required closure
processes are completed, including completion of a final audit as required by law.

8. Failure to comply with the material terms of the Agreement, as defined below, may constitute a material violation of the conditions, standards, or procedures set forth in the Charter in accordance with Education Code section 47607(f)(1). Obligations contained within this Agreement that mandate compliance with all applicable local, state and federal laws; compliance with applicable funding and contracting rules and requirements; applicable board governance, transparency and accountability requirements; Charter School insurance and indemnity coverage; Charter School personnel-related practices; and applicable student rights and protections are all material terms of this Agreement. Where specific timelines or responsiveness regarding reports or other evidence of compliance are set forth herein, a persistent, ongoing pattern of disregarding such timelines shall also be considered material.

B. State Funding under Local Control Funding Formula

1. The Charter School will be funded in accordance with the Local Control Funding Formula ("LCFF") and the Charter Schools Act.

2. LCFF includes accountability requirements. Charter School shall develop, adopt, and annually update a Local Control and Accountability Plan ("LCAP") using the SBE template approved for this purpose, with an annual update to be adopted each July 1 during the Term, in accordance with Education Code section 47606.5.

3. Charter School shall comply with the requirements of law in developing its LCAP including but not limited to:
   a. Consultation with teachers, principals, administrators, other school personnel, parents and pupils;
   b. Provide notice of the opportunity to submit written communication, consider stakeholder input, and approve in public meetings brought in conformity with the Brown Act;
   c. Adopt LCAP concurrent with the Charter School’s budget, submit to CDE and post on website.

4. Charter School shall comply with all accountability measures including the LCAP evaluation rubrics as may be revised by SBE from time to time, as well as the following:
   a. SBE regulations including but not limited to all requirements "to increase and improve" services for targeted students.
   b. Obtain parent and public input in developing, revising, and updating LCAPs.
   c. Submit the LCAP to the NCOE at same time as or prior submittal to the state.
   d. Cooperate and comply with all requirements of the State Superintendent of Public Instruction ("SPI") if and/or when
Charter School fails to show improvement across multiple subgroups in three out of four consecutive years as determined by SPI.

e. Charter School shall ensure that all LCFF funds are spent in accordance with the requirements of the law.

5. Charter School shall comply with Common Core State Standards (“CCSS”) requirements including any required State assessment systems, including, but not limited to, the California Assessment of Student Performance and Progress (“CAASPP”) system.

6. As applicable, Charter School shall publicize and link to the Charter School’s Student Accountability Report Card (SARC) on its website, update it annually by February 1, and notify parents or guardians of enrolled students that a copy of the SARC will be provided upon request.

7. Lottery funds – Charter School will be funded directly from the State for its share of lottery funds pursuant to Education Code section 47638. A portion of Lottery Funds must be spent on instruction, as dictated by the State.

8. Charter School may be eligible for Federal funding including, but not limited to: Title I, II, III, IV and VII, based on the qualification of Charter School’s students for such funding.

9. Charter School may receive funding from new or one-time funding sources available to schools or school districts, and the Charter School may apply for private grants. Grants written by and obtained by Charter School will come directly to Charter School and not go through the NCOE or be subtracted from the resources the NCOE would otherwise have allocated to Charter School.

10. If NCOE applies for additional sources of funding in the form of grants or similar funding at the prior written request of and for the benefit of Charter School, which it may do in its sole discretion, the NCOE will receive a percentage of the funds to be allocated to Charter School. The NCOE will charge the maximum indirect costs as allowed under law or as specified by the specific funding source. For example, if funds are generated on a per-eligible student basis, they shall be allocated to Charter School on a per-eligible student basis minus the administration fee (i.e., indirect cost fee) charged by the NCOE. Charter School shall cooperate fully with the NCOE in any applications made by the NCOE on behalf of the students of Charter School.

11. Charter School agrees the NCOE is not responsible for any loans or other financial commitments by Charter School for or on behalf of Charter School, or affecting, directly or indirectly, the assets or funds of the Charter School. Charter School shall provide NCOE with notice as soon as is practicable of its intent to incur short term debt for cash flow purposes or longer-term debt of any kind wholly or in part to support Charter School, the repayment of which, is
secured by, directly or indirectly, the funds or assets of the Charter School. Such notice shall set forth the amount of debt, the lender, and the general terms of the agreement and financing documents shall be made available for review upon NCOE’s request. Charter School shall ensure that all vendors, creditors, etc., are aware that the Charter School is independent of the NCOE and the NCOE has no responsibility for debts or obligations of the Charter School. In addition, Charter School shall provide to NCOE for review all documentation related to the short term or long-term debt as soon as practicable, but in any event no later than thirty (30) days after closing.

12. Foundation agrees that all revenue obtained by Foundation for the Charter School shall only be used in a manner consistent with its Charter, and with this Agreement, including any authorized amendments. All expenditures shall be in accordance with applicable law.

C. Legal Relationship

1. The Parties recognize that Foundation is a separate legal entity that operates the Charter School under the supervisorial oversight of the NCOE. Foundation shall maintain its nonprofit status in good standing with the Internal Revenue Service and with the State of California, and shall operate in compliance with its Bylaws and the Charter, and shall further ensure that the Charter School operates in compliance with all applicable laws.

2. Foundation shall be wholly and independently responsible for Charter School’s operations and shall manage its operations efficiently and economically. The NCOE shall not be liable for the debts or obligations of Foundation and Charter School, for claims arising from the debts or obligations of Foundation/ Charter School or for claims arising from the performance of acts, errors, or omissions by Foundation/ Charter School if the NCOE has complied with all oversight responsibilities required by law, including, but not limited to those required by Education Code Sections 47604.32 and 47605(m). Foundation agrees to indemnify the NCOE against any such claims as set forth in the Charter and this Section. This indemnification shall survive termination of this Agreement.

Charter School shall not enter into a contract or agreement to be managed or operated by any other non-profit benefit corporation (or any other corporation or entity) without the express written prior approval of the NCOE.

Charter School shall not have the authority to enter into a contract that would bind the NCOE, nor to extend the credit of the NCOE to any third person or party.

In addition to the indemnification obligations contained in the Charter, Foundation shall, to the fullest extent permitted by law, indemnify, defend, and hold harmless the NCOE, its officers, directors, employees, attorneys, agents, representatives, volunteers, successors and assigns (collectively hereinafter
“NCOE” and “NCOE Personnel”) from and against any and all actions, suits, claims, demands, losses, costs, penalties, obligations, errors, omissions, or liabilities, including legal costs, attorney’s fees, and expert witness fees, whether or not suit is actually filed, and/or any judgment rendered against NCOE and/or NCOE Personnel, that may be asserted or claimed by any person, firm or entity arising out of, or in connection with, Foundation’s performance under this Agreement or the Charter, the condition or use of its facilities, or any acts, errors, negligence, omissions or intentional acts by Charter School, its Governing Board, administrators, employees, agents, representatives, volunteers, successors and assigns, excepting only those claims, demands, actions, suits, losses, liability expenses and costs caused by the sole negligence or willful misconduct of the NCOE, its officers, directors and employees. This indemnification clause shall survive termination of this Agreement.

3. Charter School will comply with all applicable state and federal laws, including but not limited to the Ralph M. Brown Act, the California Public Records Act, all applicable conflict of interest laws as well as applicable nonprofit public benefit corporation laws, and all laws applicable pursuant to Education Code section 47604.1

Charter School shall also comply with all applicable federal and state laws concerning the maintenance and disclosure of student records, including, without limitation, the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A. § 1232g), all applicable state and federal laws and regulations concerning the improvement of student achievement, including, without limitation, applicable provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C.A. § 6301, et seq. as authorized and amended by the Every Student Succeeds Act (hereinafter the law, state and federal regulations referred to herein as “ESSA”) and agrees to take appropriate remedial action if notified by the NCOE, State of California, and/or Office for Civil Rights or other federal or state administrative agency charged with enforcement of these laws, of a violation of any of the foregoing. Notwithstanding Education Code section 47610, the Charter School shall comply with the Education Code sections 49060 through 49079.

4. Any complaints or concerns (including complaints filed with OCR, CDE, EEOC, or FEHA) received by the NCOE about any aspect of the operation of Charter School including Charter School’s operations or employees shall be forwarded by the NCOE to Charter School. Charter School shall inform the NCOE of how such concerns or complaints are being addressed, and the resolution of
each complaint. Charter School shall handle its own uniform complaints pursuant to a Uniform Complaint Procedure adopted in accordance with California Code of Regulations, Title 5, Section 4600 et seq. and all complaints, including but not limited to parent complaints, shall be addressed without delay. The NCOE retains the authority to investigate any complaints received, in its sole discretion.

D. Oversight Relationship

1. Oversight Obligations: NCOE oversight obligations include, but are not limited to, the following:

   a. Review and revision of this Agreement and any subsequent agreements to clarify and interpret the Charter and amendments to the Charter and the relationship between Foundation and the NCOE with regard to the Charter School.

   b. Monitoring performance and compliance with the Charter and with applicable laws, including but not limited to the following:

      - Identifying at least one staff member as a contact person for the Charter School;
      - Visiting Charter School at least once per year;
      - Ensuring that Charter School submits the reports and documents identified in subsection (D)(1)(f) below;
      - Monitoring the fiscal condition of Charter School;
      - Notifying the State of California upon the occurrence of any of the events described in Education Code section 47604.32(a)(5).

     Charter School shall promptly respond to all reasonable inquiries of the NCOE, including, but not limited to, inquiries regarding its financial records.

   c. Any process conducted in compliance with Education Code section 47607 related to the issuance of a Notice of Violation or other corrective notice related to Charter School’s operations, including document requests, hearings, notices, and investigations, and monitoring efforts to remedy operational problems identified by the NCOE.

   d. Data required to be submitted pursuant to this Section shall be submitted in electronic form if requested by the NCOE.

   e. Charter School shall comply with Generally Accepted Accounting Principles (GAAP) applicable to public school finance and fiscal management. Charter School shall maintain a minimum budgetary reserve for economic uncertainties with regard to the Charter School in an amount to be determined appropriate by State law, or not less than 5% for the budget year or two subsequent fiscal years, or as otherwise agreed upon by the Parties.
f. For purposes of fiscal oversight and monitoring by the NCOE, the NCOE requires Charter School to provide information and documentation related to Charter School’s operations. Charter School shall provide all information and documentation in the form and at the times specified by the NCOE below. Whether included in the Report or not, Charter School shall provide the NCOE with a copy of the following documents, data and reports, in the form and at the times specified.

(A) **Student Data**

Charter School shall submit student enrollment projections within the budget report to the NCOE by June 1 of the preceding school year each year. Any additional student data information with respect to Charter School shall be provided to the NCOE within five (5) business days of request by NCOE personnel.

Charter School shall maintain contemporaneous written records of enrollment and ADA and make these records available to the NCOE for inspection and audit upon request. Charter School shall provide copies of the P-1, P-2, and annual state attendance reports to the NCOE by each report’s submission deadline. Copies of amended state attendance reports, if any, shall be provided to the NCOE within 3 weeks of discovery of the need for making such an amendment. Charter School shall be responsible for reporting all necessary information for the California Longitudinal Pupil Achievement Data System (CALPADS) to the CDE. Such reports must be generated using the Attendance Reporting software as applicable to charter schools. Charter School shall ensure that coding of student information conforms to NCOE student information system requirements.

Charter School’s student discipline policies shall be posted on the Charter School’s website and provided to the NCOE whenever revised or updated.

Charter School shall provide a designated NCOE employee with access to its student Information System (SIS), including any electronic special education records.

(B) **Personnel Data/Credential Data**

Charter School staffing data shall be available to the NCOE on an annual basis and prior to commencement of each school year. Teacher credentials, clearances, and permits shall be maintained on file at Charter School and shall be
subject to periodic inspection by the NCOE. Charter School will maintain on file, and available for inspection, evidence that background checks were conducted and all employees were cleared prior to employment. Charter School will provide to the NCOE written assurances of compliance with Education Code section 44237 at the commencement of each school year, not later than September 15.

Charter School shall report employment status changes for credentialed employees based on allegations of misconduct to the Commission on Teacher Credentialing (“CTC”) within 30 days pursuant to Education Code sections 44030.5.

(C) Budget/Financial Data

Budget Data:

A preliminary budget that has been approved by Charter School’s Governing Board shall be provided to the NCOE on or before the dates described below under “Financial Data.” All key budget variables, including revenue, expenditure, debt, beginning and ending balance variables shall be defined.

Copies of budget revisions shall be provided to the NCOE within two weeks of revision, upon approval by Charter School Governing Board.

A copy of any revisions to Charter School budget guidelines, policies, and internal controls shall be provided to the NCOE within four weeks of adoption of revisions. Updates shall be specifically noted for ease of reference and review.

Financial Data:

Bank account reconciliations for Charter School will be the responsibility of Charter School.

Charter School shall submit reports in accordance with Education Code Section 47604.33 within two (2) weeks of adoption by the Charter School Governing Board and no later than the statutory deadlines as follows:

1. Preliminary budget on or before July 1
2. Annual LCAP update on or before July 1
3. First interim financial report on or before December 15
4. Second interim financial report on or before March 15
5. Final unaudited report for the full prior year on or before September 15


The above reports must be submitted to the NCOE accompanied by supplemental information, as needed, including but not limited to, the following:

1. Explanations and/or budget assumptions for revenues and expenditures;
2. Explanation of significant growth or decline in average daily attendance (ADA);
3. Summary of certificated and classified employee salary data and health and welfare benefit information;
4. Explanation of significant changes in the budget or interim reports from one reporting period to the next period;
5. Statement of cashflow for the current and subsequent fiscal year; and
6. Disclosure of all multi-year fiscal obligations such as loans, lines of credit, etc., for the next three years.

Financial Audit:

Charter School shall provide a copy of Charter School’s Audited Financial Report to the NCOE, the State Controller, and the California Department of Education by December 15 of each year or as otherwise specified by statute. Foundation’s CEO will review any audit exceptions or deficiencies and report to the Charter School Governing Board with recommendations on how to resolve them. Charter School will submit a report to the NCOE describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the NCOE along with an anticipated timeline for the same. Any disputes regarding the resolution of audit exceptions and deficiencies will be resolved through the process described in the Charter.

Charter School shall, upon request by the NCOE, present a report to the NCOE’s Board on Charter School’s fiscal solvency. This presentation shall be made at an agendized meeting of the County Board and the report shall include review of the Charter
School’s ADA, revenue, expenditures, debt, audit findings, and compliance with revenue based programs and grants such as the National School Lunch Program and the Public Charter Schools Grant Program.

(D) **Governance Data/Meeting Information**

Charter School will post on its website all Bylaws and governance policies adopted by its Governing Board.

Charter School will comply with the Ralph M. Brown Act and the additional Board meeting requirements under Education Code section 47604.1. Copies of meeting agendas for meetings of the Charter School Governing Board and all committees thereof, including the Executive Committee, if any, shall be posted at the Charter School facility and on its website. Agenda packets, if any, shall be made available to the public at the time they are distributed to the Board pursuant to the Brown Act.

