

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

The Napa County Board of Education will hold a regular meeting on Tuesday, February 13, 2024, at 2:00 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.**

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

<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: February 13, 2024, 2024 2:00 PM Pacific Time (US and Canada)

Topic: NCOE February 13 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>

Or One tap mobile :

US: +16699006833,,85404848681# or +16694449171,,85404848681#

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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>

- D. Welcome to Visitors
- E. Approval of Agenda
- F. Approval of Minutes – January 9, 2024

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. **Guidelines for Public Comment during the Public Hearing can be found under Item 3.A.**

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. **PRESENTATIONS**

- A. Mid-Year LCAP (Julie McClure, Associate Superintendent)

3. **CORRESPONDENCE, COMMUNICATONS, AND REPORTS**

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

4. **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 2024-02: 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)

5. ACTION ITEMS

- A. Board Approval Comprehensive School Safety Plan. The Board will be asked to approve the Comprehensive School Safety Plan. (Julie McClure, Associate Superintendent)
- B. Board Approval Resolution 2024-03: AmeriCorps Planning Grant 2024-2025 “AmeriCorps Neighbor2Neighbor Program” AmeriCorps Program Contract. The Board will be asked to approve Resolution 2024-03: AmeriCorps Planning Grant 2024-2025 “AmeriCorps Neighbor2Neighbor Program” AmeriCorps Program Contract. (Julie McClure, Associate Superintendent)
- C. Board discussion regarding possible conflict of interest with possible action. (Josh Schultz, Deputy Superintendent)

6. 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)

7. INFORMATION ITEMS

- A. Personnel Activity Report: vacancies, listing of personnel appointments, terminations, transfers, etc. (Julie McClure, Associate Superintendent)
- B. Budget Calendar (Josh Schultz, Deputy Superintendent)
- C. First Reading Board Bylaw 9005 – Governance Standards (Julie McClure, Associate Superintendent)
- D. First Reading Board Bylaw 9123.1 Clerk of the Board and Executive Officer (SP 2110 County Superintendent Responsibilities and Duties *and* SP 2111 County Superintendent Governance Standards for reference). (Julie McClure, Associate Superintendent)
- E. Review process for separate legal counsel for the Napa County Board of Education. (Josh Schultz, Deputy Superintendent)
- F. Board self-evaluation options. (Barbara Nemko, Superintendent)
- G. Update Ethics Training for the Board at March 5 meeting. (Josh Schultz, Deputy Superintendent)
- H. Mayacamas Charter Middle School First Interim Review (Josh Schultz, Deputy Superintendent)

8. PUBLIC HEARING ON MAYACAMAS COUNTYWIDE CHARTER PETITION **4:00 p.m.**

NOTE: Speakers can sign up in advance at <https://bit.ly/ncoecommentfeb2024>.

A. Public Hearing on the Mayacamas Countywide Charter Petition (Josh Schultz, Deputy Superintendent)

The purpose of this hearing is to gauge public opinion regarding the petition.

Petition and related information can be found at the link below:

<https://napacoe.org/board-of-education/mayacamas-countywide-middle-school-charter-petition/>

The Public will have an opportunity to provide Public Comment regarding the charter petition during the public hearing.

- Each speaker should identify himself/herself before providing his/her public comment;
- Each speaker will receive a maximum of three (3) minutes and will be alerted by the Board President when their time is up. Individuals are encouraged to use as little time as possible to allow for as many speakers as possible to comment during the duration of the public hearing;
- The Public Hearing including public comment will be limited to sixty (60) minutes in total.
- Due to the time limit for the hearing, speakers will be selected in the order signed up. Selected speakers will alternate between those opposed and those supporting the petition. Speakers can be virtual or in-person. There is a possibility not all speakers will have an opportunity to speak due to the time limit.
- Speakers can sign up in advance at <https://bit.ly/ncoecommentfeb2024>.

9. FUTURE AGENDA ITEMS

10. NEXT MEETING OF THE NAPA COUNTY BOARD OF EDUCATION

The regular meeting of the Napa County Board of Education will be held March 5, 2024.

11. 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, Wednesday, February 7, 2024. Informational material is available for review at the NCOE.

**MEETING OF THE NAPA COUNTY BOARD OF EDUCATION
Tuesday, January 9, 2024**

Members present

Jean Donaldson, Gerry Parrott, Janna Waldinger, Ann Cash, Don Huffman,
Sindy Biederman, Jennifer Kresge

1. ORGANIZATION

A. CALL TO ORDER

President Huffman called the meeting to order at 3:30 p.m.

B. FLAG SALUTE

The salute to the Flag was led by Julie McClure.

C. PUBLIC PARTICIPATION

President Huffman reviewed the instructions for public participation via teleconference.

D. WELCOME TO VISITORS

Visitors were welcomed to the meeting.

E. APPROVAL OF AGENDA

The Agenda was approved on a motion by Mrs. Kresge and a second by Mr. Donaldson. *Ayes* - Mr. Parrott, Mrs. Cash, Mr. Donaldson, Mrs. Kresge, Mrs. Biederman, Ms. Waldinger, Mr. Huffman. *Noes* - None.

F. APPROVAL OF MINUTES

At the request of Ms. Waldinger, the Minutes from the December 7, 2023 meeting shall reflect that Mr. Parrott nominated Ms. Waldinger for the position of Vice President for the coming year. On a motion by Ms. Waldinger and a second by Mr. Donaldson, the Board approved the Minutes from the December 7, 2023 and December 12, 2023 meetings. *Ayes* - Mr. Parrott, Mr. Donaldson, Ms. Waldinger, Mrs. Biederman, Mr. Huffman, Mrs. Kresge, Mrs. Cash. *Noes* - None.

G. Public Comment was given.

After a short break to celebrate the newly sworn-in candidates, the Board resumed the meeting.

2. PRESENTATIONS

A. Christy White, of Christy White Associates, presented NCOE's audit report for the period ending June 30, 2023. Ms. White announced the report has been given an unmodified opinion.

B. Approval of Annual Audit Report: on a motion by Mrs. Kresge and a second by Ms. Waldinger, the Board approved the NCOE's audit report for the period ending

June 30, 2023. Ayes - Mr. Parrott, Mr. Donaldson, Ms. Waldinger, Mrs. Biederman, Mr. Huffman, Mrs. Kresge, Mrs. Cash. Noes – None.

3. CORRESPONDENCE, COMMUNICATIONS, AND REPORTS

- Mrs. Cash requested information on legal counsel for the Board.
- Mrs. Biederman requested legal direction on questions from constituents on local newspaper articles.
- Mr. Schultz reviewed ERAF (Education Revenue Augmentation Fund) and SRAF (Supplemental Revenue Augmentation Funds).
- Mr. Schultz reviewed the cost structure for CSBA legal services.
- Dr. Nemko attended a County Superintendents of School meeting and reported that several of the county superintendents offered to share their board self-evaluation information for county offices. Once received, Dr. Nemko will share this information with the Board.
- Dr. Nemko asked for volunteers for the American Canyon High School Academic Decathlon training on January 11. Mrs. Biederman, Mrs. Cash, and Alan Cash are available to help; and, possibly Mr. Parrott and Jeff Kresge are able to volunteer their time as well.
- Dr. Nemko shared a flyer for a Civic Learning Summit that the Los Angeles County Office of Education and Sacramento County Office of Education will host on February 13 in Sacramento. Dr. Nemko noted that our students are not well versed in civics, and it's time to do something about it. State and local policymakers and educational leaders have been invited to come and learn how we can make civics education a priority in California. A workshop for students will be held February 12, and students are also invited to come on February 13. Dr. Nemko shared the flyer with Nancy Dempsey, Director, Juvenile Court and Community Schools, and with the district superintendents to share with their principals.
- Dr. Nemko reported on the Literacy Coach and Reading Specialist grant we are doing with Sacramento County Office of Education. This grant is for literacy coaches and reading specialists who are already working but to become coaches in reading. They will provide support for the coaches, and this five-year grant covers over 800 school sites. The goal is to get all students reading by third grade. They will also develop family literacy plans.
- Dr. Nemko reported that 15 local educators have signed up for the Museum of Tolerance special professional development event on June 24 and 25.
- Dr. Nemko reported on a Heckinger Report article in CSBA's latest correspondence on tutoring and artificial intelligence. The article mentions Khanmigo, a tool for teachers on artificial intelligence. Dr. Nemko reminded the Board that a representative from Khan Academy, Jason Hovey, Director of Business Partnerships for Khan Academy, will be at the Innovation Summit at New Tech High School on February 3. Everyone who attends will receive a free Khanmigo account.

- Dr. Nemko reported that Senator Bill Dodd, on behalf of the County of Napa, is currently working with the State to buy back the Skyline Park property. The NCOE is also interested in possibly buying back their piece of the property located on the Skyline Park property and will work with Senator Dodd and his staff member, Alex Pader, who is in negotiations with the State. Dr. Nemko noted that this is a long-term proposal of possible interest to the NCOE.