Charter School shall provide the NCOE with copies of Board and committee agendas and packets, no later than the time of posting agendas on the Charter School’s website.

Minutes shall be approved at the subsequent meeting of the Charter School Governing Board or committee thereof or as soon thereafter as is practicable, and meeting minutes shall be maintained by Charter School.

Charter School shall establish an annual calendar listing the dates of its regular meetings and provide the locations of those meetings so that members of the public may elect to attend such meetings in person. Regardless of specific meeting location, Charter School will ensure that all Board and committee meetings are accessible to the public and may be attended in person if desired.

Charter School shall annually (on or before July 1 of each year) send to the NCOE a list of its Governing Board directors and officers, including addresses, email addresses and phone numbers at which they may be reached if necessary by the NCOE, as well as a list of all Board subcommittees and their members. The Charter School shall notify the NCOE within 30 days of any change in the composition of the Charter School Board including directors and/or officers.

The County Board may designate a representative
to sit on the Charter School Board. The County Board representative will have the right to attend meetings and fully participate as a voting representative, subject to otherwise applicable conflict of interest rules. Neither attendance nor participation in such meetings shall act or be interpreted as approval or action by the NCOE. Regardless of such appointment and participation, the NCOE and Charter School remain separate legal entities. If addition of a County Board representative to the Board results in an even number of Board members, Charter School may add an additional Board member to raise the total Board membership.

(E) Personnel Policies

A copy of Charter School employee handbook shall be provided to NCOE upon commencement of the first school year and annually thereafter by September 1, if there are any changes.

(F) Risk Management Data

Charter School shall establish and institute risk management policies and practices and provide copies to NCOE upon request. Copies of all policies of insurance and memoranda of coverage shall be provided by Charter School to the NCOE annually no later than July 1st. The NCOE shall be named as an additional insured. Should insurance expire or lapse for any reason, Charter School shall immediately inform the NCOE, and Charter School shall not operate unless and until full coverage as set forth in Section II.G of this Agreement is reinstated. The Charter School shall, upon request, promptly provide the NCOE with complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by this Agreement.

A copy of the Charter School Health and Safety related plans, policies, and/or handbooks will be maintained by the Charter School, posted on the Charter School’s website, and provided to the NCOE annually no later than two weeks prior to the commencement of school annually, and within five (5) school days of receipt of a written request from the NCOE.

(G) Programmatic/Performance Audit

Charter School shall prepare an annual performance review and present such review to the County Board
at a public meeting of the County Board on or about March 1 each year, the specific date to be mutually agreed between NCOE and Charter School.

The performance review shall include all information necessary to demonstrate that Charter School is meeting the applicable accountability standards and legal requirements as defined by the State of California, the Charter, and this Agreement, and operating in a legally compliant and fiscally responsible manner for the then current school year. The first performance audit report of the Charter term shall also include, among other things: a review of budget and financial status including discussion of any debt incurred by Foundation on behalf of the Charter School; a discussion of the educational program being delivered at the Charter School; an analysis of whether student performance is meeting the goals specified in the Charter using data displayed on a school-wide basis and disaggregated by major racial and ethnic categories, socio-economic status, English learner status, and/or disability; an overview of Charter School’s admissions practices during the year and data regarding the numbers of students enrolled and the number on waiting lists; student data regarding student discipline, expulsion, number of students disenrolled and reasons for disenrollment; analysis of the effectiveness of Charter School’s internal and external dispute mechanisms and data on the number and resolution of disputes and complaints; as well as any updates on the Charter School’s operations.

(H) Instructional Materials

A list of core instructional materials by grade and content will be maintained by the Charter School and shall be made available to the NCOE within five (5) school days of receipt of a written request from the NCOE.

(I) Other

Charter School shall provide such other documents, data and reports as may be reasonably requested or required by the NCOE or the County Board.

2. Oversight Fees: Charter School shall pay the NCOE one percent (1%) of Charter School revenues to compensate for the actual cost of oversight. The parties recognize that the actual cost of oversight services exceed the maximum one percent authorized by Education Code Section 47613 and the parties agree that the NCOE does not have to maintain a detailed accounting of staff
time related to oversight. “Charter School revenue” means the
general purpose entitlement as defined in subdivisions (a) and (b)
of Section 47632 computed by the local funding formula pursuant
to Education Code Section 42238.02, will invoice the Charter
School for this amount at the end of each fiscal year. The
invoice will be adjusted based upon final revenue for that
year as reflected in the Charter School’s Audited Financial
Report. Invoices are due and payable to the NCOE within
thirty(30) days of receipt.

3. **Administrative Services**: Foundation has the obligation to provide
all administrative services necessary to operate Charter School.
Charter School may provide these services directly or may
contract with a third party to provide services, including the
NCOE. If Foundation purchases services from a third party other
than the NCOE, it shall ensure that the NCOE is able to access all
information regarding Charter School maintained by the third
party service provider.

**E. Special Education and Student Issues**

Charter School is a local education agency (LEA) and is pending
membership of the Los Angeles County Charter SELPA (SELPA) and as
such, is solely responsible for the delivery of special education services
to its students in accordance with the roles and responsibilities outlined
in Exhibit A hereto, which is incorporated by reference into this
Agreement as though set forth fully herein.

**F. Student Recruitment and Diversity**

1. Charter School agrees to take all reasonable steps necessary to recruit
and enroll the target population described in Element I of the Charter,
with the goal of achieving approximately 60% socio-economically
disadvantaged and 50-60% non-white student enrollment, including
but not limited to the strategies and partnerships described in Element
VII of the Charter. NCOE shall monitor, as part of its statutory
oversight duties, Charter School’s implementation of the Charter in its
practices and policies relevant to access and equity.

2. The Charter School’s Governing Board shall review outreach and
recruitment efforts annually, including reviewing outreach material
content and languages, locations and frequency of recruiting
activities, and compare with geographic information of applicants; and
shall direct Charter School staff to broaden outreach efforts as needed
in order to achieve the goal of enrolling a student population that is
reflective of the general population residing within the territorial
jurisdiction of the District.

3. Each of Charter School’s admission preferences shall be approved by
the County Board at a public hearing, shall not require mandatory
parental volunteer hours as a criterion for admission or continued
enrollment, and shall comply with all requirements of Education Code
section 47605(e).
G. Student Withdrawal

When a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the NCOE and the superintendent of the school district of the pupil’s last known address (if different from the NCOE) within 30 days, and shall, upon request, provide that school district a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information.

No student may be involuntarily disenrolled from the Charter School without compliance with the Charter and applicable law (Education Code Section 47605(b)(5)(J)(iii)).

H. Insurance and Risk Management

Foundation shall purchase and maintain insurance at its own expense to cover all aspects of the operations of Charter School and the Foundation, including those coverages listed below. Foundation shall annually supply the NCOE certificates of insurance, evidencing the purchase and maintenance of such coverage at all times during the period in which the Charter is in effect. The NCOE shall be an additional insured on all Charter School policies, and Charter School insurance is to be primary and any insurance or indemnity protection maintained by the NCOE, its officers, officials, employees, or volunteers shall be in excess of the Charter School’s insurance and shall not contribute to such coverage(s).

1. Comprehensive General Liability, Employment Practices, Directors and Officers, and Professional Liability coverages, whether in one policy or multiple primary or excess policies, containing a combined or individual limit of liability of no less than fifteen million dollars ($15,000,000) per occurrence/claim and in the aggregate, with the deductible/self- insurance retention not to exceed $50,000 per occurrence, with a cyber coverage or amendatory endorsement that provides at least $1 million in liability, breach response, and first party coverages. Such minimum limits of policies shall in no event limit the liability of the Charter School hereunder. Insurance shall include coverage for claims against the Charter School, its elected or appointed officials,
employees, agents, volunteers and students (interns while acting on behalf of the Charter School) arising out of errors and omissions, abuse and molestation, and employment practices liability. All insurance policies, including those referenced below, shall name as additional insured/additional covered party, by way of separate endorsement, the NCOE, its elected or appointed officials, employees, agents and volunteers; the Superintendent, his or her employees, agents, and volunteers; and the County Board and its members. The policy or policies shall provide that this insurance shall be primary with respect to any liability or claimed liability arising out of the performance or activities by the Charter School under this Agreement or the Charter School’s use of school facilities, and that any insurance procured by the NCOE, its elected or appointed officials, employees, agents and volunteers, or by the County Board and its members, shall be excess and shall not be called upon to contribute until the limits of the insurance provided hereunder shall be exhausted. If commercially reasonable, each policy shall provide that it shall not be canceled or materially changed without first giving thirty (30) days prior written notice to NCOE and the County Board. In any event, Charter School shall not cancel or materially change a policy without first giving thirty (30) days prior written notice to NCOE and the County Board.

2. **Automobile Insurance.** Charter School shall maintain automobile liability insurance, including non-owned and hired coverage with a minimum per accident limit of two million dollars ($2,000,000) any one claim, and $5,000,000 in the aggregate, and further including uninsured/underinsured motorists coverage, for any injuries to persons (including death therefrom) and property damage in connection with the Charter School’s activities under this Agreement.

3. **Worker’s Compensation Coverage.** Charter School is to procure and maintain, for the duration of this Agreement, Workers’ Compensation insurance against claims for injuries to the Charter School’s employees, volunteers, and students in any work experience program in accordance with such insurance as required by the State of California Labor Code and Employers Liability coverage.

4. **Professional Liability.** Charter School is to procure and maintain Professional Liability (Errors and Omissions) Insurance (including employment practices coverage) with limits not less than Two Million Dollars ($2,000,000) each occurrence.

5. **Sexual abuse/molestation.** Charter School shall maintain sexual abuse/molestation insurance in an amount no less than one million dollars ($1,000,000) per occurrence.

6. Charter School shall obtain necessary insurance commensurate with its corporate status and assets.

7. **Coverage Period.** If any policies are written on a claims-made form, Charter School agrees to maintain such insurance continuously in force for three years following termination or revocation of the Charter or extend the period for reporting claims.
for three years following the termination or revocation of the Charter to
the effect that occurrences which take place during this shall be insured.

8. **Property Losses.** Charter School shall maintain property coverage for
replacement value. NCOE is not responsible for real or personal
property losses suffered by the Charter School, its elected or appointed
officials, employees, agents, volunteers or students. Charter School
shall be solely responsible for obtaining adequate property insurance
for Charter School’s personal property, building improvements and any
real property/buildings owned by the Charter School.

9. **Risk Management Policies.** The Charter School must have adopted a
resolution or policy/policy handbook with administrative rules and
regulations in regards to risk management and safety, which shall be
posted on the Charter School website.

10. **Claims Guidelines.** The Charter School must adhere to established claim
reporting guidelines, especially as they relate to timeliness and
completeness of reporting, and providing assistance requested by the
carrier or its representative in the investigation and defense of a claim.

11. **Athletics Information.** Charter school shall provide a Concussion and
Head Injury Information Sheet (“Form”) to any student athlete on a
yearly basis and the athlete shall not commence practice or competition
until the Form is signed and returned by the athlete and the athlete’s
parent or guardian.

12. **Field Trips.** The Charter School shall obtain parent or legal guardian
permission for all voluntary field trips, excursions or on- campus
extracurricular activities. An Assumption of Risk Form shall be signed
by all parents/legal guardians and release shall include acknowledgment that such trips, excursions or extracurricular activities
are not affiliated with the NCOE. Student participants twelve years of
age or older shall also sign the Assumption of the Risk Form.

13. **Assumption of Risk Forms.** All extracurricular athletic activities or
student body groups involving off-campus activities shall require an
assumption of risk form to be signed by the participant and parent/legal
guardian. Such forms and release shall include acknowledgment that such trips, excursions or extracurricular activities are not affiliated with the NCOE.

14. **Sexual Harassment Complaints.** The Charter School shall follow
established guidelines applicable to charter schools and consistent with
the Charter, employment agreements, and personnel policies in regards
to termination of employees, handling sexual harassment complaints
and conducting business in a nondiscriminatory manner and must
comply with applicable local, state and federal laws and
regulations, including Title IX.

15. **Use of Independent Contractors.** If Charter School decides to use the
services of independent contractors rather than hiring employees, the
Charter School shall be responsible for properly risk managing those
activities and correctly classifying those individuals. The Charter School
shall also assume all responsibility for any taxes and penalties, which may be assessed by the State of California and/or Internal Revenue Service.

16. **Handling of Hazardous Materials.** The Charter School shall agree to provide appropriate safety training to students in classes involving the handling of hazardous materials. Such training shall include, as a minimum, students' understanding of a material safety data sheet and how to interpret it, and instruction on the proper handling of the hazardous materials in the classroom to avoid exposures.

17. **Child Abuse Reporting.** Charter School shall ensure that its staff comply with the Child Abuse and Neglect Reporting Act (California Penal Code section 11164 et seq.), including the identification and reporting of child abuse and neglect as well as all mandated reporter training requirements applicable to school employees under Education Code section 44691(b).

18. **Insurance Policy Requirements.** The Charter School shall follow safety guidelines mandated in their insurance policy agreement. The Charter School shall conduct a risk management audit, at its own expense, every other year to verify compliance safety guidelines. Such audit shall be provided to the NCOE within two weeks of receipt by the Charter School.

19. **Risk Management Program.** The Charter School shall establish and maintain a risk management program. A report of the risk management program operation shall be submitted to NCOE not later than October 31 each year. The components of the report should include the Designated Safety Officer and establish that the following are in place:
   
   a. Injury Illness Prevention Plan
   b. Bloodborne Pathogen Training
   c. Hazard Communication Program
   d. Emergency Management and Safety Plan
   e. Documentation of Employee Safety Training
   f. Annual Safety Inspections

I. **Business Services and Vendor Contracts**

As of the date of this Agreement, Charter School has engaged ExEd to provide business services including but not limited to payroll, accounting and budgeting, attendance accounting, and fiscal reporting. Charter School will provide NCOE a copy of the agreement with ExEd for information purposes.

If Charter School enters a future contract with ExEd or another back office services vendor, Charter School shall provide a copy of the complete contract to NCOE upon execution. NCOE agrees to consult with and assist Charter School with regard to evaluating such contracts upon request.

J. **Human Resources Management**

1. **Employment Status.** All staff working at the Charter School are employees of or otherwise contracted for by Charter School. Charter
School shall have sole responsibility for employment, management, salary, benefits, dismissal and discipline of its employees.

2. **EERA.** Charter School will be considered the exclusive public school employer of the employees at the Charter School for purposes of the Educational Employment Relations Act.

3. **Federal Requirements.** Charter School agrees to comply with applicable federal statutory and regulatory requirements for teachers and paraprofessionals used for instructional support as set forth in ESSA. Charter School will maintain documentation on file of its core teachers’ credentials and promptly provide such documentation to the NCOE for inspection upon request.

**Fingerprinting/Background Checks.** Charter School shall be responsible for ensuring compliance with all applicable fingerprinting and criminal background investigation requirements. No individual may begin employment or be in contact with students that has not received full clearance.