4. CONSENT AGENDA ITEMS

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

B. No action was taken on Consent Agenda Item 4.B. (Board Member Compensation).

5. ACTION ITEMS

A. On a motion by Mrs. Biederman and a second by Mr. Parrott, the Board approved the School Accountability Report Cards (SARC). Ayes - Mr. Parrott, Mrs. Cash, Mr. Donaldson, Mrs. Kresge, Mrs. Biederman, Ms. Waldinger, Mr. Huffman. Noes - None.

6. SCHEDULED MATTER

Mrs. Kresge reported on the CSBA item that BN talked about - less than 3% of economic output is spent on education in CA. 2/1 speaker on bullying Tyler Hester.

7. INFORMATION ITEMS

A. The Personnel Activity Report was presented.

B. Mr. Schultz reported no complaints under the Williams Uniform Complaints Procedures Quarterly Report.

C. Mr. Schultz reviewed the AB 2158 Ethics Training Requirements for Local Agencies.

D. Ms. McClure reviewed Board Bylaw 9005 Governance Standards. Board Bylaw 9005 Governance Standards will be presented as a First Reading at the February meeting.

Public comment was given.

E. Ms. McClure reviewed the County Superintendent Roles and Responsibilities. Board Bylaw 9123.1 Clerk of the Board and Executive Officer will be presented as a First Reading at the February meeting (SP 2110 County Superintendent Responsibilities and Duties and SP 2111 County Superintendent Governance Standards will be included for reference only).

F. In honor of School Board Recognition Month, Dr. Nemko thanked the Board for their hard work and presented each Board member with a certificate for lunch at Camille Creek. Dr. Nemko showed a video taken at the CSBA conference where two board members from other counties were interviewed about their roles as board members. Dr. Nemko invited our Board to record a video here at the NCOE at their convenience, and we will post it on our website.

8. FUTURE AGENDA ITEMS

9. NEXT MEETINGS OF THE NAPA COUNTY BOARD OF EDUCATION

The next regular meeting of the Napa County Board of Education will be held Tuesday, February 6, 2024.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:33 p.m.

Respectfully submitted,
Barbara Nemko, Secretary
es

Approved _____ Date _____

SPECIAL MEETING OF THE NAPA COUNTY BOARD OF EDUCATION
Thursday, December 7, 2023

Members attending remotely:

Jean Donaldson, Gerry Parrott, Janna Waldinger, Jennifer Kresge, Don Huffman,
Sindy Biederman, Ann Cash

1. ORGANIZATION

A. CALL TO ORDER

President Huffman called the meeting to order at 5:00 p.m.

B. FLAG SALUTE

The salute to the Flag was led by Jean Donaldson.

C. PUBLIC PARTICIPATION

President Huffman reviewed the instructions for public participation via teleconference.

D. WELCOME TO VISITORS

Visitors were welcomed to the meeting.

E. APPROVAL OF AGENDA

The Agenda was approved on a motion by Ms. Waldinger and a second by Mrs. Cash. Roll Call Vote: *Ayes* - Mr. Parrott, Mr. Donaldson, Mrs. Cash, Mrs. Biederman, Ms. Waldinger, Mr. Huffman. *Noes* - None. Mrs. Kresge not present to vote.

F. Public Comment was given.

2. PRESENTATIONS

3. CORRESPONDENCE, COMMUNICATIONS, AND REPORTS

4. ACTION ITEMS

A. On a motion by Mrs. Kresge and a second by Mr. Donaldson, the Board approved the Second Reading and Board Bylaw 9121: President. Roll call vote: *Ayes* - Mr. Donaldson, Mrs. Kresge, Ms. Waldinger, Mr. Huffman, Mr. Parrott. *Noes* - Mrs. Cash, Mrs. Biederman.

B. On a motion by Mrs. Kresge and a second by Ms. Waldinger, the Board approved the First Interim Budget Report. Roll call vote: *Ayes* - Mr. Donaldson, Mrs. Kresge, Ms. Waldinger, Mr. Huffman, Mr. Parrott, Mrs. Cash, Mrs. Biederman. *Noes* - None.

5. INFORMATION ITEMS

A. Mr. Schultz presented the draft Board Calendar for 2024.

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 December 12, 2023.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Barbara Nemko, Secretary
es

Approved _____ Date _____

APPROVED

**MEETING OF THE NAPA COUNTY BOARD OF EDUCATION
Tuesday, December 12, 2023**

Members present

Jean Donaldson, Gerry Parrott, Janna Waldinger, Ann Cash
Don Huffman, Cindy Biederman
Remote Attendance: Jennifer Kresge

1. ORGANIZATION

A. CALL TO ORDER

President Huffman called the meeting to order at 3:30 p.m.

B. FLAG SALUTE

The salute to the Flag was led by Janna Waldinger.

C. PUBLIC PARTICIPATION

President Huffman 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 Mrs. Biederman and a second by Mr. Donaldson, Item B. Students of the Month was moved to precede Item A. Trevor Paige presentation.

At the request of President Huffman Item 7.B. Ad Hoc Committee Mayacamas Charter Middle School was removed from the agenda noting that the function of the Ad Hoc Committee has been completed at this time. Ayes - Mr. Parrott, Mrs. Cash, Mr. Donaldson, Mrs. Kresge, Mrs. Biederman, Ms. Waldinger, Mr. Huffman. Noes - None.

F. APPROVAL OF MINUTES

On a motion by Mrs. Cash and a second by Mr. Parrott, the Board approved the Minutes from the December 7, 2023 meeting. Ayes - Mr. Parrott, Mr. Donaldson, Ms. Waldinger, Mrs. Biederman, Mr. Huffman, Mrs. Kresge, Mrs. Cash. Noes - None.

G. Public Comment was given

The Board elected the following officers for the coming year:

President – Don Huffman – nominated by Ms. Waldinger and seconded by Mrs. Cash. Ayes - Mr. Parrott, Mrs. Cash, Mr. Donaldson, Mrs. Kresge, Mrs. Biederman, Ms. Waldinger, Mr. Huffman. Noes – None.

Vice President – Janna Waldinger – nominated by Mrs. Kresge and seconded by Mr. Parrott. Ayes - Mr. Parrott, Mrs. Cash, Mr. Donaldson, Mrs. Kresge, Mrs. Biederman, Ms. Waldinger, Mr. Huffman. Noes – None.

Trustee Representative – Jennifer Kresge – nominated by Mr. Parrott and seconded by Ms. Waldinger. Ayes - Mr. Parrott, Mrs. Cash, Mr. Donaldson, Mrs. Kresge, Mrs. Biederman, Ms. Waldinger, Mr. Huffman. Noes – None.

H. Establishment of Meeting Time/Date and 2024 Board Calendar

On a motion by Ms. Waldinger and a second by Mr. Parrott, the Board agreed that the date and time of the meetings will remain the same: 3:30 p.m. the first Tuesday of every month. Board Calendar for 2024 was approved. Ayes - Mr. Parrott, Mrs. Cash, Mr. Donaldson, Mrs. Kresge, Mrs. Biederman, Ms. Waldinger, Mr. Huffman. Noes – None.

I. Public comment was given.

At President Huffman’s request, Frank Zotter, Senior Associate General Counsel, School & College Legal Services of California, clarified that Mrs. Kresge’s remote participation was allowable and consistent with legal requirements, because she notified the Board of her need to care for her grandchild, which falls under the “just cause” provision of Government Code 54953. The Board needs to be notified of a “just cause” request before any action is taken at a meeting, but the request does not require Board approval. Mr. Zotter noted that the “just cause” provision of Government Code 54953 may be used by a board member no more than two times in a year.

2. PRESENTATIONS

A. Trevor Paige, CSBA Public Affairs and Community Engagement Representative, provided a presentation and answered questions from the Board regarding potential changes to CSBA/CCBE 2024.

B. Students of the Month: Jovani Arguello Marin and Brian Veiga were honored by the Juvenile Court and Community School staff: Nancy Dempsey, Director; John Hillyer, Assistant Principal; and, Angela Higdon, Dean of Student Achievement.

After a brief reception to honor the students, the Board resumed the meeting.

3. CORRESPONDENCE, COMMUNICATIONS, AND REPORTS

- Mrs. Biederman reported on the Veterans Day ceremony at American Canyon High School in collaboration with the American Canyon Troop Support and the City of American Canyon as part of its digital photography contest. There were 12 entries from Ms. Leahy’s art class, and a 94 year old Korean War veteran selected the top three winners. All 12 entries will be displayed at American Canyon High School.
- Mr. Donaldson reported that he attended sessions on Artificial Intelligence at the CSBA conference and learned about the plans shown for AI to be introduced to teaching methods in the schools.
- Dr. Nemko reported that she attended Sal Kahn’s session at CSBA where the Khanmigo tutoring device was presented. Everyone bought books

which he signed, and it was an informative session. Dr. Nemko further reported that Jason Hovi, Director of Business Partnerships, will attend the innovation conference where KahnMigo will offer free subscriptions to KhanMigo for any teacher who comes whose district or principal approves of them using it. Dr. Nemko reported that they are also looking at Amira which is an embedded tutoring device for reading.

- Dr. Nemko reported that she attended the American Canyon Choir Christmas concert, the Napa High Choir that performed at Congressman Mike Thompson's holiday reception, and the Vintage High School choir as well.
- Dr. Nemko reported that NCOE staff met with seven members from the CDE to review regional technical assistance grants for Career Technical Education (CTE). It will take awhile to get the funding, and they will send us the forms that we have to fill out in terms of what the scope of work will encompass.
- Dr. Nemko reported that she visited Bel Aire Elementary on Monday and will visit Donaldson Way Elementary tomorrow.
- Dr. Nemko reported that the NCOE is having a learning session here at lunch time on Thursday to review the DEI survey and data.
- Dr. Nemko reported that staff is very happy about the services the NCOE provides with regard to mental health services including the Employee Assistance Program (EAP), and reminded the Board that they have access to all of these services too.
- Julie McClure reported on the regional and statewide work the NCOE and Dr. Nemko have done and will be presenting at a variety of different conferences over the coming months.
- Dr. Nemko reported her concern about the antisemitism associated with University of California campuses and ethnic studies. Dr. Nemko noted that she will be talking with Senator Scott Wiener, who heads the Jewish Caucus, about calling the heads of UC campuses into the state legislature to answer the same questions the presidents of the three elite college campuses were recently asked.
- Dr. Nemko reported that the NCOE is sending home for the holidays, with every preschool child, a gift-wrapped book. In addition, students and their families at Camille Creek will receive gifts as well.
- Angela Higdon, Dean | Student Engagement, reported that Camille Creek is very proud of the Golden Bell award they received at CSBA. Ms. Higdon provided an update on some of the many events Camille Creek students have taken part in including an event called Mad City Money in partnership with Travis Credit Union, students cooking and selling tamales made in the culinary kitchen at Camille Creek, and, as part of the trades tour, a group of students went on a tour to the iron workers, plumbing and steam fitters, and electrical workers unions.

- Mrs. Kresge reported that she attended the Legal Symposium for Experienced Board Members at CSBA and listed the topics presented.

4. CONSENT AGENDA ITEMS

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

B. No action was taken on Consent Agenda Item 4.B. (Board Member Compensation).

5. ACTION ITEMS

A. On a motion by Ms. Waldinger and a second by Mrs. Kresge, the Board approved the Napa County Teacher Induction Program Assurances. Ayes - Mr. Parrott, Mrs. Cash, Mr. Donaldson, Mrs. Kresge, Mrs. Biederman, Ms. Waldinger, Mr. Huffman. Noes – None.

B. On a motion by Mrs. Biederman and a second by Mrs. Cash, the Board approved Resolution 2023-23: Outdoor Equity Program with Phillips Elementary School. Ayes - Mr. Parrott, Mrs. Cash, Mr. Donaldson, Mrs. Kresge, Mrs. Biederman, Ms. Waldinger, Mr. Huffman. Noes – None.

6. SCHEDULED MATTER

The Board tabled Scheduled Matter to the next meeting.

7. INFORMATION ITEMS

A. The Personnel Activity Report was presented.

B. At the request of Mr. Huffman and with Board approval, the Board removed Update Ad Hoc Committee Mayacamas Charter Middle School from the agenda.

C. Frank Zotter, School and College Legal Services, advised the Board on matters pertaining to the County Board interest in obtaining special legal counsel (Board Bylaw 9124 – Attorney).

8. FUTURE AGENDA ITEMS

9. NEXT MEETINGS OF THE NAPA COUNTY BOARD OF EDUCATION

The next regular meeting of the Napa County Board of Education will be held Tuesday, January 9, 2024.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:43 p.m.

Respectfully submitted,
Barbara Nemko, Secretary
es

Approved _____ Date _____

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

Item # 2.A

Date: 2/13/24

TITLE: NCOE Mid-Year LCAP Report

HISTORY:

Senate Bill 114 (2023) added a requirement for **LEAs to present a report on the annual update to the Local Control and Accountability Plan (LCAP) and Budget Overview for Parents (BOP)** on or before February 28 each at a regularly scheduled meeting of the governing board or body of the LEA.

The report must include the following:

- All available midyear outcome data related to metrics identified in the current LCAP; and,
- All available midyear expenditure and implementation data on all actions identified in the current LCAP.

CURRENT PROPOSAL:

This is an information item; no action is needed. The back-up materials contain the LCAP Mid-Year report and a PPT presentation for the Board meeting.

FUNDING SOURCE: N/A

SPECIFIC RECOMMENDATION: This is an information item, no action is needed.

Prepared by: Nancy Dempsey, Director of NCOE's Juvenile Court and Community Schools programs, and Lucy Edwards, Director of Continuous Improvement/Academic Support

Date prepared: 1-31-2024

Mid-Year LCAP Update

— February 7, 2024 —

Nancy Dempsey and Lucy Edwards

Camille Creek Community School

Background

Senate Bill 114 (2023) added a requirement for **LEAs to present** a report **on the annual update to the Local Control and Accountability Plan (LCAP) and Budget Overview for Parents (BOP)** on or before February 28 each at a regularly scheduled meeting of the governing board or body of the LEA.

The report must include the following:

- All available midyear outcome data related to metrics identified in the current LCAP; and,
- All available midyear expenditure and implementation data on all actions identified in the current LCAP.

NCOE Goal 1

To understand the unique needs of our individual students through interviews, assessments, and relationship while always using a trauma informed approach to help address the barriers preventing the students from thriving. (LCFF Priorities 1, 3, 5, 6, and 7).

LCAP Goal 1 - Metrics

Metric	2020-21 Baseline	Desired Outcome for 2023-24	2023-24 Mid-Year Update	Status
<i>Attendance Rate</i>	93.4 %	96 %	83%	<i>Progress</i>
<i>Productivity</i>	<i>Percent of possible credits earned 78%</i>	80%	95%	<i>Progress</i>
<i>Suspension Rate</i>	18.1%	15%	22%	<i>Progress</i>
<i>School Connectedness</i>	<i>36% of students report connected to school March 2023 - 50%</i>	90 %	<i>Unavailable</i>	<i>Survey will be administered in March 2024</i>
<i>Family Survey</i>	<i>100% satisfied 100% supported</i>	>80% for both	<i>Fall survey 100% satisfied 100% feel supported</i>	<i>Spring survey will be administered</i>

LCAP Goal 1 - Actions

Action Title	Budgeted Expenditure	Estimated Actuals (1st Interim)	Implementation Note
<i>Staffing for SEL support, home visits, and strengthening relationships</i>	<i>\$692,766.00</i>	<i>\$231,134</i>	<i>Fully Implemented</i>
<i>JCCS Staff Training (SEL and Restorative Justice focus)</i>	<i>\$5,500</i>	<i>\$4,100</i>	<i>Fully implemented</i>
<i>JCCS general staffing (leadership, instructors, office staff)</i>	<i>\$988,279.00</i>	<i>\$250,269 No middle school teacher</i>	<i>Fully implemented</i>
<i>Juvenile Hall Staffing</i>	<i>\$181,001</i>	<i>\$69,676</i>	<i>Fully Implemented</i>

NCOE LCAP Goal 2

To assist our students to develop a plan and the skills to successfully enter the workforce or pursue further education or training. (LCFF Priorities 1, 2, 4, 5, 7, 8)

LCAP Goal 2 - Metrics

Metric	2020-21 Baseline	Desired Outcome for 2023-24	2023-24 Mid-Year Update	Status
<i>Graduation Rate</i>	<i>61.1%</i>	<i>70%</i>	<i>777 students graduated</i>	<i>Progress</i>
<i>Workforce training</i>	<i>21% of students participating in a workforce training program</i>	<i>30%</i>	<i>22%</i>	<i>Progress</i>
<i>Star Reading Growth</i>	<i>61% students grew in Lexile reading levels 42% grew more than one grade level in reading</i>	<i>70% meet growth target</i>	<i>59% of students grew in Lexile reading levels 34% student showed one year or more of growth.</i>	<i>Progress</i>
<i>Star Math Growth</i>	<i>57% students showed growth on the math interim assessments. 38% student showed one year or more of growth</i>	<i>70% meet growth target</i>	<i>70% students showed growth on the math interim assessments. 36% student showed one year or more of growth.</i>	<i>Progress</i>
<i>CTE</i>	<i>No CTE pathways available</i>	<i>30% enrolled in a CTE pathway</i>	<i>26 students enrolled in CTE - 42% of student body</i>	<i>Progress</i>