**K. Transportation**

1. All responsibility for transportation services, if offered, will be provided by Charter School, including transportation for field trips. Transportation services or support shall be provided in accordance with the California Vehicle Code and any other law applicable to public school transportation.

2. To the extent the Charter School provides transportation to or from school or a school activity (e.g., field trip), it shall prepare a Transportation Safety Plan containing procedures for school personnel to follow to ensure the safe transport of pupils consistent with Education Code section 39831.3.

**L. Nutrition Services**

Absent a separate written agreement to the contrary, Charter School will be responsible for providing its own food services. Charter School shall provide nutritious lunches and snacks to children at reasonable prices in conformity with the National School Lunch Program and state law. The program must be open to all enrolled children. Charter School shall fully comply with all state and federal laws governing free and reduced price lunch/meals.

**M. Educational Program**

1. Subject to NCOE oversight and compliance with its Charter and applicable state and federal law, Charter School is autonomous for the purposes of, among other things, deciding Charter School’s educational program with the understanding that the educational program shall comply with the Charter.

2. Charter School calendar shall be submitted to the NCOE annually on or before July 1 to the NCOE for review and verification of compliance with instructional day and minutes requirements. Updates to the calendar shall be provided to the NCOE within 10 days of any changes.
3. It is understood that Charter School shall meet or pursue the adequate applicable accountability provisions under state and federal law.

N. Facilities

Charter School intends to locate at 983 Napa Street, Napa, California in a private facility. Charter School shall comply with all applicable building code requirements as administered by the City of Napa, as the local building enforcement agency with jurisdiction. The facilities shall meet the requirements of the Americans with Disabilities Act as applicable and shall be approved by the local fire marshal for the use intended. Charter School agrees to test fire systems annually at its facilities to ensure that they are maintained in an operable condition at all times. Charter School shall conduct fire drills regularly and shall maintain records of such drills. Charter School may not establish more than one site or facility without seeking material revision of its Charter document from the NCOE’s Board.

O. Renewal

The parties recognize that Charter School will be required to meet the requirements of Education Code section 47605 as a condition for renewal. If Charter School intends to apply for a renewal of its charter, it should submit its petition no later than six (6) months in advance of the end of its current term or as otherwise agreed with the NCOE. Every renewal petition must, at a minimum, include a demonstration of Charter School's compliance with academic renewal criteria, and must address any changes in the law that have occurred since the Charter School’s last approval. The Petition shall be redlined to show all edits made to the Petition since the last version approved by the NCOE.

P. Response to Requests

Pursuant to Education Code section 47604.3, Charter School shall respond promptly to all reasonable written requests of the NCOE. As a nonprofit public benefit corporation operating publicly funded charter schools, Foundation agrees that its records that relate to Charter School shall be open to public inspection pursuant to the terms of the California Public Records Act.

Q. Designees

Any notice, documentation, and/or information required or permitted to be given under this Agreement shall be deemed to have been given, served and received if given in writing and personally delivered or sent by overnight delivery service or electronic mail, addressed as follows:

If to the NCOE: NCOE
Attn: Superintendent
2121 Imola Ave
Napa, CA 94559
Email: jschultz@napcoe.org
Phone: (707) 253-6832
If to Charter: Napa Foundation for Options in Education  
Attn: Head of School  
983 Napa St  
Napa, CA 94558  
Email: info@napaoptionsforeducation.org  
Phone: (707) 804-8113

Either Party’s duly authorized representative, as set forth herein, may provide changes to the above-stated designees and contact information by providing notice pursuant this section, which shall not be considered a modification to the Agreement under section II.A.2.

R. **Provision of Documents**

With both parties understanding that some state, federal and county documents directed toward Charter School may be mailed to the NCOE, the NCOE agrees to pass on such documents and forms to Charter School in a timely manner, so it may complete its legal obligations. Charter School has full responsibility for the forms and documents it receives directly and those which it must access on the internet on its own.

S. **Non-Assignment**

Neither party shall assign its rights, duties or privileges under this Agreement, nor shall either party attempt to confer any of its rights, duties or privileges under this Agreement on any third party, without the written consent of the other party. The replacement of Foundation with any other nonprofit corporation or other operating body or governance structure shall be treated as a material revision of the Charter, subject to the review and approval of the NCOE pursuant to applicable provisions of the Education Code.

T. **Severability**

If any provision or any part of this Agreement is for any reason held to be invalid or unenforceable or contrary to public policy, law or statute and/or ordinance, the remainder of this Agreement shall not be affected thereby and shall remain valid and fully enforceable.

U. **Reimbursement of Mandated Costs**

Charter School shall seek reimbursements of its mandated costs, if any, directly from the State.

V. **Board Training**

Charter School shall adopt, maintain, and implement a policy which provides for and requires not less than one hour per year of training for Charter School Board members, from outside legal counsel or other qualified experts, regarding the legal obligations of Board membership, including compliance with Brown Act requirements and avoiding conflicts of interest. Charter School shall confirm that Charter School Board members have participated in the training in the annual report.
III. MISCELLANEOUS

A. **Independent Entities.** The Parties intend that the Charter School and the NCOE are separate legal entities. No agent, employee or servant of Charter School shall be deemed to be the employee, agent or servant of the NCOE except as expressly acknowledged in writing by the NCOE. Charter School will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants and subcontractors.

B. **Venue.** The validity of this Agreement and any of its terms or provisions as well as the rights and duties of the Parties shall be governed by the laws of the state of California, and venue shall lie only in Napa County.

C. **Interpretation.** The language of this Agreement shall be construed as jointly proposed and jointly accepted, and in the event of any subsequent determination of ambiguity, the Parties shall be treated as equally responsible for such ambiguity.

D. **Entire Agreement.** This Agreement is intended by the Parties as the final expression of their agreement with respect to such terms as are included herein and as the complete and exclusive statement of its terms and may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement, nor explained or supplemented by evidence of consistent additional terms. The Parties acknowledge that no one has made any promise, representation, or warranty whatsoever, express or implied, written or oral, not contained herein to induce them to execute this Agreement, and that this Agreement is not executed in reliance upon any such promise, representation, or warranty.

E. **Binding Effect.** This Agreement is binding upon the successors and assigns of the Parties, subject to the non-assignability restrictions set forth in this Agreement.

F. **Authority.** Each person below warrants and guarantees that she/he is legally authorized to execute this Agreement on behalf of the designated entity and that such execution shall bind the designated entity to the terms of this Agreement subject to ratification by the Parties respective governing boards.

G. **Counterparts.** This Agreement may be signed in counterparts such that the signatures may appear on the separate signature pages. Signature pages transmitted by facsimile or electronic mail or by photocopy shall have the same force and effect as signature of the original.

This represents the full and final agreement between Charter School and the NCOE with regard to those matters contained herein, and shall only be modified in writing by the mutual agreement of the parties.

This Agreement shall take effect upon approval by the parties and signature by their duly authorized representatives pursuant to section I.A. The Charter School’s Head of School shall sign this Agreement within two weeks of starting in this role.
EXHIBIT A

SPECIAL EDUCATION

TERMS

This Exhibit “A” is hereby incorporated into the Memorandum of Understanding (“Agreement”) Regarding Charter School Oversight and Operations by and between the Board of Education, the Napa County Office of Education, and The Napa Foundation for Options in Education (Mayacamas Charter Middle School), a public benefic corporation (hereinafter, Mayacamas Charter Middle School and The Napa Charter School for Options in Education are collectively referred to as “Charter School”).

I. INTRODUCTION

a. This document is intended to describe the respective fiscal and administrative roles and responsibilities, the parties’ legal relationship, and the operation of the Charter School, with regard to special education only.

b. Pursuant to Education Code section 47641, subdivision (a), the Charter School is pending membership as a local educational agency member of Los Angeles County Charter SELPA, and hereby acknowledges its responsibility as an LEA. The Parties agree any modification to this status, whether by Charter School’s seeking LEA membership in a different SELPA or becoming a school of the NCOE for purposes of special education requires notice under Education Code section 56195.3, and modification of this Agreement. Becoming a school of the NCOE for purposes of special education requires NCOE approval.

II. SPECIAL EDUCATION SERVICES

a. IDEA: The Charter School will ensure that no student is denied enrollment on the basis of special education status or disability. The Charter School is solely and independently responsible for compliance with the Individuals with Disabilities Education Act (“IDEA”) and State special education laws, in regard to the determination, provision and financing of special education placement and services for all students seeking to and/or enrolled at the Charter School.

b. Non-Discrimination. Charter School shall ensure that no student otherwise eligible to enroll in Charter School will be denied admission or enrollment to Charter School due to his/her special education status or disability, or due to Charter School’s inability to provide necessary services. (Ed. Code § 47605(d)(1).) Charter School shall ensure that no qualified student with a disability is excluded from participation, denied the benefits of, exited from, or otherwise subjected to discrimination under any program of Charter School, on the basis of his/her disability.

Charter School acknowledges that no Charter School employee, agent, and/or representative, shall take any action to encourage, persuade, and/or cause parents/guardians of any student with an Individualized Education Program (“IEP”) seeking to enroll in the Charter School, to agree to a different level of services other than that specified in the student’s IEP.
Charter School shall ensure a continuum of services/placement is available to meet the needs of students with disabilities and shall not deny enrollment nor require a student to exist Charter School if the provision of Free and Appropriate Public Education ("FAPE") requires a more intensive level of support, such as special day class, nonpublic school, or residential care.

c. **Expertise and Responsibility of Charter School:** The Charter School manages its special education budgets, personnel, programs and services. Charter School shall employ qualified, credentialed employees or contract with qualified third-party providers to provide all necessary and appropriate special education placement and services to its students. Those individuals shall ensure all eligible students are appropriately and timely identified and receive a free appropriate public education by understanding and accepting sole responsibility for the discharge of all necessary duties and/or services, including but not limited to:

i. Child find;

ii. Interim programs;

iii. Referral;

iv. Assessment;

v. Development, implementation, review, and revision of IEPs;

vi. Placement;

vii. Special education instruction;

viii. Related services;

ix. Least restrictive environment;

x. Due process;

xi. Discipline/manifestation determination;

xii. Transportation;

xiii. Transition services; and

xiv. Compliance with procedural safeguards.

d. **SELPA Policy.** At least annually, and more frequently as updated, the Charter School will provide the NCOE with a copy of all SELPA policies, procedures, and other requirements regarding special education.

e. **NCOE Inquiries.** Charter School will promptly respond to all reasonable NCOE requests for access to Charter School student records as required to fulfill any obligation imposed by law.

f. **Section 504.** The Charter School shall comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act ("ADA"), and all Office for Civil Rights mandates for students enrolled in the Charter School. The Charter School understands that it is solely responsible for its compliance with Section 504 and the ADA, and that this is not a special education service for which special education funds may be used, even though students at the Charter School may be eligible for such services under Section 504. The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of the disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student who has an objectively identified disability which substantially limits a major life activity such as learning is eligible for accommodation by the Charter School. The Charter School shall adopt legally compliant Section 504 policies, procedures and forms, and

Exhibit A
MOU – Charter School
shall post these on the Charter School website. These policies, procedures and forms will describe how the Charter School will:
1. Respond to requests from parents for evaluation and/or services;
2. Conduct evaluations of students;
3. Convene meetings to determine eligibility and/or placement and services;
4. Provide regular or special education services necessary to provide FAPE to students with disabilities eligible under Section 504; and
5. Convene impartial hearings if a parent wishes to contest a decision concerning FAPE.

By September 1 of each year, Charter School shall designate a Charter School employee responsible for Section 504 compliance and notify the NCOE in writing of the responsible individual. The designated Charter School employee shall notify the NCOE anytime a student eligible under Section 504 withdraws from Charter School, including, if available, notice of the school in which the student enrolled in following withdrawal from Charter School and the student’s NCOE of residence.

In the case of pending student discipline of student eligible under Section 504, the Charter School will ensure that it follows procedures to comply with the mandates of State and Federal laws for considering disciplinary action against disabled students, as specified above. Prior to recommending expulsion of a Section 504 eligible student, the Charter School will convene a review committee to determine whether the student’s misconduct was a manifestation of his or her disability or related to the Charter School’s failure to implement the student’s accommodation plan. The Charter School may proceed with the discipline only if it is determined that the student’s misconduct was not a manifestation of his/her disability or related to the Charter School’s failure to implement the student’s accommodation plan. The Charter School acknowledges and understands that it shall be solely responsible for such compliance.

g. Student Withdrawal from Charter School. Unless otherwise required sooner by law, within thirty (30) days of knowledge of any special education student’s expulsion, withdrawal, or disenrollment from the Charter School for any reason during the school year, the Charter School shall notify the district of residence and, if consistent with SELPA policies, the SELPA, of the student’s name, date of expulsion, withdrawal or disenrollment, the reason for such separation (if known), and the student’s next school/LEA of attendance if available. The Charter School shall comply with Education Code section 47605(e)(3) in terms of providing notice of expulsion, withdrawal, or disenrollment of students who reside in other school districts.

h. Complaints Regarding Special Education and Due Process Hearings. The Charter School shall notify the NCOE as soon as practicable, but within three (3) business days, of service of any complaints naming the NCOE as a defendant, or within ten (10) days of service in all other cases, filed against the Charter School arising from the Individuals with Disabilities Education Improvement Act, Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, and any corresponding state laws, including complaints filed with the Office for Civil Rights, the California Department of Education, the Office of Administrative
Hearings, state or federal court, or pursuant to the uniform complaint procedures. The Charter School understands and agrees it is solely responsible for responding to, and addressing any complaint filed against it and will bear all related costs. In the event the NCOE is named as a party to any complaint filed against the Charter School, the NCOE reserves the right to be represented by its own legal counsel. Further, as Charter School is its own LEA for purposes of special education, the Charter School agrees to collaboratively join the NCOE’s efforts to dismiss the NCOE as a party to the complaint.

i. **Indemnification.** The Charter School shall indemnify, defend, and hold harmless the NCOE, its officers, employees, agents, consultants, volunteers, trustees and representatives, from and against any and all liability, costs, complaints and claims arising from the acts or omissions of Charter School, its officers, employees, agents, consultants, volunteers, trustees, and representatives, related to the provision of special education services to students enrolled in the Charter School. This indemnification shall include the legal defense of the NCOE, all of their officials, employees and agents in special education due process proceedings and/or complaints to State or federal agencies filed by or related to a student who is/was enrolled in the Charter School during the time period covered in the complaint. Charter School shall also indemnify the NCOE against any damages, including compensatory damages and attorneys’ fees and costs that may be awarded to a student and/or their parents, or agreed to by the Charter School, for Charter School’s failure to comply with procedures or provide appropriate and/or compliant special education services.
TITLE:

RESOLUTION 2023-13 – EXEMPTION TO THE SEPARATION FROM SERVICE REQUIREMENT

HISTORY:

In compliance with Government Code, the Napa County Office of Education must provide CalPERS a resolution when hiring a retiree before 180 days has passed since their retirement date. The resolution identifies the critical need for support from the retiree and the rate the retiree will be paid.