LCAP Goal 2 - Actions

Action Title	Budgeted Expenditure	Estimated Actuals (1st Interim)	Implementation Note
<i>Academic curricula and interim assessments</i>	\$7,522	\$5,022	<i>Fully Implemented</i>
<i>Professional Training academic focus</i>	\$2,500	\$0	<i>Spring PD for math support and ELA strategies in the classroom</i>
<i>Access to technology and support</i>	\$52,100	\$25,000	<i>Fully Implemented</i>
<i>Career Technology Education and Arts programs</i>	\$218,383	<i>TBD</i>	<i>Fully Implemented</i>
<i>Credit Recovery</i>	\$3,500	\$6,375	<i>Fully Implemented</i>

NCOE LCAP Goal 3

Improve the coordination of services for foster youth among Child Welfare, Probation, and LEAs. (LCFF Priority 10)

LCAP Goal 3 - Metrics

Metric	2020-21 Baseline	Desired Outcome for 2023-24	2023-24 Mid-Year Update	Status
<p><i>Advisory Council Attendance -Measure membership attendance (5 meetings/year)</i></p>	<p><i>For 2020-2021: 70% of council members attended regularly</i></p>	<p><i>85% of council members will attend 90% meetings</i></p>	<p><i>60% of council members are regularly attending</i></p>	<p><i>Progress</i></p>
<p><i>Post Grad Data: Percent of students who qualify for graduation Percentage of students who complete the FAFSA</i></p>	<p><i>For 2020-2021: Foster rights have been shared with students but we do not yet have student confirmation of those who graduated 2 students (4%) completed the FAFSA</i></p>	<p><i>80% of students report that they know about their Foster rights pertaining to graduation Of those students interested in attending college, 100% complete the FAFSA</i></p>	<p><i>13 seniors qualify to graduate. FAFSA/CADAA data will be available after Apr 2.</i></p>	<p><i>Progress</i></p>

LCAP Goal 3 - Metrics

Metric	2020-21 Baseline	Desired Outcome for 2023-24	2023-24 Mid-Year Update	Status
<p><i>Transition to TK-K Data: Flagging the percentage of early childhood students transitioning to TK-K</i></p>	<p><i>This is a new metric so no data is available. We will begin to track this information and baseline will be set based on 2021-2022 data.</i></p>	<p><i>Of all FY attending early childhood programs, flag 90% of them prior to the start of their TK-K school year</i></p>	<p><i>2 students will transition to K</i></p>	<p><i>Progress</i></p>
<p><i>Training Data to Track: Percentage of agencies that attend trainings offered Effectiveness of trainings (post survey)</i></p>	<p><i>For 2020-2021: 35% of partner agencies and districts regularly attend the trainings</i></p> <p><i>85.7% of participants rated the trainings as helpful</i></p>	<p><i>100% of districts and agencies participate in the countywide trainings</i></p> <p><i>90% of participants will rate the trainings as effective or highly effective</i></p>	<p><i>3 countywide trainings, 3 countywide presentations. 81% of district & agencies participate in the countywide trainings. 83% of participants will rate trainings as effective or highly effective</i></p>	<p><i>Progress</i></p>

LCAP Goal 3 - Actions

Action Title	Budgeted Expenditure	Estimated Actuals (1st Interim)	Implementation Note
<i>Collaboration with Partner Agencies</i>	\$133,914	\$74,788	<i>Partially Implemented</i>
<i>Post Graduate Planning</i>	\$18,000	\$9,755	<i>Partially Implemented</i>
<i>Council Meetings and Information and Data Sharing</i>	\$14,750	\$8,671	<i>Partially Implemented</i>
<i>Early Childhood Connections</i>	\$14,800	\$8,671	<i>Partially Implemented</i>
<i>Training Program</i>	\$12,602	\$6,503	<i>Partially Implemented</i>

NCOE LCAP Goal 4

Coordinate the instruction of expelled pupils with the districts in the county so that all students can be placed in an appropriate educational setting. (LCFF Priority 9)

LCAP Goal 4 - Actions

Action Title	Budgeted Expenditure	Estimated Actuals (1st Interim)
<p><i>NCOE will continue to implement the Countywide Expulsion Plan. If program changes occur, NCOE will meet with district superintendents to revise the plan and submit to the state if revised.</i></p>	<p>\$0.00</p>	<p>\$0.00</p> <p><i>NCOE and District Admin Cost - Costs are already included as part of regular staff duties</i></p>
<p><i>Continue to maintain close coordination between NCOE staff and district liaisons for all referrals to the NCOE community school and independent study programs, which are the only public school options available for expelled students in Napa County.</i></p>	<p>\$0.00</p>	<p>\$0.00</p> <p><i>NCOE and District Admin Cost - Costs are already included as part of regular staff duties</i></p>

Closing

The 2023-24 has presented both opportunities and challenges. We are proud of the following: Camille Creek Math goal target of 70% improvement met; Percentage of students enrolled in CTE Goal of 30% met, parent surveys showed high level of satisfaction with school partnership.

Our district is still working through some lingering challenges, such as Low enrollment, attendance rate, long term Multi-lingual learners success.

Despite these challenges, the NCOE is committed to implementing the LCAP to provide the necessary services to our students.

We acknowledge, and sincerely thank, the hard work and dedication of our employees, the support of our parents, and the resilience of our students to continue our reach for excellence.

Questions?

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

Item 4-A
February 13, 2024

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 **February 13, 2024**, meeting.

Prepared by: Sarah White, Credentials Analyst
1/30/2024

**NAPA COUNTY OFFICE OF EDUCATION
Barbara Nemko Ph.D.**

TO: Napa County Board of Education
FROM: Sarah White, Credentials Analyst

DATE: February 13, 2024
Item 4-A

**NAPA COUNTY OFFICE OF
EDUCATION**

<u>NAME</u>	<u>TYPE</u>	<u>DOJ CLEARED</u>	Waiver 72-HR Public Notice YES
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**NAPA VALLEY UNIFIED SCHOOL
DISTRICT**

<u>NAME</u>	<u>TYPE</u>	<u>DOJ CLEARED</u>
Beaudine, Amy	STSP- ENGLISH	11/15/2023

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

Item 5.A.

February 13, 2024

TITLE: Comprehensive School Safety Plan

HISTORY: Each year in March, schools are required to submit their updated comprehensive school safety plan to the Board of Trustees for approval.

CURRENT PROPOSAL:

Board approval of the Comprehensive School Safety Plan that includes the following as mandated by CA Ed Code Sections 32280 to 322899

1. The status of crime committed on the school site
2. Strategies and programs that increase school safety concerns affecting the Napa County Community School
 - a. Child abuse reporting regulations
 - b. Disaster procedures
 - c. Suspension and expulsion procedures
 - d. Procedures for notifying teachers of dangerous pupils
 - e. Procedures for assuring safe ingress and egress
 - f. School discipline rules
 - g. Policies and Procedures to prevent bullying

FUNDING SOURCE: None

SPECIFIC RECOMMENDATION: We propose the Board members approve the Comprehensive School Safety Plan which includes all information required by the California Education Code.

Prepared by: Nancy Dempsey

February 7, 2024

Comprehensive School Safety Plan SB 187 Compliance Document

**2023-24
School Year**

School: Napa County Community School (Camille Creek Community School)
CDS Code: 28102800000000
District: Napa County Office of Education
Address: 2097 Imola Ave
Napa CA 94559
Date of Adoption:

Approved by:

Name	Title	Signature	Date
Barbara Nemko	County Superintendent of Schools		
Don Huffman	Board Trustee (President)		
Janna Waldinger	Board Trustee		
Sindy Biederman	Board Trustee		
Ann Cash	Board Trustee		
Gerald Parrot	Board Trustee		
Jean Donaldson	Board Trustee		
Jennifer Kresge	Board Trustee		