CURRENT PROPOSAL:

Staff recommends that the Board approve Resolutions 2023-13 certifying the need for an exception to the 180-waiting period for the appointment of Rena Bruner.

PREPARED BY: Joshua Schultz, Deputy Superintendent; kb
RESOLUTION 2023-13- EXEMPTION TO THE SEPARATION FROM SERVICE REQUIREMENT
(Education Code sections 7522.56 & 21229)

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 the Napa County Office of Education must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since their retirement date; and

WHEREAS, Rena Bruner, retired from Napa County Office of Education in the position of Program Coordinator II, effective August 1, 2023; and

WHEREAS, Gov. Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is January 28, 2024 without this certification resolution; and

WHEREAS, Gov. Code section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Napa County Board of Education the Napa County Office of Education and Rena Bruner certify that Rena Bruner has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Napa County Board of Education hereby appoints Rena Bruner as an extra help retired annuitant to perform the duties of the Special Education Preschool Resource Coordinator for the Napa County Office of Education under Gov. Code section 21229 effective August 1, 2023; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and
WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the minimum base salary for this position is $6,127 and the hourly equivalent is $35.35, and the maximum base salary for this position is $8,401 and the hourly equivalent is 48.47; and

WHEREAS, the hourly rate paid to Rena Bruner will be $43.69; and

WHEREAS, Rena Bruner has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the Napa County Board of Education hereby certifies the nature of the appointment of Rena Bruner as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of Special Education Preschool Resource Coordinator for the Napa County Office of Education by August 1, 2023 to develop procedures within the Early Childhood Department and a transition plan for program changes coming in 2023-24.

PASSED AND ADOPTED by the Napa County Board of Education at a meeting on July 11, 2023 by the following vote:

AYES:

NOES:

ABSENT:

I, Barbara Nemko, Secretary of the Governing Board, Napa County Office of Education, County of Napa, do hereby certify the foregoing to be a full, true and correct copy of a resolution adopted by the said Board at a regular meeting hereof held at its regular meeting place on July 11, 2023, which action is contained in the minutes of the meeting of said Board.

___________________________
Barbara Nemko, Secretary to the
Napa County Board of Education
TO: Napa County Board of Education

FROM: John Zikmund, Human Resources

RE: Personnel Activity

DATE: July 11, 2023

BOARD ITEM: 10A

NEW CERTIFICATED EMPLOYEE
John Hillyer - Assistant Principal, Camille Creek
Lori Gonzalez - Certificated Program Coordinator, College and Career Readiness
Ron Eick Jr. - Certificated Program Manager, Continuous Improvement

NEW CLASSIFIED EMPLOYEE
Odalis Alanis - Program Specialist - College and Career Readiness
Brittney Ojascastro – Site Coordinator, Community Programs
Monica Foster - Site Coordinator, Community Programs
Sherjeel Bhatti – Fiscal Operations Coordinator, DR Access
Vanessa Rodriguez - Site Coordinator, Community Programs

CHANGE IN ASSIGNMENT
Jenny Keller – ECE Assistant II to Child Development Teacher, Early Childhood Services
Richard Cole – Skilled Maintenance Specialist to Skilled Maintenance Specialist II, General Services
Manuel Pineda – Accountant, Fiscal Services to Fiscal Program Planner, Early Childhood Services
David Valencia – Custodian to Skilled Maintenance Specialist, General Services

RESIGNATION
Dave Massaro – CTE Welding Teacher, Camille Creek
Celeste Gonzalez – Program Coordinator I, Community Programs
Jeanette Torres – Sr. Payroll/Benefits Specialist, Fiscal Services
Erin Stoltz – Child Development Teacher, Early Childhood Services

RETIREMENT
Melanie Cardwell – Behavior Intervention Asst., Early Childhood Services
Shelagh Tighe – Occupational Therapist, Early Childhood Services

TERMINATION
Magali Ceabllos Guzman – ECE Asst. II, Early Childhood Services

LAYOFF/NON-RELECTS/TEMPORARY RELEASE NOTICES
None

POSITION VACANCIES
Program Specialist – College and Career Readiness
Instructional Assistant (2) - College and Career Readiness
Early Childhood Education Assistant II (5) – Early Childhood Services
Child Development Teacher (4) – Early Childhood Services
Community School Teacher (2) - Camille Creek
Instructional Support Specialist II – Camille Creek and Crossroads
Human Resources Assistant II – Human Resources
SELPA Director
Welding CTE Teacher – Camille Creek
Admin. Asst. I – RPDC

Payroll/Benefits Specialist - Fiscal
Accountant – Fiscal Services
Program Manager - RPDC
Admin. Asst. II - Early Childhood Services
Instructional Coach Coordinator - Early Childhood Services
Program Planner –Community Programs
Program Coordinator I – Community Programs

07-11-23.BRD
TITLE: First Reading County Office Regulation 5113: Absences and Excuses

HISTORY:
Regulation updated to reflect NEW LAW (SB 955, 2022) which includes, as another type of required excused absence, the absence of a middle school or high school student for the purpose of participating in a civic or political event, as defined, provided that the student notifies the school ahead of the absence, and NEW LAW (AB 181, 2022) which no longer requires the State Board of Education to update its illness verification regulations as necessary to account for including, as a personal illness excused absence, a student's absence for the benefit of the student's mental or behavioral health. Regulation also updated to clarify that absences for participation in religious exercise or to receive moral and religious instruction are excused, but that in order for county offices of education to receive average daily attendance funding for such absences, the County Board of Education is required to first adopt a resolution permitting an excused absence for such purposes.

Pursuant to Education Code 48205, as amended by SB 955 (Ch. 921, Statutes of 2022), COEs are required to allow an excused absence for middle and high school students one school day per school year for the purpose of engaging in a civic or political event, provided that the student notifies the school in advance. At the discretion of the County Superintendent or designee, additional such absences may be permitted.

A "civic or political event" is defined by SB 955 as including, but not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

CURRENT PROPOSAL:
Requesting Board review of the attached proposed regulation.

FUNDING SOURCE:
N/A
SPECIFIC RECOMMENDATION:

It is recommended the Board review and discuss County Office Regulation 5113: Absences and Excuses

Prepared by: Julie McClure
6/28/23
CSBA NOTE: The following regulation presents sample procedures recommended for use by the County Superintendent of Schools to complement and/or implement County Office of Education (COE) policies. It is recommended that any County Superintendent intending to adopt this sample regulation for use in the County Office of Education (COE) do so in cooperation with the County Board of Education. This regulation may be revised to reflect local practice and may be adopted as a regulation or for the COE's use as a County Superintendent Policy.

The County Superintendent of Schools shares the belief of the County Board of Education that regular attendance plays an important role in student achievement, and shall implement policies and measures to ensure the County Office of Education’s (COE’s) compliance with all state attendance laws and to correct problems of chronic absence or truancy.

**Excused Absences**

CSBA NOTE: Items #1–1516 below reflect absences that are authorized by law to be considered as excused absences for purposes of enforcing the compulsory state attendance laws. Pursuant to Education Code 48205, absences specified in items #1–1112, although excused for purposes of enforcing compulsory state attendance laws, are considered absences in computing average daily attendance and do not generate state apportionment payments.

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for any of the following reasons:

1. Personal illness, including absence for the benefit of the student's mental or behavioral health. (Education Code 48205)

2. Quarantine under the direction of a county or city health officer. (Education Code 48205)

3. Medical, dental, optometrical, or chiropractic service or appointment. (Education Code 48205)

4. Attendance at funeral services for a member of the student's immediate family. (Education Code 48205)

   Such absence shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)

5. Jury duty in the manner provided for by law. (Education Code 48205)

CSBA NOTE: Pursuant to Education Code 48205, absence due to the illness or medical appointment of a student's child is counted as an excused absence, and a physician's note may not be required for such absences. See the section "Method of Verification" below.
6. Illness or medical appointment of a child to whom the student is the custodial parent. (Education Code 48205)

7. Upon advance written request by the parent/guardian and the approval of the principal, school site administrator or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
   a. Appearance in court
   b. Attendance at a funeral service
   c. Observance of a religious holiday or ceremony
   d. Attendance at religious retreats for no more than four hours per semester
   e. Attendance at an employment conference
   f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization

8. Service as a member of a precinct board for an election pursuant to Elections Code 12302. (Education Code 48205)

9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment. (Education Code 48205)

   Such absence shall be granted for a period of time to be determined at the discretion of the County Superintendent or designee. (Education Code 48205)

10. Attendance at the student’s naturalization ceremony to become a United States citizen. (Education Code 48205)

   **CSBA NOTE:** Education Code 48205, as amended by AB 516 (Ch. 281, Statutes of 2021), includes an absence for the purpose of participating in a cultural ceremony or event as an excused absence.

11. Participation in a cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people. (Education Code 48205)

   **CSBA NOTE:** Pursuant to Education Code 48205, as amended by SB 955 (Ch. 921, Statutes of 2022), COEs are required to allow an excused absence for middle and high school students one school day per school year for the purpose of engaging in a civic or political event, provided that the student notifies the school in advance. At the discretion of the County Superintendent or designee, additional such absences may be permitted.

12. For a middle school or high school student, engagement in a civic or political event, provided that the student notifies the school ahead of the absence. Unless otherwise permitted by the County Superintendent or designee, students shall be limited to one such school day-long absence per school year. (Education Code 48205)
CSBA NOTE: Item #12 below should be included only if pursuant to Education Code 46014, with the written consent of the student's parent/guardian, the COE may excuse a student from school in order to participate in religious exercises or instruction.

In order for the COE to receive average daily attendance funding for such absences, the County Board of Education has adopted must first adopt a resolution permitting absences for religious instruction or exercises. If these absences are allowed, Education Code 46014 mandates the adoption of an excused absence for this purpose and regulations governing students' attendance at religious exercises or instruction and the reporting of such absences. The student must also attend school for at least the minimum school day and not be absent for this purpose on more than four days per school month.

Pursuant to Education Code 46112, 46113, 46117, and 46141, unless otherwise provided by law, the minimum school day is generally 180 minutes for kindergarten, 230 minutes for grades 1-3, and 240 minutes for grades 4-12. For further information, see AR 6112 - School Day. These regulations should include all of item #12 Item #13 below and may be expanded to reflect local practice.

11-13. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school property as designated by the religious group, church or denomination. (Education Code 46014)

CSBA NOTE: Education Code 46014 provides that absence for participation in religious instruction or exercises will not be considered an absence for state apportionment purposes if the student attends school for at least the minimum school day and is not absent for this purpose on more than four days per school month.

12. Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day and is not excused from school for this purpose on more than four days per school month. (Education Code 46014)

13.14. Work in the entertainment or allied industry. (Education Code 48225.5)

Work for a student who holds a work permit authorizing work in the entertainment or allied industries for a period of not more than five consecutive days. For this purpose, student absence shall be excused for a maximum of up to five absences per school year. (Education Code 48225.5)

14.15. Participation with a nonprofit performing arts organization in a performance for a public school audience. (Education Code 48225.5)

A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)

15.16. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances. (Education Code 48205, 48260)

For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household. (Education Code 48205)

Method of Verification
CSBA NOTE: Education Code 48205 prohibits requiring a physician's note for absences due to the illness or medical appointment of the student's child. However, verification of other absences is permitted. The following section should be revised to reflect locally-adopted methods of verification and to specify employee(s) assigned to verify absences.

5 CCR 420-421 provide guidelines for verifying absences due to illness; quarantine; medical, dental, or eye appointments; or attendance at a funeral service of a member of a student's immediate family. 5 CCR 421 authorizes a student's absence to be verified by a school or public health nurse, attendance supervisor, physician, principal, teacher, or any other qualified employee assigned to make such verification. Pursuant to Education Code 48205, as amended by SB 14, the California Department of Education will update the illness verification regulations, as necessary, to account for a student's absence for the benefit of the student's mental or behavioral health.

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation, either in person or by written note, verifying the reason for the absence. Absences shall be verified by the student’s parent/guardian, other person having charge or control of the student, or the student, if aged 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written note, fax, email, or voice mail from parent/guardian or parent representative.

2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
   a. Name of student
   b. Name of parent/guardian or parent representative
   c. Name of verifying employee
   d. Date(s) of absence
   e. Reason for absence

3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in #2 above.

4. Physician's verification.

CSBA NOTE: The following optional paragraph provides a means of verifying an excuse for confidential medical services without inquiring into the nature of the medical services.

a. When excusing students for confidential medical services or verifying such appointments, COE staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
b. If a student shows a pattern of chronic absenteeism due to illness, COE staff may require physician verification of any further student absences.

**Parental Notifications**

At the beginning of each school year, the County Superintendent of Schools or designee shall:

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination. (Education Code 46014, 48980)

2. Notify students in grades 7-12 and the parents/guardians of all students enrolled in COE schools and programs that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)

3. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Such notice shall include the full text of Education Code 48205. (Education Code 48980)

**Policy Reference UPDATE Service**

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**Policy Reference Disclaimer:**

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

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NAPA COUNTY OFFICE OF EDUCATION
Barbara Nemko, Ph.D., Superintendent

Item 10.C.
July 11, 2023

TITLE: First Reading County Office Board Policy, Regulation, and Exhibit 6173: Education for Homeless Children

HISTORY:

Board Policy 6173 - Education for Homeless Children
Policy updated to reflect NEW LAW (AB 408, 2022) which mandates that county offices of education (COE) establish homeless education program policies and update those policies at least once every three years. Policy also updated to reflect NEW LAW (AB 2375, 2022) which requires COEs, regardless of whether they received American Rescue Plan Act of 2021 funds, to annually administer a housing questionnaire for the purpose of identifying students experiencing homelessness, including unaccompanied minors, and annually report that number of students to the California Department of Education (CDE). Additionally, policy is updated to reflect NEW LAW (SB 532, 2022) which requires COEs to annually report to CDE the number of students experiencing homelessness who graduated with an exemption from COE-established graduation requirements that are in addition to statewide coursework requirements. Policy updated throughout to change language from "homeless student" to "student experiencing homelessness."

Regulation 6173 - Education for Homeless Children
Regulation updated to reflect NEW LAW (AB 408, 2022) which requires the liaison for homeless students to offer annual training to county office of education (COE) employees providing services to students experiencing homelessness and to inform such employees of the availability of training and the services provided by the liaison. Regulation is also updated to clarify what factors to consider when determining the "best interest" of the student in enrollment decisions, and in regard to resolving enrollment disputes, to provide materials in the native language or through an interpreter and to provide any additional support needed because of a disability at no additional charge. Additionally, regulation is updated to add a section on "Transportation" to ensure students experiencing homelessness are provided transportation to and from the student's school of origin, reflect NEW LAW (AB 181, 2022) which exempts a student classified as unduplicated from paying a fee for transportation, and reflect NEW LAW (SB 532, 2022) which provides, when a student experiencing homelessness transfers into a COE school, for additional requirements regarding the transfer of coursework and credits, exemptions from COE-established graduation requirements, and for the option to remain in school to complete COE-established or statewide course requirements. Regulation updated throughout to change language from "homeless student" to "student experiencing homelessness."