Table of Contents

Senate Bill 187: Comprehensive School Safety Plan Purpose	4
Safety Plan Vision.....	4
Components of the Comprehensive School Safety Plan (EC 32281).....	5
(A) Child Abuse Reporting Procedures (EC 35294.2 [a] [2]; PC 11166).....	5
(B) Disaster Procedures (EC 35295-35297; GC 8607 and 3100).....	6
(C) School Suspension, Expulsion and Mandatory Expulsion Guidelines	8
(D) Procedures to Notify Teachers of Dangerous Pupils (EC 49079).....	25
(E) Sexual Harassment Policies (EC 212.6 [b]).....	26
(F) School-wide Dress Code Relating to Gang-Related Apparel (EC 35183).....	29
(G) Procedure for Safe Ingress and Egress of Pupils, Parents, and Staff to and from School (EC 35294.2)	30
(H) A Safe and Orderly School Environment Conducive to Learning (EC 35294.2)	31
(I) School Discipline Rules and Consequences (EC 35291 and EC 35291.5)	33
(J) Hate Crime Reporting Procedures and Policies.....	34
Opioid Prevention and Life-Saving Response Procedures	34
Safety Plan Review, Evaluation and Amendment Procedures	36
Safety Plan Appendices.....	37
Emergency Contact Numbers	38
Safety Plan Review, Evaluation and Amendment Procedures	39
Napa County Community School (Camille Creek Community School) Incident Command System.....	40
Incident Command Team Responsibilities.....	41
Emergency Response Guidelines	42
Step One: Identify the Type of Emergency	42
Step Two: Identify the Level of Emergency.....	42
Step Three: Determine the Immediate Response Action	42
Step Four: Communicate the Appropriate Response Action	42
Types of Emergencies & Specific Procedures.....	43
Aircraft Crash	43
Animal Disturbance.....	43

Armed Assault on Campus	43
Biological or Chemical Release.....	44
Bomb Threat/ Threat Of violence	45
Bus Disaster.....	46
Disorderly Conduct	46
Earthquake.....	47
Explosion or Risk Of Explosion	47
Fire in Surrounding Area	48
Fire on School Grounds	49
Flooding	49
Loss or Failure Of Utilities	49
Motor Vehicle Crash	50
Psychological Trauma.....	50
Suspected Contamination of Food or Water	51
Unlawful Demonstration or Walkout.....	51
Emergency Evacuation Map.....	53

Senate Bill 187: Comprehensive School Safety Plan Purpose

The California Education Code (sections 32280-32288) outlines the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a school safety plan relevant to the needs and resources of that particular school.

In 2004, the Legislature and Governor recast and renumbered the Comprehensive School Safety Plan provisions in SB 719 and AB 115. It is the intent of the Legislature in enacting the provisions to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses.

The historical requirement of the Comprehensive School Safety Plan was presented in Senate Bill 187, which was approved by the Governor and chaptered in 1997. This legislation contained a sunset clause that stated that this legislation would remain in effect only until January 1, 2000. Senate Bill 334 was approved and chaptered in 1999 and perpetuated this legislation under the requirement of the initial legislation.

Comprehensive School Safety Plans are required under SB 719 & AB 115 and contains the following elements:

Assessment of school crime committed on school campuses and at school-related functions

- Child abuse reporting procedures
- Disaster procedures
- Suspension and expulsion policies
- Procedures to notify teachers of dangerous pupils
- Discrimination and harassment policies
- School wide dress code policies
- Procedures for safe ingress and egress
- Policies enacted to maintain a safe and orderly environment
- Rules and procedures on school discipline
- Hate crime reporting procedures

The Comprehensive School Safety Plan will be reviewed and updated by March 1st every year. In July of every year, the school will report on the status of its school safety plan including a description of its key elements in the annual school accountability report card.

A copy of the Comprehensive School Safety Plan is available for review at Camille Creek Community School offices at 2097 Imola Ave. Napa, CA..

Safety Plan Vision

Students and staff will have a safe and secure campus where they are free from physical and psychological harm.

The director and staff are committed to maximizing school safety and to creating a positive learning environment that teaches strategies for violence prevention and emphasizes high expectations for student conduct, responsible behavior, and respect for others.

Components of the Comprehensive School Safety Plan (EC 32281)

Napa County Community School (Camille Creek Community School) Safety Committee

John Hillyer, Deputy Sheriff Andrew Moyeda, Phil Curiel (facilities), Gerid Eastham (Teacher), and Pam Riddle (Classified), William Jones (Probation Officer)

Assessment of School Safety

UPDATE TO LAST SPRING'S REVIEW

Strategies and Programs to Provide and Maintain a High Level of Safety (EC 32281(a)1, items A-J)

School-wide discipline plan

Universal mental health screening

School Social Worker

Interventions Coordinator

School Resource Officer

Two probation officers assigned to school

Metal detector upon entry

Audio and video cameras

Scheduled safety drills

High adult to student ratio (~1:5)

Instructional aides supporting classroom teachers

Small class sizes (~15-20)

After-school program offered daily

Professional Development for up-to-date policies, procedures and practice to build a positive community and safe campus

Wellness Center - calm, quiet, comfortable setting for students to self-regulate in supervised setting

(A) Child Abuse Reporting Procedures (EC 35294.2 [a] [2]; PC 11166)

All school staff must complete a yearly mandated reporting training online through Target Solutions.

Definition:

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child as defined in Penal Code 11165.1
3. Neglect as defined in Penal Code 11165.2
4. Willful cruelty or unjustifiable punishment of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury resulting in a traumatic condition as defined in Penal Code 11165.4

Reasonable suspicion: Means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (Penal Code 11166)

Reporting:

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child, or that the child's emotional well-being is endangered in any other way, may report the known or suspected instance of child abuse or neglect to the appropriate agency designated below. (Penal Code 11166.05)

Instances that indicate that the emotional well-being of a child might be endangered include, but are not limited to, evidence that the child is suffering from emotional damage, such as severe anxiety, depression, withdrawal, or untoward aggressive behavior towards self or others.

Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, where the victim is a child under age 14. (Penal Code 152.3, 288)

Responsibility for Reporting:

The reporting duties are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

If NCOE receives a report of child abuse or neglect from a non-mandated reporter, the agency will ask the reporter to provide specified information in the report, including their name, telephone number, and information that gave rise to the suspicion of child abuse or neglect.

Reporting Procedures:

All staff members are considered 'mandated reporters' and are required, as required by law, to contact County Child Protective Services (Local Calls: (707) 253-4261

Toll Free: (800) 464-4216) when child abuse is suspected.

Effective January 1, 2015, Assembly Bill 1432 (D-Gatto) requires all local educational agencies (LEAs) to train all employees each year on what they need to know in order to identify and report suspected cases of child abuse and neglect. "All employees" includes anybody working on the LEA's behalf, such as teachers, teacher's aides, classified employees, and any other employees whose duties bring them into direct contact and supervision of students. LEAs must also develop a process to provide proof that employees received training. Our school administers Target Solutions – "Child Abuse: Mandated Reporter Training" (EDU) to all staff. Human Resources monitors compliance.

Effective January 1, 2024, Assembly Bill 1371 prohibits a person who is 21 years or older, and who is convicted of statutory rape with a minor under 16 years of age, from completing community service imposed as a condition of probation at a school or location which student congregate.

Student Work Based Learning

SB 531 exempts an entity that partners with an LEA to provide student work experience from the requirement to have a valid criminal background check for all employees if the following conditions are met:

1. At least one adult employee in the workplace during the pupil's work hours, who has direct contact with the pupil and has been designated by the employer as the employee of record who is responsible for the safety of the pupil, has a valid criminal records summary.
2. A staff representative of the LEA makes at least one visitation every three weeks to consult with the pupil's workplace liaison, observe the pupil at the workplace, and check in with the pupil to ensure the pupil's health, safety, and welfare, including addressing any concerns the pupil has raised.
3. The parent or guardian of the pupil has signed a consent form regarding the pupil's work placement, attesting that the parent or guardian understands the duties assigned to the pupil and the nature of the workplace environment.

(B) Disaster Procedures (EC 35295-35297; GC 8607 and 3100)

Disaster Plan (See Appendix C-F)

Fall Drills 2023

10/10: Fire drill and staff debrief

10/19: Earthquake drill

12/15: Active Shooter/Lockdown (Active Violence staff training held on 11/29/2023)

Spring Drills 2024

03/20: Active Shooter/Lockdown - debrief at all staff meeting that afternoon

05/03: (Tentative) Fire drill (city/county fire present with trucks for simulation)

Public Agency Use of School Buildings for Emergency Shelters

As directed by incident command.

(C) School Suspension, Expulsion and Mandatory Expulsion Guidelines

Office referral

Depending on the issue at hand and the needs of the student, students may be invited to check in with administrative staff. From there, we offer a variety of interventions: students may discuss an incident or any issues, access a variety of resources to self-regulate, write a statement, and/or come up with a plan to prevent negative behaviors/incidents and strategies for positive behavior.

Wellness Center

In collaboration with On the Move/Voices, staff redesigned the Wellness Center to be more trauma-informed and restorative. This space is staffed/supervised and offer an option for students to take a "brain break," access supports, and practice well-being and regulation.

Suspensions

Students are suspended when behavior escalates to a level of becoming unsafe to self or others, when a student is out of any adult's control, or when a student commits a crime. Depending on the context and severity, suspensions may be in-school or out-of-school. All suspensions are initiated and approved by one of the school's administrators. Parents are notified of the incident/cause, consequence, and restorative next steps upon return to school or classroom with an objective empowering the student to learn and make positive choices, and to repair any harm. The probation department is notified when a student on probation is suspended, and appropriate entities notified when a homeless, special education, or other specific needs student is suspended.

Notice of Regulations

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

Definitions and Education Code:

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the County Board for students of the same grade level.
2. Referral to a certificated employee designated by the program administrator to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the program administrator or designee as provided in Education Code 48910.

Expulsions

Expulsion is an action taken by the County Board of Education and the County Superintendent of Schools for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is usually used when there is a history of misconduct; when other forms of discipline, including suspension, have failed to bring about proper conduct, or; when the student's presence causes a continuing danger to other students. (Education Code 48915)

Grounds for Suspension and Expulsion

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to Education Code 48900 subdivisions (a) to (r), inclusive, as follows:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900 is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d) but it is an offense for which suspension, or expulsion pursuant to subdivision (e) may be imposed.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.

- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (Not applicable for students grades K-8)
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is as substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.
- (r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

(1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

(2) "Electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager of a communication, including, but not limited to, any of the following:

- (A) A message, text, sound, or image.
- (B) A post on a social network Internet Web site including, but not limited to.
- (C) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of causing, attempting to cause, or threatening to cause physical injury to another person.
- (D) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed that the pupil was or is the pupil who was impersonated.
- (E) Creating a false profile for the purpose of causing, attempting to cause, or threatening to cause physical injury to another person. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(3) "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal

or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

(1) While on school grounds.

(2) While going to or coming from school.

(3) During the lunch period whether on or off the campus.

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

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

(u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.

(v) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section that are age appropriate and designed to address and correct the pupil's specific misbehavior as specified in Education Code 489005.

(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

In addition to the reasons specified in Education Code 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Education Code 212.5.

For the purposes of this chapter, the conduct described in Education Code 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

48900.3

In addition to the reasons set forth in Education Code 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Education Code 233.

48900.4

In addition to the grounds specified in Education Code 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

48900.7

(a) In addition to the reasons specified in Education Code 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

48915 : Expulsion

(a) Except as provided in subdivisions (c) and (e), the principal or the Superintendent of Schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:

- (1) Causing serious physical injury to another person, except in self-defense.
- (2) Possession of any knife or other dangerous object of no reasonable use to the pupil.
- (3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
- (4) Robbery or extortion.
- (5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

(b) Upon recommendation by the principal, superintendent of schools or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Education Code 48918, the governing board may order a pupil expelled upon finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Education Code 48900. A decision to expel shall be based on a finding of one or both of the following:

- (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(c) The principal or superintendent of schools shall immediately suspend, pursuant to Education Code 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
- (2) Brandishing a knife at another person.
- (3) Unlawfully selling a controlled substance listed in Chapter 2 of Division 10 of the Health and Safety Code 11053.
- (4) Committing or attempting to commit a sexual assault as defined in Education Code 48900(n) or committing a sexual battery as defined in Education Code 48900(n).
- (5) Possession of an explosive.

Suspension by Superintendent, Program Administrator or Program Administrator's Designee

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

The County Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the program administrator or designee's concurrence.
2. Brandishing a knife, as defined in Education Code 48915(g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possession of an explosive as defined in 18 USC 921.

Suspension also may be imposed upon a first offense if the County Superintendent, program administrator or designee determines the student violated items #1-5 listed in "Grounds for Suspension and Expulsion," if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process, or when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

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

Suspensions shall be initiated according to the following procedures:

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

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the program administrator or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the County Superintendent or designee.

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

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

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

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

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

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

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

Suspension by the Board

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

When the Board is considering a suspension, disciplinary action or any other action (except expulsion) against any student, it shall

hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian

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

Authority to Expel

A student may be expelled only by the County Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion".

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the program administrator, County Superintendent, hearing officer or administrative panel, based on finding either or both of the following: (Education Code 48915(b) and (e))

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

Mandatory Recommendation for Expulsion

Unless the program administrator, County Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the program administrator, County Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student.
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

Mandatory Recommendation and Mandatory Expulsion

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

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the program administrator or designee's concurrence.
2. Brandishing a knife as defined in Education Code 48915(g) at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possessing an explosive as defined in 18 USC 921.

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

Students' Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the program administrator or County Superintendent or designee determines that one of the acts listed under "Grounds

for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

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

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

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

Rights of Complaining Witness

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

Whenever the County Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five day's notice of his/her scheduled testimony at the hearing.
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies.
3. Have a closed hearing during the time he/she testifies.

Whenever any allegation of sexual assault or sexual battery is made, the County Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules that relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a non-attorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Non-attorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has

been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the County Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the County Board may meet in closed session to deliberate and determine whether or not the student

should be expelled. If the County Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

In accordance with the Code of Civil Procedure 1987, the subpoena must be served at least 10 days before the time required for attendance unless the court prescribes a shorter time. Unless they are parties to the hearing or are district or government employees, witnesses who appear pursuant to a subpoena receive fees equal to those prescribed for witnesses in civil actions in a superior court, and all witnesses other than the parties to the hearing receive mileage; these fees and mileage must be paid by the party requesting the subpoena.

3. Subpoenas: Before commencing a student expulsion hearing, the County Board may issue subpoenas, at the request of either the student or the County Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to their commendation for expulsion. After the hearing has commenced, the County Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (formerly 11525). (Education Code 48918(i))

Any objection raised by the student or the County Superintendent or designee to the issuance of subpoenas may be considered by the County Board in closed session, or in open session if so requested by the student, before the meeting. The County Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the County Board determines, or if the hearing officer or administrative panel finds and submits to the County Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the County Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion".

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn

declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f) and (h))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918)

- a. Any complaining witness shall be given five day's notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a non-threatening environment.

(1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

- (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness.
- (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
- (c) Permit one of the support persons to accompany the complaining witness to the witness stand.

6. Decision within 10 School Days: The County Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

7. Decision within 40 School Days: If the County Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the County Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the County Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the County Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the County Board as specified above in "Conduct of Expulsion Hearing".

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the County Board. If expulsion is not recommended, the student shall be immediately reinstated. The County Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program or any combination of these programs after consulting with district staff, including the student's teachers and with the student's parent/guardian. (Education Code 48918(e)).

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the County Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing.

The County Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the County Board may order. (Education Code 48918(f))

In accordance with County Board policy, the hearing officer or administrative panel may recommend that the County Board suspend the enforcement of the expulsion for a period of one year.

The County Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Final Action by the County Board

Whether the expulsion hearing is conducted in closed or public session by the County Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the County Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the County Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately. The County Superintendent or designee shall place the student in any classroom program or other instructional program, rehabilitation program, or any combination of such programs following consultation with district personnel, including the teacher involved, and with the student's parent/guardian. (Education Code 48918(e))

Upon ordering an expulsion, the County Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the County Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the County Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission.
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitative programs.

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Written Notice to Expel

The County Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900(a)-(p), Education Code 48900.2-48900.4 and Education Code 48915(c). (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian. (Education Code 48916)
3. Notice of the right to appeal the expulsion to the courts. (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion. (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1. (Education Code 48918)

Decision Not to Enforce Expulsion Order

In accordance with County Board policy, when deciding whether to suspend the enforcement of an expulsion, the County Board shall take into account the following criteria:

1. The student's pattern of behavior.
2. The seriousness of the misconduct.
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program.

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 48917)

1. The County Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year and may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This may include recommendations for an alternative independent study setting in which both the student and parent shall be required to meet with the teacher in a setting where other students are not present.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the County Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the County Board shall reinstate the student in a district school. Upon reinstatement, the County Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education. The appeal must be filed within 30 days of the County Board's decision to expel.
7. The County Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the courts. (Education Code 48918(j))

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the County Board's decision to the courts. The appeal must be filed within 30 days of the County Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the courts. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Post-Expulsion Placements

The County Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems.
2. Not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site.
3. Not housed at the school site attended by the student at the time of suspension.

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6 through #13 and #18 through #20 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades kindergarten through 6 shall not be combined or merged with programs offered to students in any of grades 7 through 12. (Education Code 48916.1)

Readmission after Expulsion

Readmission procedures shall be as follows:

1. On the date set by the County Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The County Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the County Superintendent or designee shall verify that the provisions of this plan have been met.

School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to

comply with these regulations.

3. If the readmission is granted, the County Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the County Board's decision regarding readmission.
4. The County Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other program students or employees. (Education Code 48916)
5. If the County Board denies the readmission of a student, the County Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
6. The County Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the County Board's determination of the educational program that the County Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

Maintenance of Records

The County Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

The County Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the program administrator or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The program administrator or designee also shall notify appropriate city or county law enforcement authorities of any student acts that may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the program administrator or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

A principal, the principal's designee, or any other person reporting a known or suspected act described in subdivision (a) or (b) is not civilly or criminally liable as a result of making any report authorized by this article unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report.