Exhibit 6173 - Education for Homeless Children
Updated to reflect NCOE Homeless Liaison title.

**CURRENT PROPOSAL:**

Requesting Board review of the attached proposed regulation.

**FUNDING SOURCE:**

N/A

**SPECIFIC RECOMMENDATION:**

It is recommended that the Board review and discuss County Office Board Policy, Regulation, and Exhibit 6173: Education for Homeless Children

Prepared by: Julie McClure
6/28/23
CSBA NOTE: The following policy reflects the intent of the McKinney-Vento Homeless Assistance Act (42 USC 11431-11435) that each homeless student experiencing homelessness should have equal access to the same free, appropriate public education and services as other students. 42 USC 11432 mandates that county offices of education (COE) adopt, review, and revise policies to remove barriers to the identification, enrollment, and retention of homeless children and youth students experiencing homelessness, ensure that homeless such students are not segregated or stigmatized on the basis of their status as homeless, and provide for professional development for appropriate staff, as provided in the following policy accompanying regulation. In addition, 42 USC 11432 requires that, in reviewing and revising applicable policies, consideration be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

Education Code 48851.3, as added by AB 408 (Ch. 904, Statutes of 2022), mandates that COEs establish homeless education program policies that are consistent with the provisions of Education Code 48850-48859, and use resources developed by the California Department of Education (CDE), available on its web site, and those developed by homeless education technical assistance centers. Pursuant to Education Code 48851.3, as added by AB 408, COEs are required to update their homeless education program policies at least once every three years.

Education Code 48852.3, as added by AB 408, requires CDE to develop and implement a plan for monitoring the compliance of COEs, including school site inspections to ensure that the state is not underestimating the number of youth experiencing homelessness.

The County Board of Education believes that the identification of homeless students experiencing homelessness is critical to providing services for improving the educational outcomes of such students and ensuring that homeless such students have access to the same free and appropriate public education provided made available to other students. Homeless students Students experiencing homelessness shall be provided with access to education and other services necessary for such students to meet meeting the same challenging academic standards as other students.

When there are at least 15 homeless students experiencing homelessness in a school or other County Office of Education (COE) program, the COE's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of homeless such students. (Education Code 52052, 52064, 52066)

CSBA NOTE: The following paragraph is mandated pursuant to Education Code 48851.3 and 42 USC 11432. 42 USC 11432 requires that COEs adopt policy to remove barriers to homeless students' enrollment and retention of students experiencing homelessness due to absences or outstanding fees or fines. COE homeless education policies shall be regularly reviewed at least once every three years and updated to ensure removal of any barriers to the education of homeless students and experiencing homelessness, including unaccompanied youth. Any such Such policy review shall address identification, enrollment, and retention of such students experiencing homelessness, including those barriers that are due to absences or outstanding fees or fines. (Education Code 48851.3; 42 USC 11432)
Each homeless student experiencing homelessness shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. *(Education Code 48850; 2 USC 11432)*

CSBA NOTE: The following paragraph is mandated by 42 USC 11432. Although this law prohibits the segregation of homeless students experiencing homelessness into a separate school or program, separate schools that were in operation before 2001 may continue to operate under specified conditions. COEs that maintain such a school may revise the following paragraph to reflect local practice.

**Homeless students** Students experiencing homelessness shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. However, homeless students on school grounds, students experiencing homelessness shall only be separated on school grounds as necessary for short periods of time, as necessary for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of homeless students. (42 USC 11432, 11433)

CSBA NOTE: Although students' addresses generally may be designated as "directory information" that is not harmful if disclosed, 42 USC 11432 provides that information about a homeless student's living situation of a student experiencing homelessness must instead be provided the protections afforded to other student records under the Family Educational Rights and Privacy Act. For further information about the disclosure of these records, see the U.S. Department of Education's (USDOE) *2011EDGAR* "Education for Homeless Children and Youths Program, Non-Regulatory Guidance*.

Information about a homeless student's living situation of a student experiencing homelessness shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act, shall not be deemed to be directory information as defined in 20 USC 1232g, and shall not be released without written consent. (42 USC 11432)

CSBA NOTE: The following optional paragraph may be revised to reflect local practice. Pursuant to Education Code 52064.5, the State Board of Education has adopted evaluation rubrics for use by COEs in evaluating their strengths, weaknesses, and areas that require improvement.

In addition, pursuant to 20 USC 6311 annual school report cards for COEs receiving Title I funds are required to include disaggregated student achievement data and graduation rates of homeless students experiencing homelessness.

At least annually, the County Board shall receive a report on the identification of and outcomes for homeless students experiencing homelessness, which may include, but are not limited to, the housing questionnaire responses, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the COE's strategies shall be revised as needed to more effectively identify and support the education of homeless students: experiencing homelessness.

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532 (Ch. 918, Statutes of 2022), COEs are required to annually report to CDE regarding the number of students experiencing homelessness who, for the prior school year, graduated with an exemption from the COE-established graduation requirements that are in addition to statewide coursework requirements, as specified below.
Additionally, the number of students experiencing homelessness graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from COE-established graduation requirements that are in addition to statewide coursework requirements shall be annually reported to CDE, in accordance with Education Code 51225.1.

The County Board hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent of Schools to ensure the identification and full participation of homeless students experiencing homelessness in COE schools, programs, and activities, including, but not limited to, the following:

CSBA NOTE: Pursuant to 42 USC 11432, a COE is required to designate an appropriate staff person, who may also be a coordinator for other federal programs, as the COE’s liaison for homeless students.

1. The designation of an appropriate staff person to serve as the COE’s liaison for homeless children and youths who will assist and support homeless students experiencing homelessness to succeed in school and fulfill other duties specified in Education Code 48851.3 and 42 USC 11432.

CSBA NOTE: Education Code 48851, as amended by AB 272375 (Ch. 394, Statutes of 2021-2022), requires that each school identifies all homeless children students enrolled at the school who are experiencing homelessness, including unaccompanied youths, and youths to annually provide and administer a housing questionnaire to parents/guardians of all students and all unaccompanied youths enrolled at the school, for purposes of identifying students experiencing homelessness and unaccompanied youths. The housing questionnaire must be based on best practices developed by CDE, include an explanation of the rights and protections a student has as a homeless child or youth or as an unaccompanied youth, and be made available in paper form. A sample housing questionnaire is available on CDE’s web site.

2. Easy identification of homeless students experiencing homelessness, including at each school, in accordance with law, through annual administration of a housing questionnaire to parents/guardians of all students and to unaccompanied youths, posting of the COE liaison’s contact information and homeless education information on COE and school web sites, and collaboration with local social services agencies and other agencies or entities providing services to homeless children and youth students experiencing homelessness, and, if applicable, transitional housing facilities.

3. Provision of homeless education information and/or materials to the homeless students' parents/guardians and unaccompanied youths in a manner and form understandable to such parents/guardians and unaccompanied youths.

CSBA NOTE: Pursuant to 42 USC 11432, placement determinations for homeless students experiencing homelessness must be made according to the student's "best interest," as defined in law.

4. Assurance that placement decisions for homeless students experiencing homelessness are based on the student's best interest as defined in law.

CSBA NOTE: Education Code 48851 requires that each COE collect the completed housing questionnaires and annually report the number of students experiencing homelessness, including unaccompanied youth, to CDE.
5. Annually report the number of students experiencing homelessness, including unaccompanied youth, to the California Department of Education (CDE)

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

Federal
20 USC 1087vv
Description
Free Application for Federal Student Aid; definitions

20 USC 1232g
Description
Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1400-1482
Description
Individuals with Disabilities Education Act

20 USC 6311
Description
State plan

42 USC 11431-11435
Description
McKinney-Vento Homeless Assistance Act

42 USC 12705
Description
Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Management Resources
California Child Welfare Council
Description
Partial Credit Model Policy and Practice Recommendations, September 2013

California Department of Education Publication
Description
Homeless Education Dispute Resolution Process, March 2020

California Department of Education Publication
Description
2021-22 Federal Program Monitoring Instrument, May 2021

California Department of Education Publication
Description
Homeless Education Dispute Resolution Process, January 30, 2007

National Center for Homeless Education Publication
Description
Homeless Liaison Toolkit, 2020

U.S. Department of Education Guidance
Description
Education for Homeless Children and Youths Program, Non-Regulatory Guidance, August 2018

U.S. Department of Education Guidance
Description

Website
Description
National Homelessness Law Center

Website
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University of California

Website
Description
U.S. Department of Education -, Education for Homeless Children and Youths Grants for State and Local Activities

Website
Description
National Law Center on Homelessness and Poverty

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National Center for Homeless Education at SERVE

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California State University

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California Interscholastic Federation
Website California Department of Education, Homeless Children and Youth Education
Website California Community Colleges
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### County Office Regulation 6173: Education For Homeless Children

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2022  
**Last Reviewed Date:** 03/01/2023

**CSBA NOTE:** The following regulation presents sample procedures recommended for use by the County Superintendent of Schools to complement and/or implement County Office of Education (COE) policies. It is recommended that any County Superintendent intending to adopt this sample regulation for use in the County Office of Education (COE) do so in cooperation with the County Board of Education. This regulation may be revised to reflect local practice and may be adopted as a regulation or for the COE's use as a County Superintendent Policy.

| NOTE: | Pursuant to Education Code 48851.3, as added by AB 408 (Ch. 904, Statutes of 2022) and 42 USC 11432, each COE is mandated to adopt policies and procedures to ensure that homeless children and youths receive the same free appropriate public education available to other students who are not homeless. Pursuant to Education Code 48851.3, COEs are required to update these homeless education program policies at least once every three years.
|---|---

The County Superintendent of Schools shares the County Board of Education's belief that the identification of homeless students experiencing homelessness is critical to improving the educational outcomes of such students and desires to ensure that homeless students experiencing homelessness have access to the same free and appropriate public education provided to other students within the county. The County Superintendent incorporates by reference the County Board's policy on Education for Homeless Children.

| NOTE: | Education Code 48851, as added, amended by AB 27 2375 (Ch. 394, Statutes of 2021 2022), requires the COE to ensure that each school identifies all children and youths enrolled at the school who are experiencing homelessness, including unaccompanied youths, and to annually administer a housing questionnaire to parents/guardians of all students and all unaccompanied youths for purposes of identifying homeless children and youths and unaccompanied youths enrolled at the school.
|---|---

The County Superintendent or designee shall ensure that each school identifies all homeless children and youths and unaccompanied youths enrolled at the school. (Education Code 48851)

### Definitions

**CSBA NOTE:** The following paragraph is for COEs that receive funding from the American Rescue Plan Elementary and Secondary School Emergency Relief - Homeless Children and Youth Fund (ARP-HCY) and may be deleted or revised to reflect local practice by COEs that do not receive such funds. Education Code 48851, as added by AB 27, requires COEs receiving ARP-HCY funds to annually administer a housing questionnaire to parents/guardians of all students and all unaccompanied youths for purposes of identifying homeless children and youths and unaccompanied youths. The housing questionnaire must be based on best practices developed by the California Department of Education (CDE), include an explanation of the rights and protections a student has as a homeless child of youth or as an unaccompanied youth, and be made available in paper form. A sample housing questionnaire is available on CDE's website.
CSBA NOTE: The federal McKinney-Vento Homeless Assistance Act (42 USC 11434a) and Education Code 48859 define "homeless children and youths" as provided below. Foster youths who are living in emergency or transitional shelters are within the definition of homeless students but youths who are awaiting foster care placement are not. See BP/AR 6173.1 - Education for Foster Youth for state law regarding foster children.

**Homeless students or students experiencing homelessness** means students who lack a fixed, regular, and adequate nighttime residence and includes:

CSBA NOTE: Although students' addresses generally may be designated as "directory information" that is not harmful if disclosed, 42 USC 11432 provides that information about a homeless student's living situation must instead be provided the protections afforded to other student records under the Family Educational Rights and Privacy Act. For further information about the disclosure of homeless students' records, see the U.S. Department of Education's (USDOE) Information about a homeless student's living situation shall be considered part of the student's educational record, subject to the Family Educational Rights and Privacy Act. Such information shall not be deemed to be directory information, as defined in 20 USC 1232g, and shall not be released without the written consent of the student's parent/guardian or the student, if an unaccompanied youth. (42 USC 11432)

CSBA NOTE: 42 USC 11432 mandates the adoption of policies and practices to ensure participation by liaisons for homeless students and other appropriate staff in professional development and other technical assistance activities, as determined appropriate by the federal Office of the Coordinator.

Education Code 48852.5 requires CDE to provide specified informational and training materials to the liaisons, including informational materials on the educational rights of homeless children and youth and resources available to assist homeless children and youth. Education Code 48852.5, as amended by SB 400 (Ch. 400, Statutes of 2021), also requires CDE to develop and implement a system to verify that the required training is being provided at least annually.

The following paragraph reflects the training requirement of Education Code 48852.5 and USDOE's "Education for Homeless Children and Youths Program Non-Regulatory Guidance," regarding the content of the professional development.

At least annually, the County Office of Education (COE) liaison and other appropriate staff shall participate in professional development and other technical assistance activities geared toward identifying and meeting the needs of homeless students, including, but not limited to, training on the definitions of terms related to homelessness, the signs of homelessness, the steps that should be taken once a potentially homeless student is identified, and how to connect homeless students with appropriate housing and service providers. (Education Code 48852.5; 42 USC 11432)

CSBA NOTE: The federal McKinney-Vento Homeless Assistance Act (42 USC 11434a) and Education Code 48859, as amended by AB 27 (Ch. 394, Statutes of 2021), define "homeless children and youths" as provided below. Foster youths who are living in emergency or transitional shelters are within the definition of homeless students but youths who are awaiting foster care placement are not. See BP/AR 6173.1 - Education for Foster Youth for state law regarding foster children.

**Homeless students** means students who lack a fixed, regular, and adequate nighttime residence and includes: (Education Code 48859; 42 USC 11434a)
1. Students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals

2. Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings

3. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings

4. Migratory children who qualify as homeless because they are living in conditions described in items Items #1-3 above

Unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian. (Education Code 48859; 42 USC 11434a)

CSBA NOTE: The following definition of "school of origin" generally reflects Education Code 48852.7, which exceeds the definition in 42 USC 11432 and is consistent with the state definition of "school of origin" that applies to foster youth. However, 42 USC 11432 includes preschools in the definition as provided below.