The principal of a school or the principal's designee reporting a criminal act committed by a school age individual with exceptional needs, as defined in Section 56026, shall ensure that copies of the special education and disciplinary records of the pupil are transmitted in keeping with the procedural safeguards described in Section 1415(6)(k) of Title 20 of the United States Code, for consideration by the appropriate authorities to whom he or she reports the criminal act. Any copies of the pupil's special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.).

A program administrator, designee, or any other person reporting a known or suspected act described in this section is not civilly or criminally liable as a result of making any report authorized by this article unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report.

The willful failure to make any report required by this section is an infraction punishable by a fine to be paid by the program

administrator or designee who is responsible for the failure of not more than five hundred dollars (\$500).

Notice to Parents/Guardian upon Release of a Minor Student to Peace Officer

When a program administrator or other official releases a student to a peace officer in order to remove the minor from school/program premises, the official shall take immediate steps to notify the student's parent/guardian or responsible relative regarding the student's release to the officer and the place to which the student is reportedly being taken except when the student is a victim of suspected child abuse in which case the County office of Education must provide the parent/guardian's address and telephone number to the officer. (Education Code 48906)

Suspension And Expulsion/Due Process (Students With Disabilities)

Districts or county office programs receiving funds under the Education of the Handicapped Act may not unilaterally exclude a dangerous or disruptive special education student from the classroom if the dangerous or disruptive behavior is caused by the student's disabling condition. A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) or a student with a Section 504 accommodation plan pursuant to the federal Rehabilitation Act of 1973 (29 USC 794) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

All the procedural safeguards established by the County office of Education policies and regulations shall be observed in considering the suspension of special education students, including the requirement that, depending on the disruptiveness of the conduct, some form of in-school intervention be used prior to suspension to show that suspension was imposed only when other means of correction failed to bring about proper conduct. (Education Code 48900.5)

(cf. 5144.I - Suspension and Expulsion/Due Process)

(cf. 6159. I - Procedural Safeguards and Complaints for Special Education)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the County Office program's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the County Office program had knowledge that the student was disabled before the behavior occurred. (20 USC 1415(k)(8))

The County Office program shall be deemed to have knowledge that the student had a disability if one of the following conditions exists: (20 USC 1415(k)(8); 34 CFR 300.527)

1. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, that the student is in need of special education or related services.
2. The behavior or performance of the student demonstrates the need for such services, in accordance with 34 CFR 300.7.
3. A current parent/guardian request is on file for an evaluation of the student for special education pursuant to 34 CFR 300.530-300.536.

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

4. The teacher of the student or other County Office program personnel has expressed concern about the behavior or performance of the student to the County Office program's director of special education or to other personnel in accordance with the County Office program's established child find or special education referral system. -The County Office program would be deemed to not have knowledge as specified in items #1-4 above if, as a result of receiving such information, the County Office program either conducted an evaluation and determined that the student was not a student with a disability or determined that an evaluation was not necessary and provided notice to the parent/guardian of its determination. (34 CFR 300.527)

If it is determined that the County Office program did not have knowledge that the student was disabled prior to taking disciplinary action against the student, then the student shall be disciplined in accordance with procedures established for students without disabilities. (20 USC 1415(k)(8))

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (34 CFR 300.527)

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) do not constitute a change in placement pursuant to 34 CFR 300.519. (Education Code 48903; 34 CFR 300.520)

Suspending a student for more than (10) consecutive days constitutes a change in placement and is prohibited without parental consent or by court order.

Suspension and Expulsion/Due Process

(Students with Disabilities)

(5144.2 (c)

When traditional disciplinary measures such as counseling, study carrels, detention or restriction of privileges fail to diffuse the threat posed by a dangerous handicapped student, school/program officials may use the ten day suspension period to seek parental consent for another placement. The County Office may seek to include in any potentially dangerous special education students Individual Education Plan the parent/guardian's advance approval for an appropriate disciplinary plan to be used in the event that dangerous or disruptive conduct should occur. Clarifying language in the IEP may be used to avoid the need to seek parental consent or court action within ten days of a suspension.

The program director or designee shall monitor the number of days, including portions of days that students with valid individualized education programs (IEP) have been suspended during the school year.

Services During Suspension

Students suspended for more than ten school days in a school year shall continue to receive services during the term of the suspension, to the extent necessary to provide the student a free and appropriate public education. (20 USC 1412(a)(1)(A); 34 CFR 300.520) If a student with disabilities is excluded from school bus transportation, the student is entitled to be provided with an alternative form of transportation at no cost to the student or parent/guardian, provided that transportation is specified in the student's IEP. (Education Code 48915.5)

(cf. 3541 .2 - Transportation for Students with Disabilities)

Interim Alternative Placement Due to Dangerous Behavior

A student with a disability may be placed in an appropriate interim alternative educational setting, including home placement, for up to forty-five days when he/she commits one of the following acts: (20 USC 1415(k)(1); 34 CFR 300.520)

1. Carries a weapon to school or to a school function. A weapon refers to a "dangerous weapon" as defined in 18 USC 930 and includes any device that is capable of causing death or serious bodily injury. The term does not include a pocket knife with a blade of less than 2 1/2 inches in length. "Carries a weapon" also covers instances in which the student is found to have a weapon that he or she obtained while at school (34 CFR 300.a)

2. Knowingly possesses or uses illegal drugs while at school or a school function

3. Sells or solicits the sale of a controlled substance while at school or a school activity as identified in 21 USC 812(c), Schedules 1-V The student's alternative educational setting shall be determined by the student's IEP team. (20 USC 1415(k)(2)) A hearing officer may order a change in placement of a student with a disability to an appropriate interim educational setting if the hearing officer: (20 USC 1415(k)(2); 34 CFR 300.521, 300.522)

1. Determines that the County Office program has established by substantial evidence, meaning beyond a preponderance of the evidence, that maintaining the current placement of the student is substantially likely to result in injury to the student or others

2. Considers the appropriateness of the student's current placement

3. Considers whether the County Office program has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services

4. Determines that the interim alternative educational setting proposed by school personnel who have met with the student's special education teacher allows the student to:

a. Progress in the general curriculum and continue to receive those services and modifications, including those described in his/her IEP, to enable the student to meet the goals of the IEP

b. Receive services and modifications designed to address the behavior and ensure that the behavior does not recur

The student may be placed in the interim alternative educational setting for up to forty-five days, or until the conclusion of any due process hearing proceedings requested by the parent/guardian. (20 USC 1415(k)(2))

If in the opinion of school/program officials as special education student is a serious danger to the safety of students and staff and a more structured and closely supervised placement is deemed warranted, and the student's parent/guardian do not agree to a change in placement, the State or Federal Court may be petitioned to order that the student's placement be changed while expulsion proceedings and due process challenges to expulsions take place. (USC 1415(e)(3); Education Code 56505(d))

During court proceedings the County Office has the burden of proving that due process procedures would serve no purpose due to the imminent threat of danger if the student is not quickly removed.

Under truly exigent circumstances, home placement may be requested of the court.

Behavioral Assessment and Intervention Plan

Not later than ten business days after a student has been suspended for more than ten school days or placed in an alternative educational setting, the County Office program shall convene an IEP team meeting to conduct

a functional behavior assessment and implement a behavioral intervention plan. If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it as necessary to address the behavior. (20 USC 1415(k)(l); 34 CFR 300.520)
(cf. 6159 - Individualized Education Program)
(cf. 6159.4- Behavioral Interventions for Special Education Students)

As soon as practicable after developing the behavioral intervention plan and completing the required assessments, the IEP team shall meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions. (34 CFR 300.520)

Procedural Safeguards/Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for more than ten consecutive school days, when disciplinary action is contemplated for a dangerous behavior as described above, or when a change of placement is contemplated: (20 USC 1415(k)(4); 34 CFR 300.523)