School of origin means the school that the homeless student experiencing homelessness attended when permanently housed or the school in which the student was last enrolled, including a preschool. If the school the homeless student attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the student attended within the preceding 15 months and with which the student is connected, the COE liaison for homeless students shall determine, in consultation with and with the agreement of the homeless student and the person holding the right to make educational decisions for the student, and shall determine which school is, in the best interests of the homeless student, which school shall experiencing homelessness, and be deemed the school of origin. (Education Code 48852.7; 42 USC 11432)

CSBA NOTE: Education Code 48850 expresses legislative intent that the "best interest" of a homeless student or foster youth includes educational stability as well as placement in the least restrictive educational program, as provided below. Education Code 48853 further provides that the placement of a foster youth must consider the student's access to academic resources, services, and extracurricular and enrichment activities. For consistency with the definition of "best interest" applicable to foster youth, the following definition also reflects Education Code 48853.

Best interest means that, in making educational and school placement decisions for a homeless student experiencing homelessness, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the student's access to academic resources, services, and
extracurricular and enrichment activities that are available to all students. (Education Code 48850, 48853; 42 USC 11432)

To ensure easy identification of homeless students, the County Superintendent or designee shall annually administer a housing questionnaire developed by the California Department of Education (CDE) to the parents/guardians of all students and all unaccompanied youths, and shall report to CDE the number of homeless children and youths and unaccompanied youths enrolled in the county as identified from the housing questionnaire. (Education Code 48851)

If the primary language of a student's parent/guardian or an unaccompanied youth is not English, the housing questionnaire shall be made available in the primary language of the student's parent/guardian or the unaccompanied youth pursuant to Education Code 48985 or an appropriate translation of the housing questionnaire shall be provided to the student's parent/guardian or an unaccompanied youth upon request. (Education Code 48851)

County Office Liaison for Homeless Students

CSBA NOTE: Pursuant to 42 USC 11432, COEs are required to designate an appropriate staff person, who may also be a coordinator for other federal programs, as a COE liaison for homeless students. The COE should fill in the blanks below with the title or position, address, email address, and phone number of the COE liaison.

The County Superintendent designates the following staff person as the COE liaison for homeless students: (42 USC 11432)

Foster & Homeless Services County Coordinator
2121 Imola Avenue
Napa, CA 94559
(707) 259-5923

CSBA NOTE: The duties of the COE liaison for homeless students are listed in Education Code 48851.3, as added by AB 408, and 42 USC 11432, and are specified below. Also see the U.S. Department of Education's (USDOE) "Education for Homeless Children and Youths Program Non-Regulatory Guidance" and the "Homeless Liaison Toolkit" developed by the National Center for Homeless Education.

The COE liaison for homeless students shall: (Education Code 48851.3, 48851.5, 48852.5; 42 USC 11432)

1. Ensure that homeless students experiencing homelessness are identified by school personnel through outreach and coordination activities with other entities and agencies

2. Ensure that homeless students experiencing homelessness are enrolled in, and have a full and equal opportunity to succeed in, COE schools and/or programs

3. Ensure that homeless families and children and youth students experiencing homelessness have access to and receive educational services for which they are eligible, including services through Head Start and Early Head Start programs, early intervention services under Part C of the federal Individuals with Disabilities Education Act, and other preschool
4. Ensure that homeless families and students experiencing homelessness receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.

5. Inform parents/guardians of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children.

6. Disseminate public notice of the educational rights of homeless students experiencing homelessness in locations frequented by parents/guardians of homeless children and youth, students experiencing homelessness and by unaccompanied youth, including schools, shelters, public libraries, and hunger relief agencies (soup kitchens). The rights shall be presented in a manner and form understandable to the parents/guardians of homeless students experiencing homelessness and unaccompanied youth.

7. Mediate enrollment disputes in accordance with law and the section "Resolving Enrollment Disputes" below.

8. Fully inform parents/guardians of homeless students experiencing homelessness and unaccompanied youth of all transportation services, including transportation to the school of origin, and assist them in accessing transportation to the school of choice.

CSBA NOTE: Pursuant to Education Code 48852.5, as amended, 42 USC 11432 mandates the adoption of policies and practices to ensure participation by SB 400 (Ch. 400, Statutes of 2021), CDE is required to provide training materials to liaisons for homeless students for the purpose of providing required and other appropriate staff in professional development and support other technical assistance activities, as determined appropriate by the federal Office of the Coordinator.

Education Code 48852.5 requires CDE to provide specified informational and training materials to the liaisons, including informational materials on the educational rights of homeless children and youth and resources available to school personnel assist homeless children and youth. Education Code 48852.5 also requires CDE to develop and implement a system to verify that the required training is being provided at least annually.

Pursuant to Education Code 48851.3, as added by AB 408, the COE's liaison for homeless students is required to offer annual training to COE employees who provide services to homeless students, students experiencing homelessness and inform such employees of the availability of training and the services the liaison provides. While Education Code 48851.3 requires annual training for employees who work with students experiencing homelessness, the COE's liaison for homeless students is encouraged to offer training to all COE employees, including, but not limited to, teachers, support staff, and other school staff who work with students.

The examples of school personnel listed below reflect CDE's 2021-22 2022-23 Federal Program Monitoring Instrument.

9. Ensure that offer annual training related to the COE's homeless education program policies to school personnel providing services to homeless students experiencing homelessness, including principals and other school leaders, attendance supervisors, teachers, enrollment personnel, and specialized instructional support personnel, receive...
ensure that such employees are informed of available training, professional development, and other support, and the services provided by the COE liaison for homeless students

Such professional development and technical assistance shall include, but are not limited to, training on homeless education program policies, definitions of terms related to homelessness, recognition of signs that students are experiencing or are at risk of experiencing homelessness, the steps that should be taken once a potentially homeless student is identified, and how to connect students experiencing homelessness with appropriate housing and service providers.

10. Ensure that unaccompanied youth are enrolled in school, have opportunities to meet the same challenging state academic standards established for other students, and are informed of their status as independent students under 20 USC 1087vv and that they may receive assistance from the COE liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090.

11. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless students experiencing homelessness, including the collection and provision of comprehensive data to the state coordinator as required by law.

CSBA NOTE: Pursuant to Education Code 48918.1, the COE liaison must be notified at least 10 calendar days before the date of the expulsion hearing for a homeless student experiencing homelessness, when the student's alleged violation does not require a mandatory recommendation for expulsion, and may be notified for mandatory expulsions. When so notified, the COE liaison is expected to assist the student and, as necessary, advocate on the student's behalf.

Furthermore, pursuant to Education Code 48915.5, if the homeless student experiencing homelessness has also been identified as an individual with a disability and the COE has proposed a change of placement due to an act for which decision to recommend expulsion is discretionary, the COE liaison must be invited to participate in the individualized education program (IEP) team meeting that makes a manifestation determination pursuant to the Individuals with Disabilities Education Act (20 USC 1415(k)).

In addition, when notified pursuant to Education Code 48918.1, the COE liaison shall assist, facilitate, or represent a homeless student experiencing homelessness who is undergoing a disciplinary proceeding that could result in the student's expulsion. When notified pursuant to Education Code 48915.5, the COE liaison shall participate in an individualized education program (IEP) team meeting to make a manifestation determination regarding the behavior of a student with a disability.

CSBA NOTE: 42 USC 11432 requires CDE to publish a list of liaisons on its web site. CDE collects the name and contact information of liaisons for homeless students through the consolidated application process, along with information about compliance with federal program requirements.

The County Superintendent or designee shall inform the students experiencing homelessness, their parents/guardians, unaccompanied youth, school personnel, service providers, and advocates working with homeless families of the duties of the COE liaison. The County Superintendent or designee shall also provide the name and contact information of the COE liaison to CDE for publishing on CDE's web site. (42 USC 11432)

Enrollment
The COE shall make placement decisions for homeless students experiencing homelessness based on the student's best interest. (Education Code 48850; 42 USC 11432)

In determining a student's best interest, a student experiencing homelessness shall, to the extent feasible, be placed in the school of origin, unless the student's parent/guardian or the unaccompanied youth requests otherwise. (Education Code 48852.7; 42 USC 11432)

CSBA NOTE: Education Code 48850 and 42 USC 11432 specify factors that must be considered in determining a student's best interest, as provided below.

When determining the best interest of the student experiencing homelessness, the COE shall give priority to the request of the student's parent/guardian, or in the case of an unaccompanied youth, the request of the student. The student's educational stability and opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress and other student-centered factors related to the student's best interest, including factors related to the impact of mobility on the student's achievement, education, health, and safety, giving priority to the request of the student's parent/guardian or, in the case of an unaccompanied youth, the youth. (shall also be considered. (Education Code 48850; 42 USC 11432)

CSBA NOTE: The following optional paragraph presents examples of factors that may be considered in making placement decisions based on a student's "best interest," and may be revised to reflect local practice.

Such factors may include, but are not limited to, the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

However, placement decisions shall not be based on whether a homeless student experiencing homelessness lives with the student's homeless parent/guardian or has been temporarily placed elsewhere. (42 USC 11432)

In the case of an unaccompanied youth, the COE liaison shall assist in placement or enrollment decisions, give priority to the views of the student, and provide notice to the student of the right to appeal. (42 USC 11432)

In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in the school of origin, unless the student's parent/guardian or the unaccompanied youth requests otherwise. (Education Code 48852.7; 42 USC 11432)

CSBA NOTE: Education Code 48852.7 and 42 USC 11432 require schools to immediately enroll homeless students experiencing homelessness as specified below. USDOE recommends in its %u201CEducation for Homeless Children and Youths Program Non-Regulatory Guidance, %u201D that steps be taken to facilitate immediate enrollment such as accepting school records directly from families, establishing school-based immunization clinics, and training staff on the legal requirements for immediate enrollment.

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice. The student shall be enrolled even if the student: (Education Code 48850, 48852.7; 42 USC 11432)
1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

2. Does not have clothing normally required by the school, such as school uniforms

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and records of immunization and other required health records

4. Has missed application or enrollment deadlines during any period of homelessness

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other required health records, the principal or designee shall immediately refer the parent/guardian to the COE liaison for homeless students. The COE liaison shall assist the parent/guardian, or the student if the student is an unaccompanied youth, in obtaining the necessary immunizations, screenings, or records for the student. (42 USC 11432)

If the student is placed at a school other than the school of origin or the school requested by the student's parent/guardian or the student, if an unaccompanied youth, the County Superintendent or designee shall provide the parent/guardian or the unaccompanied youth with a written explanation of the reasons for the decision, including why placement in the student's school of origin or requested school is not in the student's best interest, along with a statement regarding the right to appeal the placement decision. The written explanation shall be in a manner and form understandable to such parent/guardian or unaccompanied youth. (42 USC 11432)

At the point of any change or subsequent change in the residence of a homeless student experiencing homelessness, the student may continue attending the school of origin for the duration of the homelessness. (Education Code 48852.7; 42 USC 11432)

To ensure that a homeless student experiencing homelessness has the benefit of matriculating with the student's peers in accordance with the established feeder patterns, the following shall apply: (Education Code 48852.7; 42 USC 11432)

1. If the student is transitioning between grade levels, the student shall be allowed to continue in the same attendance area.

2. If the student is transitioning to a middle school or high school, and the school designated for matriculation is not within the jurisdiction of the COE, the student shall be allowed to continue to the school designated for matriculation by the COE.

CSBA NOTE: Education Code 48852.7 and 42 USC 11432 require that homeless students who become permanently housed during the school year be allowed to remain in the school of origin for the remainder of the school year. Additionally, Education Code 48852.7 allows homeless students to remain in the school of origin, or to matriculate to a feeder school, even if the student is no longer homeless. The following list may be revised to reflect the grade levels and feeder school patterns in the COE.

If the student's housing status changes before the end of the school year so that the student is no longer homeless experiencing homelessness, the student shall be allowed to stay in the school of origin: (Education Code 48852.7)

1. Through the duration of the school year if the student is in grades K-8

2. Through graduation if the student is in high school
Resolving Enrollment Disputes

CSBA NOTE: In the event that a dispute arises over the decision related to student eligibility, school selection, or enrollment, the COE must comply with the requirements of 42 USC 11432 and the dispute resolution process established by CDE. CDE’s process is described in its letter to local educational agencies (LEAs), including COEs, available on CDE’s web site, provides such guidance. CDE’s letter guidance does not specify a hearing process or timelines for the COE-level dispute resolution process. Thus, the COE may revise the following section to reflect local practice, provided that the process is consistent with law.

If a dispute arises over student eligibility, school selection, or enrollment in a particular school, the matter shall be referred to the COE liaison, who shall carry out the dispute resolution process as expeditiously as possible. (42 USC 11432)

The parent/guardian or unaccompanied youth shall be provided with a written explanation of any decisions related to eligibility, school selection, or enrollment and of the right of the parent/guardian or unaccompanied youth to appeal such decisions. (42 USC 11432)

CSBA NOTE: The following optional list should be modified to reflect local practice. In its USDOE’s, "Education for Homeless Children and Youths Program Non-Regulatory Guidance," the USDOE recommends that the written explanation contain the elements specified below. See the accompanying exhibits for a sample explanation and appeal form.

The written explanation shall include:

1. A description of the action proposed or refused by the COE
2. An explanation of why the action is proposed or refused
3. A description of any other options the COE considered and the reasons that any other options were rejected
4. A description of any other factors relevant to the COE’s decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources
5. Appropriate timelines to ensure any relevant deadlines are not missed
6. Contact information for the COE liaison and state coordinator, and a brief description of those roles of each

The written explanation shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand.

CSBA NOTE: The following optional paragraph is recommended in the USDOE’s Education, “Education for Homeless Children and Youths Program Non-Regulatory Guidance,"

The COE liaison may use an informal process as an alternative to formal dispute resolution procedures, provided that the parents/guardians or unaccompanied youth have access to the more formal process if informal resolution is not successful in resolving the matter.
In working with a student's parents/guardians or unaccompanied youth to resolve an enrollment dispute, the COE liaison shall:

1. Inform the student's parents/guardians or unaccompanied youth that they may provide written and/or oral documentation to support their position may be provided.

2. Inform the student's parents/guardians or unaccompanied youth that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved.

3. Provide a simple form that they may use and turn in to the school to initiate the dispute resolution process.

4. Provide a copy of the dispute form they submit for their records.

5. Provide the outcome of the dispute for their records.

When a student's parent/guardian or an unaccompanied youth involved in the enrollment dispute is an English learner, Items #1-5 shall be provided either in the native language of the parent/guardian or unaccompanied youth or through an interpreter. Any additional support needed because of a disability of that parent/guardian or unaccompanied youth shall be made available without a charge.

If a parent/guardian or unaccompanied youth disagrees with the COE liaison's enrollment decision, the decision may be appealed to the County Superintendent. The County Superintendent shall make a determination within five working days.

CSBA NOTE: In its letter to LEAs, “Homeless Education Dispute Resolution Process,” CDE describes the process for appealing a COE’s enrollment decision to CDE. If the COE’s enrollment decision is appealed, the COE liaison will forward the documentation to CDE's Homeless Education Program. CDE will notify all parties of the final determination of eligibility, school selection, or enrollment within five working days of receipt of the appeal.

If the parent/guardian chooses to appeal the COE’s placement decision to CDE, the COE liaison shall forward all written documentation and related paperwork to CDE's Homeless Education Program.

CSBA NOTE: 42 USC 11432 provides that, during any dispute over a student's enrollment, the student must be allowed to be enrolled in the school in which enrollment is sought during the period of all appeals. 42 USC 11434a defines "enrollment" as including attendance in classes and full participation in school activities.

Pending final resolution of the dispute, including all available appeals, the student shall be immediately enrolled in the school in which enrollment is sought and shall be allowed to attend classes and participate fully in school activities. (42 USC 11432, 11434a)

**Transportation**
CSBA NOTE: 42 USC 11432 mandates that COEs adopt policies and practices to ensure that transportation is provided to students experiencing homelessness, at the request of the student's parent/guardian or of the COE liaison in the case of an unaccompanied youth, to and from the school of origin as specified below.

In USDOE's, "Education for Homeless Children and Youths Program Non-Regulatory Guidance," USDOE states that the law imposes an affirmative obligation to transport students experiencing homelessness, even if transportation is not provided to other students. The Guidance clarifies that, because the State of California receives funds under McKinney-Vento, all COEs in California are subject to this requirement.

The COE shall provide transportation for a student experiencing homelessness to and from the student's school of origin when the student is residing within the COE and the parent/guardian, or the COE liaison in the case of an unaccompanied youth, requests that such transportation be provided. If the student moves outside of COE boundaries, but continues to attend the student's school of origin within this COE, the County Superintendent or designee shall consult with the County Superintendent of the COE in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

CSBA NOTE: Pursuant to Education Code 39807.5, as amended by AB 181 (Ch. 52, Statutes of 2022), the COE is required to waive transportation fees for an unduplicated student, as defined in Education Code 42238.02, which includes a student who is eligible for free or reduced-price meals, who is classified as an English learner, and/or who is a foster youth. Since it is likely that most students experiencing homelessness would be eligible to receive free meals, and would therefore qualify as an unduplicated student, such students would most likely be exempt from transportation costs.

Any fees that the COE charges for home-to-school transportation and other transportation as expressly provided by law shall be waived for students experiencing homelessness. (Education Code 39807.5)

CSBA NOTE: Education Code 48852.7 requires that the COE provide transportation to a formerly homeless student with an IEP only if transportation is a necessary related service. Education Code 48852.7 does not supersede or exceed other laws governing special education services for eligible students experiencing homelessness.

The following paragraph may be revised if the COE chooses to provide transportation to other formerly homeless students attending their school of origin.

The COE shall not be obligated to provide transportation to students who continue attending their school of origin after they secure permanent housing, unless the formerly homeless student has an IEP that includes transportation as a necessary related service for the student. (Education Code 48852.7)

Transfer of Coursework and Credits

CSBA NOTE: The following section is for use by COEs maintaining high schools. Education Code 51225.2, as amended by SB 532 (Ch. 918, Statutes of 2022), addresses the transferability of coursework and credits completed by a student experiencing homelessness, as provided below.

Education Code 51225.2, as amended by SB 532, requires the transferring school to include in the student's educational record a determination of days of enrollment and/or seat time and an official transcript with full and partial credits earned, or any measure of full or partial coursework being satisfactorily completed.
When a homeless student experiencing homelessness transfers into a COE school or program, the COE will receive an official transcript from the transferring COE, school, or district which reflects full and partial credits and grades earned by the student and includes: (Education Code 51225.2)

1. A determination of the days of enrollment and/or seat time, if applicable for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

 Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned

3. A complete record of the student’s seat time, including both period attendance and days of enrollment

The COE shall transfer the credits and grades from the transferring school’s transcript onto an official COE transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

If the school site administrator or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the administrator or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school within two business days of the request. (Education Code 51225.2)

The COE shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school, and. (Education Code 51225.2)

CSBA NOTE: Pursuant to Education Code 51225.2, COEs may not require a student who has completed an entire course to retake the course.

If the entire course was completed, the COE shall not require the student to retake the course. (Education Code 51225.2)

If the homeless student did not complete the entire course was not completed at the previous school, the student shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course that the student did not complete at the previous school. However, the COE may require the student to retake the portion of the course completed if, in consultation with the holder of educational rights for the student, the COE finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a homeless student in any particular course, the student shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course. (Education Code 51225.2)

CSBA NOTE: Although Education Code 51225.2 requires LEAs COEs to award partial credits to homeless students who transfer from school to school, there is no uniform system for calculating and awarding partial credits. A recommendation for how to award partial credit is available in the California Child Welfare Council's "Partial Credit Model Policy and Practice Recommendations 2011" and should be revised to reflect local practice.
Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the COE’s notification of the student’s transfer, as required under Education Code 49069.5.

In no event shall the COE prevent a homeless student experiencing homelessness from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

### Applicability of Graduation Requirements

**CSBA NOTE:** The following section is for use by COEs maintaining high schools.

To obtain a high school diploma, a homeless student experiencing homelessness shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements established by the County Board and/or County Superintendent, as applicable.

However, when a homeless student experiencing homelessness who has completed the second year of high school transfers into a COE school or program, the student shall be exempted from all COE-adopted established coursework and other COE-established graduation requirements, unless the County Superintendent or designee makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the homeless student’s transfer, the County Superintendent or designee shall notify the student, the person holding the right to make educational decisions for the student, and the COE liaison for homeless students of the availability of the exemption and whether the student qualifies for it. If the County Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer homeless. (Education Code 51225.1)

**CSBA NOTE:** Pursuant to Education Code 51225.1, as amended by SB 532, to determine whether a student with significant gaps in school attendance is in the third or fourth year of high school, the student’s age as compared to the average age of students in the third or fourth year of high school may be used.

To determine whether a homeless student is in the third or fourth year of high school, the COE shall use either the number of credits the student has earned as of the date of the transfer or, the length of the school enrollment, or for a student with significant gaps in school attendance, the student’s age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the student for the exemption. (Education Code 51225.1)

**CSBA NOTE:** Education Code 51225.1, as amended by SB 532, requires the COE to exempt a student who qualifies for an exemption from COE-established graduation requirements, under the circumstances described below.

The If the student experiencing homelessness was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the person holding the right to make educational decisions for the student may request the exemption and the County Superintendent or designee shall notify any exempt the student within 30 days of the request. The student may request the exemption even if the student is no longer a homeless student. (Education Code 51225.1)

**CSBA NOTE:** Pursuant to Education Code 51225.1, as amended by SB 532, the COE is required to reevaluate a student’s eligibility for an exemption from COE-established graduation requirements, as described below.
When the County Superintendent or designee determines that a student who transferred into a COE school is reasonably able to complete COE-established graduation requirements by the end of the student’s fourth year of high school, the student shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the student shall be reevaluated based on the student’s course completion status at the time, to determine if the student continues to be reasonably able to complete the COE-established graduation requirements in time to graduate by the end of the student’s fourth year of high school. Written notice as to whether the student then qualifies for exemption shall be provided to the student, the person holding the right to make educational decisions for the student, and if applicable, to the student’s social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the student experiencing homelessness is not reasonably able to complete the COE-established graduation requirements in time to graduate from high school by the end of the student’s fourth year of high school, the County Superintendent or designee shall provide the student with the option to receive an exemption from COE-established graduation requirements or stay in school for a fifth year to complete the COE-established graduation requirements upon agreement with the student, or if under 18 years of age, the person holding the right to make educational decisions for the students, and provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, the COE is required to consult with a student experiencing homelessness who is granted an exemption from COE-established graduation requirements and the person holding the right to make educational decisions for the student, as described below.

If a homeless student experiencing homelessness is exempted from COE-established graduation requirements, the County Superintendent or designee shall consult with the student and the person holding the right to make educational decisions for the student about the following: (Education Code 51225.1)

1. Discussion of how any requirements that are waived may affect the student’s postsecondary education or vocational plans, including the ability to gain admission to a postsecondary educational institution

2. Discussion and shall provide information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

3. Consideration of the student’s academic data and any other information relevant to making an informed decision on whether to accept the exemption

The COE shall not require or request a homeless student experiencing homelessness to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be granted any request made by a homeless student experiencing homelessness, the person holding the right to make educational decisions for the student, or the COE liaison on behalf of the student, for a transfer solely to qualify for an exemption. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1 prohibits the COE from requiring a student who is exempted eligible for an exemption from local COE-established graduation requirements from accepting the exemption or being denied enrollment, as described below.
The County Superintendent or designee shall not require a student experiencing homelessness who is eligible for an exemption from COE-established graduation requirements, and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1 prohibits the COE from revoking a student’s exemption from COE-established graduation requirements.

If a homeless If a student experiencing homelessness is exempted from COE-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the student is no longer homeless or if the student transfers to another school or out of the COE school or program. (Education Code 51225.1)

If the COE determines that a homeless student is reasonably able to complete COE graduation requirements within the fifth year of high school, the County Superintendent or designee shall: (Education Code 51225.1) (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, the COE may not require or request a student who is exempted from COE-established graduation requirements and completes statewide coursework requirements before the end of the student’s fourth year of high school to graduate early, as described below.

The Superintendent or designee shall not require or request a student experiencing homelessness who is exempted from COE-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student’s fourth year of high school. (Education Code 51225.1)

NEW CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, if the COE determines that a student who is eligible for the exemption from COE-established graduation requirements is reasonably able to complete those requirements in time to graduate from high school by the end of the student’s fifth year, the COE is required to provide the following.

Upon making a finding that a student experiencing homelessness is reasonably able to complete COE-established graduation requirements within the fifth year of high school, the County Superintendent or designee shall: (Education Code 51225.1)

1. Inform Consult with the student and, if under 18 years of age, the person holding the right to make educational decisions for the student, of the option available to the student to remain in school for a fifth year to complete the COE’s COE-established graduation requirements and how that will affect the student’s ability to gain admission to a postsecondary educational institution

2. Provide Consult with and provide information to the homeless student about transfer opportunities available through the California Community Colleges

3. Upon agreement with the homeless student or with the person holding the right to make educational decisions for the student if under 18 years of age, permit the student to stay in school for a fifth year to complete the COE’s COE-established graduation requirements

4. Consult with the student or with the person holding the right to make educational decisions for the student of the option to remain in the student’s school or origin
When a student experiencing homelessness who has completed the second year of high school transfers into the COE from another COE or school district or transfers between high schools within the COE, and is not reasonably able to complete the COE-established graduation requirements, but is reasonably able to complete the statewide coursework requirements, within the student’s fifth year of high school, the COE is required to exempt the student from the COE-established graduation requirements and provide the student with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, consultation with the student and the person holding the right to make educational decisions for the student, regarding the following: (Education Code 51225.1)

1. The student’s option to remain in school for a fifth year to complete statewide coursework requirements

2. The effect of waiving the COE-established requirements and remaining in school for a fifth year on the student’s postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education

3. Other options available to the student, including but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges

4. The student’s academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements

Eligibility for Extracurricular Activities

A homeless student experiencing homelessness who enrolls in any COE school or program shall have access to extracurricular and enrichment activities that are available to all students in the school or program. (Education Code 48850)

Notification, Complaints, and Posting Requirements

Information regarding the educational rights of homeless students experiencing homelessness, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)
the COE must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint that the COE has not complied with requirements regarding the education of homeless students experiencing homelessness, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the COE’s Uniform Complaint Procedures.

CSBA NOTE: Education Code 48852.6, as added by AB 27, requires the COE and each school that maintains a web site to post on the COE and school web sites information related to homeless education of students experiencing homelessness, as specified in the following paragraphs.

The County Superintendent or designee shall ensure that a list of the COE liaison(s) and the contact information for such liaison(s), as well as specific information on homelessness, including, but not limited to, information regarding the educational rights and resources available to persons students experiencing homelessness, are posted on the COE’s web site. (Education Code 48852.6)

Each COE school that has a web site shall also post the contact information for the COE liaison and the name and contact information of any employee or other person under contract with the school who assists the COE liaison in completing the liaison’s duties pursuant to 42 USC 11432. (Education Code 48852.6)

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

Federal

20 USC 1087vv
Free Application for Federal Student Aid; definitions

20 USC 1232g
Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1400-1482
Individuals with Disabilities Education Act

20 USC 6311
State plan

42 USC 11431-11435
McKinney-Vento Homeless Assistance Act

42 USC 12705
Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Management Resources

California Child Welfare Council
Partial Credit Model Policy and Practice Recommendations, September 2013

California Department of Education Publication
Homeless Education Dispute Resolution Process, March 2020

California Department of Education Publication
2021-22 Federal Program Monitoring Instrument, May 2021
California Department of Education Publication  Homeless Education Dispute Resolution Process, January 30, 2007

National Center for Homeless Education Publication  Homeless Liaison Toolkit, 2020

U.S. Department of Education Guidance  Education for Homeless Children and Youths Program, Non-Regulatory Guidance, August 2018


Website  National Homelessness Law Center
Website  University of California
Website  U.S. Department of Education - Education for Homeless Children and Youths Grants for State and Local Activities
Website  National Law Center on Homelessness and Poverty
Website  National Center for Homeless Education at SERVE
Website  California State University
Website  California Interscholastic Federation
Website  California Department of Education, Homeless Children and Youth Education
Website  California Community Colleges
Website  California Child Welfare Council

State
5 CCR 4600-4670  Uniform complaint procedures
Ed. Code 39807.5  Payment of transportation costs by parents
Ed. Code 48850  Academic achievement of students in foster care and homeless children
Ed. Code 48851  Identification of homeless children and youths and unaccompanied youths; housing questionnaire
Ed. Code 48851.3  Homeless education program policies; liaison responsibilities
Ed. Code 48851.5  Local educational agency liaison for homeless children and youths
Ed. Code 48852.3  Monitoring for compliance with chapter
Ed. Code 48852.5  Notice of educational rights of homeless students
Ed. Code 48852.6  Web site posting of information regarding homelessness
Ed. Code 48852.7  Education of homeless students; immediate enrollment
Ed. Code 48859  Definitions
Ed. Code 48915.5  Recommended expulsion, homeless student with disabilities
Ed. Code 48918.1  Notice of recommended expulsion
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Exhibit 1

NAPA COUNTY OFFICE OF EDUCATION EXPLANATION OF DECISION RELATED TO ELIGIBILITY, SCHOOL SELECTION, OR ENROLLMENT

Instructions: The following form provides notice and explanation to a student's parent/guardian or an unaccompanied youth regarding the NCOE's decision related to student eligibility, school selection, or enrollment.

Date: ______________ Name of person completing form: __________________________________________

Title: __________________________________ Phone number: ________________________________

In accordance with the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435), this notification is being provided to either:

Name of parent(s)/guardian(s): __________________________________________________________

Name of unaccompanied student: ______________________________________________________

School requested: _________________________________________________________________

NCOE's placement decision (name of school): ____________________________________________

Action(s) proposed/refused by the NCOE related to eligibility, school selection, or enrollment:

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

The NCOE's determination regarding eligibility, school selection, or enrollment was based upon the following evidence and for the following reasons:

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

Other options that the NCOE considered, if any, included the following options which were rejected for the following reasons:

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

Factors relevant to the NCOE's decision and information related to the eligibility or best interest
determination including the facts, witnesses, and evidence relied upon and their sources, if any:

You have the right to appeal this decision to the NCOE County Superintendent. To do so, contact the NCOE's homeless liaison listed below within the next _____ days to request a Dispute Form. You may provide written or verbal documentation to support your position, and may also seek the assistance of social services, advocates, and/or service providers in the dispute process. The County Superintendent or designee will review all the evidence and will notify you of his/her decision within _____ days.

If you are not satisfied with the County Superintendent's decision, you may appeal to the ______________ County Office of Education. If you are not satisfied with the county office's decision, you may then appeal to the California Department of Education. The NCOE's homeless liaison can assist you with this appeal.

CONTACT INFORMATION:

NCOE Liaison: The NCOE liaison is one of the primary contacts between homeless families and school or NCOE staff. He/she is responsible for coordinating services to ensure that homeless students enroll in school and have the opportunity to succeed academically, and mediates enrollment disputes as needed.

Name of NCOE's homeless liaison:___________________________________________
Address:_________________________________________________________________
Phone number:____________________________________________________________

County Liaison: If you appeal the NCOE's decision to the Napa County Office of Education, the NCOE liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office. The county liaison will review the materials and determine the eligibility, school selection, or enrollment decision within five working days of receiving the materials. He/she will notify you of the decision.

Title of NCOE homeless liaison: Foster & Homeless Services County Coordinator
Address: 2121 Imola Avenue
Napa, CA 94559
Phone number: (707) 259-5923

State Coordinator: If you appeal the county office's decision to the California Department of Education, the county homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. The state coordinator will review the NCOE, county office, and parent/guardian information and will notify you of the decision within ten working days of receiving the materials.
Name of state homeless coordinator: ____________________________________________
Address: ________________________________________________________________
Phone number: __________________________________________________________

RIGHTS:

Pending the final resolution of this dispute, including the period of all appeals, the student has the right to immediately enroll in the school requested and to participate fully in school activities at that school.
Exhibit 2

DISPUTE FORM

Instructions: This form is to be completed by a parent/guardian or student when a dispute regarding enrollment has arisen. As an alternative to completing this form, the information on this form may be shared verbally with the NCOE's liaison for homeless students.

Date submitted: __________________
Student's name: ______________________
Name of person completing form: ______________________
Relation to student: ______________________
Address: ______________________
Phone number: ______________________

Name of school requested: ______________________

I wish to appeal the eligibility, school selection, or enrollment decision made by:
__ NCOE liaison  __ County Superintendent  __ County office of education liaison

Reason for the appeal: You may include an explanation to support your appeal in this space or provide your explanation verbally.

___________________________________________________________________________

___________________________________________________________________________

I have been provided with:
__ A written explanation of the NCOE's decision
__ Contact information for the NCOE's homeless liaison
__ Contact information for the county office of education's homeless liaison
__ Contact information for the state homeless coordinator
2024 OFFICER CANDIDACY APPLICATION INSTRUCTIONS

Following are guidelines, rules, and requirements for filling out the nomination and application forms. We hope you find the instructions easy to follow and the application easy to fill out.

1) Only two offices are available this year: President-Elect and Vice-President. Please check one of the offices at the top of the application.

2) If you are nominating someone other than yourself for one of the offices, please state your name and your County Office of Education affiliation in this space. The nominee must still answer all the candidate's questions.

3) Please keep answers for each question within 500 words or less. It is recommended that a resume is included with the application.

4) By signing the Declaration of Candidacy, you are giving your permission to the nominating committee to distribute your information to the entire membership of CCBE in advance of the general membership annual breakfast meeting held on December 1 in San Francisco when elections take place.

5) Candidates will be interviewed by the nominating committee, which will be scheduled for the weekend of September 8-10 in conjunction with the CCBE Annual Conference in Monterey. Before the interview, the nominating committee may vet each candidate, which could include, but is not limited to, an internet search. The interview discussion will be confidential.

6) Since we accept applications through email, we request that all applicants send the email and hard copy versions to ensure nothing gets lost. The deadline to receive nominations and candidate applications is by 5:00 pm July 31, 2023.

7) Please submit the application and all of the accompanying materials to the following:

   California County Boards of Education
   c/o Nominating Committee
   3251 Beacon Blvd. | West Sacramento, CA 95691
   Phone: (916) 669-3316 | Fax: (916) 371-3407
   Email: ccbe@csba.org
2024 CCBE OFFICER CANDIDACY APPLICATION
This is an application for the office of: (Please check one)

☐ President-Elect  ☐ Vice President

Nominated by: ________________________________  COE: ________________________________

CANDIDATE INFORMATION

Candidate name: ________________________________

Address: ______________________________________

Preferred phone: ________________________________  Alternate phone: ________________________________

Primary email address: ________________________________

Secondary email address: ________________________________

County office of education: ________________________________  Current term ends: __________

CANDIDATE QUESTIONS
Please keep answers for each question within 500 words or less.

1) Is your COE a current due paying member in good standing with CCBE?  ☐ Yes  ☐ No

2) If your COE or CCBE cannot pay travel expenses for you to attend required meetings and/or events, are you willing to pay your expenses if necessary?  ☐ Yes  ☐ No

3) Being on the CCBE Executive Committee requires extraordinary amounts of dedication and time, as outlined in the roles and responsibilities document. Assuming you meet those two qualifications, please tell us why you want to be on the CCBE Executive Committee.

4) Please tell us about your experience as a county district or nonprofit board member. Include years on the board, leadership positions in other organizations, awards, honors, and outstanding accomplishments you achieved in previous roles.
5) In the past, CCBE has been known for its active agenda and long-range goals. Please tell us about your vision for CCBE. Be sure to include a short- and long-term vision, e.g., your vision for CCBE in one year, three years, five years, and ten years.

6) Should you be elected, tell us about your goals and how you plan on achieving those goals during your term.

7) Are there any potential or perceived conflicts of interest if elected? □ Yes □ No (If “yes,” please explain)

DECLARATION OF CANDIDACY

By filling out this form, I declare my candidacy for the position named above. I allow all information included in this packet to be submitted directly to CCBE’s membership before the Annual Meeting on December 1, 2023, in San Francisco.

_________________________________________  __________________________
Candidate’s Signature                               Date

Nomination and application forms are due by 5:00 pm on July 31, 2023.

Submit completed application and nomination forms to: c/o CCBE Nominating Committee
Email: ccbe@csba.org | Mail: 3251 Beacon Boulevard, West Sacramento, CA 95691
Executive Committee Roles and Responsibilities

The CCBE Executive Committee is comprised of the Officers of the CCBE organization (President, President-elect, Vice President, and Immediate Past President) and includes the Treasurer and CSBA Director-at-Large, County. Members must be active county board members that have paid in full the annual CSBA and CCBE membership dues.

Serving on the CCBE Executive Committee as an Officer ideally equates to a four-year commitment served in one-year terms as Vice President, President-elect, President, and Immediate Past President. The President-elect shall serve for one year and then shall automatically succeed to the office of President of the following year. The term for Treasurer shall be two-years and may be re-elected for subsequent terms.

CCBE Vice President, President-elect and Treasurer Elections occur at the December meeting. Immediately following this meeting, the CCBE President becomes CCBE Immediate Past President and CCBE President-elect becomes the incoming President. The September general membership meeting is similar to the December meeting with the exception of officer elections and changes in office.

County member boards have the opportunity to nominate a candidate for the CSBA Director-at-Large, County position August 1 in odd-numbered years. CCBE’s Board of Directors may endorse one or more candidate(s) from those nominated at the September meeting. The election for the CSBA Director-at-Large, County, is held at the CSBA Delegate Assembly meeting prior to the CSBA Annual Education and Trade Show. The term of the CSBA Director-at-Large, County shall be two years in accordance with CSBA’s Bylaws Article IV, Section

The CCBE Executive Committee’s core values include:
- We tell each other like it is, respectfully and without fear.
- We engage in purposeful conversations to build clarity and improve relationships.
- Humor is good.
- We hold ourselves and each other accountable.

CCBE Executive Committee Roles and Responsibilities

The Executive Committee shall transact business and act on behalf of the Board of Directors between meetings of the board and shall report its actions to the Board of Directors. The Executive Committee shall have the following duties and responsibilities in the governance of the CCBE organization:

a. Initiate, review and recommend bylaws, standing rules, policies, goals, objectives, and resolutions.

b. Initiate and recommend the annual budget of CCBE.

c. Initiate and approve programs and services within the budget.

d. Initiate and recommend new unbudgeted programs and services and possible avenues of funding.

e. Conduct an annual performance review of the CSBA/CCBE Program Manager and provide their input and recommendations to CSBA in August.

f. Review and approve for ratification all appointments for the President, including appointments to all committees called for by these rules and to all task forces.
g. The Executive Committee at its first meeting shall review the current Bylaws and Standing Rules to review their responsibilities and the operations of the organization.

The President shall:
- Preside at all meetings of the CCBE General Membership, Board of Directors, and Executive Committee.
- Serve as ex-officio member of all committees except the Nominating Committee.
- Call special meetings if necessary.
- Appoint all committee chairs and recommend who will serve on committees and task forces.
- Work with the CCBE Program Manager in preparing agendas for board, executive committee, and general membership meetings.
- Coordinate with Executive Committee and work with CSBA on Program Manager’s annual performance evaluation.
- Annually review the MOU between CCBE and CSBA and report any recommended changes to the Executive Office and Board of Directors.
- Act as a spokesperson for the organization.
- Serve as a member of the CSBA Board of Directors in accordance with CSBA Bylaws Article IV Section 2 (b) and shall give reports to the CSBA Board of Directors at meetings of the CCBE Executive Committee and Board of Directors.

The President-elect shall:
- Attend all board meetings.
- Serve on the executive committee.
- Assist and understand the responsibilities of the board president and be able to perform these duties in the absence of the President.
- Recommend members to the CSBA President-elect to serve on the CSBA Legislative and Annual Conference Committees.
- Serve as chair on the CCBE Annual Conference Planning Committee
- At the direction of the President, perform such responsibilities as may be assigned.

The Vice President shall:
- Attend all board meetings.
- Serve on the executive committee.
- Serve as the liaison to collect article topics to be included in the County Perspective section in the CSBA SchoolNews monthly newsletter.
- Serve as vice chair on the CCBE Annual Conference Planning Committee
- At the direction of the President, perform such responsibilities as may be assigned and assume responsibilities of the president in the absence of the board president and president-elect.

The Immediate Past President shall:
- Attend all board meetings.
- Serve on the Executive Committee.
- Serve as a Delegate-at-Large to CSBA Delegate Assembly for one year.
- Serve on the CSBA Legislative Committee and as liaison on the CCSESA Legislative Committee.
- At the direction of the President, perform such responsibilities as may be assigned.
The Treasurer shall:
- Attend all board meetings.
- Serve on the Executive Committee.
- Have a basic understanding of financial accounting for nonprofit organizations.
- Work with the Program Manager to ensure that appropriate financial reports are made available to the board on a timely basis.
- Work with the CCBE Program Manager in preparing the annual budget and presenting the budget to the board for approval.
- Periodically review the budget, monitor expenses, and present financial reports to the Executive Committee, Board of Directors and General Membership.
- Certify a quorum has been met at Board of Directors and General Membership meetings.
- Serve as chair of the Budget/Audit committee
- At the direction of the President, perform such responsibilities as may be assigned.

The CSBA Director-at-Large, County shall:
- Attend all CSBA and CCBE Board of Directors meetings.
- Serve on the CCBE Executive Committee.
- Assist CSBA in addressing critical issues which may have an impact on counties and serve as an effective two-way communication link between CSBA and CCBE Officers, Directors and county board members.
- Present annual reports to the CCBE General Membership at the CCBE Annual Conference.

Meeting Location, Length and Schedule

Location

The retreat, May, September, and December meetings are typically held in-person and all other meetings are held via video/teleconference. The meetings in May, September and December precedes other annual Delegate Assembly and conferences and is held in the same city at a local restaurant or in the host hotel for these events.

Regular and special meetings

Regular meetings of the Executive Committee are held at a time and place determined by the Executive Committee. Special meetings of the Executive Committee may be called by the President who will notify all members of the committee of the time, place and subject matter of a special meeting prior to the date of the meeting.

Yearly Scheduled Required Meetings to attend

1. CCBE Executive Committee Meetings
   The Executive Committee meets approximately ten times a year via video/teleconference and prior to CCBE and CSBA conferences. A doodle poll is sent to the Executive Committee at the beginning of the year to determine the dates and times. Members of the Executive Committee consist of the President, President-elect, Vice President, Immediate Past President, Treasurer and CSBA Director-at-Large, County.
   - January Retreat (in-person or video/teleconference)
   - February
   - March
   - April
   - May (in-person or video/teleconference prior to the Board of Directors meeting)
• June
• July
• August
• September (in-person or video/teleconference prior to the Annual Conference)
• October
• November
• December (in-person or video/teleconference prior to the Board of Directors meeting)

2. Legislative Committee Meetings
   The immediate past president serves on the CSBA Legislative Committee who meets four to five times a year via video/teleconference and in-person meetings and as the liaison to CCSESA legislative committee.

3. County Perspective CSBA SchoolNews
   The vice president is the liaison of the County Perspective section included in the CSBA SchoolNews monthly newsletter and works with staff to identify relevant county topics and key contacts.

4. CCBE Annual Conference Planning Committee Meetings
   The president-elect serves as the chair and the vice president serves as the vice chair to the CCBE Annual Conference Planning Committee who meets up to 8 times throughout the year in-person or video/teleconference (January/February, March, April, May, June, July, August & September) and must allow time as needed to accomplish the task to review and rate proposals during the year.

5. CCBE Board of Directors Meetings
   Three meetings per year are held in conjunction with CCBE Annual Conference in Sept. in Monterey, CSBA Delegate Assembly meeting in May in Sacramento or video/teleconference and the CSBA Annual Education conference (alternating locations, north and south, early December), as well as a board retreat held once a year during the summer and video/teleconference calls.

6. CCBE General Membership Meetings
   Two meetings per year held in conjunction with CCBE Annual Conference in September and the CSBA Annual Education conference (alternating locations, north and south, early December)

7. CSBA Delegate Assembly
   The president, immediate past president and CSBA Director-at-Large, County serve on the CSBA Delegate Assembly as Delegates-at-Large.

8. CSBA Board of Directors Meetings
   The president serves for a one-year term and the CSBA Director-at-Large, County serves for a two-year term on the CSBA Board of Directors. They will need to attend five meetings in-person or video/teleconference (four meetings in Sacramento; one meeting prior to Delegate Assembly meeting in alternating locations, north and south, early December.)

9. Additional Meetings
   The president must also be available to serve association needs in Sacramento and to work with staff for approval of meeting agendas, planning and coordination of activities. Officers are also encouraged to attend CCBE and CSBA continuing education events scheduled throughout the year.