1. The parents/guardians of the student shall be immediately notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504 on the day the decision to take action is made. In no case shall this notice be served less than forty-eight hours before the meeting. If the parent/guardian refuses written permission for the evaluation to proceed, the IEP Team may seek a fair hearing and proceed without such consent if the proposed evaluation is approved as a result of the due process hearing. Parental consent is not required as a condition for expulsion proceedings or the decision to expel. (Education Code 48915.5)
2. Immediately if possible, but in no case later than ten school days after the date of the decision, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.
3. Unless a parent/guardian has requested a postponement in writing, the meeting may be conducted without the parent/guardian's participation.
4. A parent/guardian's request that the meeting be postponed shall be granted for up to three additional school days. The County Office of Education shall extend any suspension of the student for the period of postponement.
5. At this review, the IEP team and other qualified personnel shall consider, in terms of the behavior subject to the disciplinary action, all relevant information that has been acquired within three years of the date of the alleged misconduct, including: (20 USC 1415(k)(4); 34 CFR 300.523)
 - a. Evaluation and diagnostic results, including the results or other relevant information supplied by the student's parents/ guardians, including:
 - (1) A review of the student's school progress and behavior, if available, including, but not limited to, a review of the student's individualized education program, teacher progress reports and comments, school health records, and school discipline records.
 - (2) A review of the ability of the student to conform his/her behavior to the prescribed standards, and determination of the relationship, if any, between the student's behavior and his/her handicapping condition.
 - b. Observations of the student
 - c. The student's IEP and placement
6. In relationship to the behavior subject to the disciplinary action, the team shall then determine whether the IEP and placement were appropriate and whether supplementary aids, services, and behavioral intervention strategies were provided consistent with the student's IEP and placement. The team shall also determine that the student's disability did not impair the ability of the student to understand the impact and consequences of the behavior, nor did it impair his/her ability to control the behavior subject to the disciplinary action. (20 USC 1415(k)(4); 34 CFR 300.523)
7. If the team determines that the student's behavior was a) not a manifestation of his/her disability, and b) the student was appropriately placed at the time misconduct occurred, then the student may be disciplined in accordance with the procedures for students without disabilities, as long as the student continues to receive services to the extent necessary to provide that student a free and appropriate public education. (20 USC 141 S(k)(4); 34 CFR 300 .524)
If the team determines that the student's behavior was a manifestation of his/her disability, then the student's placement may be changed only via the IEP process. (20 USC 1415(k)(4))

Due Process Appeals

If the parent/guardian disagrees with a decision of the IEP Team that the behavior was not a manifestation of the student's disability or with any decision regarding placement, he/she has a right to appeal the decision. (20 USC 1415(k)(6); 34 CFR 300.525)

If the State's special education due process hearing is initiated by the parent/guardian due to a disagreement with the IEP Team recommendation, the County Office of Education shall cooperate with the State

Department of Education toward achieving an expeditious resolution to the disagreement. If the student's parent/guardian initiates a due process hearing to challenge the interim alternative educational

setting or the manifestation determination, the student shall remain in the interim alternative setting pending the decision of the hearing officer or the expiration of the 45-day time period, whichever occurs first, unless:

1. He/she has been suspended. Such suspensions may not exceed five consecutive school days of a single incident of misconduct unless extended by five (5) additional days when the student poses an immediate threat to the safety of others (Education Code 48911)

2. The student and his/her parents/guardians agree to a change in placement (Code 48911, 34 CFR 300.526)

3. A court order has been obtained permitting such a change in placement.

4. The change is a 11minor11 change in program or services rather than a "significant" change in placement.(Doe v. Maher)

If school personnel maintain that it is dangerous for the student to be placed in the current placement (placement prior to removal to the interim alternative education setting), pending the due process

proceedings, the Superintendent or designee may request an expedited due process hearing. (34 CFR 300.526)

Services During Expulsion

Expelled students shall continue to receive services during the term of the expulsion to the extent necessary to provide the student a free and appropriate public education. Any alternative program must provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. (20 USC 1412(a){l}{A); 34

CFR 300.121, 300.520)

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

Suspension of Expulsion

The Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the program director or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The program director or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902) Within one school day after a student's suspension or expulsion, the program director or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

Legal Reference:

EDUCATION CODE

35146 Closed sessions re: suspensions

35291 Rules of governing board

48203 Reports of severance of attendance of disabled students

48900-48925 Suspension and expulsion

49076 Access to student records

56000 Special education; legislative findings and declarations

56320 Educational needs; requirements

56321 Development or revision of individualized education program

56329 Independent educational assessment

56340-56347 Individualized education program teams

56505 State hearing

PENAL CODE

245 Assault with deadly weapon

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act

626.10 Dirks, daggers, knives, razors, or stun guns
UNITED STATES CODE, TITLE 18
930 Weapons
1365 Serious bodily injury
UNITED STATES CODE, TITLE 20
1412 State eligibility
1415 Procedural safeguards
UNITED STATES CODE, TITLE 21
812 Controlled substances
UNITED STATES CODE, TITLE 29
706 Definitions
794 Rehabilitation Act of 1973, Section 504
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35 Evaluation and placement
104.36 Procedural safeguards
300.1-300.818 Assistance to states for the education of students with disabilities, especially:
300.530-300.537 Discipline procedures
COURT DECISIONS
Schaffer v. Weast, (2005) 546 U.S. 549
Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489
M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044
Honig v. Doe, (1988) 484 U.S. 305
Management Resources:
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
WEB SITES
California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>
U.S. Department of Education, Office of Special Education Programs:
<http://www.ed.gov/about/offices/list/osep>
Regulation NAPA COUNTY OFFICE OF EDUCATION
approved: January 6, 2004 Napa, California

(D) Procedures to Notify Teachers of Dangerous Pupils (EC 49079)

The Superintendent or designee shall inform the teacher of every student who has caused or tried to cause another person serious bodily injury or any physical injury which requires professional medical treatment. This information shall be based upon written district records or records received from a law enforcement agency. Teachers shall receive the information in confidence and shall not disseminate it further. (Education Code 49079)

(E) Sexual Harassment Policies (EC 212.6 [b])

The Board of Education is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons otherwise authorized to transact business or perform their acts or services on behalf of the Napa County Office of Education, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation. All school staff are mandated to complete a yearly training in sexual harassment online via Target Solutions.

This policy is intended to supplement, and not replace, any applicable state and federal laws and regulations. Formal complaints under those laws and regulations shall be processed through the procedures established by applicable state and federal agencies.

Instruction/Information

The Superintendent or designee shall ensure that all County Office students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment nor any form of sexual conduct or communication because of their actual or perceived sexual orientation, gender identity or expression, gender, or association with a person or group with one or more of these actual or perceived characteristics
3. Encouragement to immediately report observed instances of sexual harassment if they feel they are being harassed or if they witness harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made

Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher, program supervisor or designee, or any Napa County

Office of Education administrator. A County Office of Education employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the program director or designee.

Any County Office of Education employee who observes any incident of sexual harassment involving a student shall report this observation to the program director or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the program director or any other County Office of Education employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

The program director or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. If a situation involving sexual harassment is not promptly investigated and remedied by the site supervisor or designee or administrator, a complaint of harassment may be filed in accordance with the County Office's uniform complaint procedures or procedures for complaints concerning County Office employees. The County Superintendent or designee shall determine which procedure is appropriate.

Where the program director or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The program director or designee shall also advise the victim of any other remedies that may be available. The program director or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

Disciplinary Measures

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include

suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

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

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

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

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

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

WEB SITES

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

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

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

Policy NAPA COUNTY OFFICE OF EDUCATION

(F) School-wide Dress Code Relating to Gang-Related Apparel (EC 35183)

Napa County Office of Education Student Dress Standard: We want bright futures for all of our students. We want them prepared to meet the demands of life after high school whether in the workforce or pursuing further education. During their time with us, we attempt to offer every opportunity possible for our students to practice the skills which will help them be successful.

DRESS CODE IS STRICTLY BUSINESS CASUAL SO PLEASE READ CAREFULLY

Students are to arrive at school in dress code. Students who are not in dress code will be asked to swap out clothing for school issued clothing or have a parent/guardian bring appropriate clothing to the school. All students must abide by dress code policy. Students should wear shirts of an appropriate size/fit; pants of appropriate fit, size and length; shoes must be worn; skirts and dress shorts may be worn (hem must be as long as extended arm); denim may be worn. Ripped jeans must not have "rips" above the knee and if they do must be covered by garment without skin being exposed..

No oversized clothing or outer clothing; no garments of any kind may show underneath shirts or pants; no sagging pants; no Dickies; no Ben Davis; no True Religion; no "Charlie Brown" shirts; no Nike Cortez shoes; no high knee socks with shorts; no hairnets; no cleavage; no North Face; no Southpole.

Hoods, hats and beanies are not to be worn in the classroom. Any head coverings worn cannot have logos and must be a solid color that is acceptable.

Jackets, coats or sweatshirts must be of an appropriate size. No blankets or wraps may be worn. Sunglasses may be used during outdoor activities only.

No red, blue, maroon, or gang-affiliated markings such as numbers, area codes, teams, symbols, designs -- on clothing, shoes or accessories (blue denim is acceptable).

No clothing or accessories that denote hate, violence, bigotry, profanity, prejudice, sex, drugs, alcohol, or negative influences.

T-shirts and athletic shorts may be worn for PE but must adhere to the same rules as above.

It is not possible to list everything that constitutes unacceptable appearance or inappropriate clothing and personal possessions. The California Education Code allows school staff to make decisions regarding clothing or items that are disruptive to the learning environment. We work closely with law enforcement to apprise ourselves of gang-related items.

If a student comes to school in inappropriate clothing, he/she will be asked to remove the item and have a parent bring appropriate clothing to wear. The student's parent or Probation Officer may be asked to pick up the clothing item. Repeat incidents of non-compliance with this dress code will result in suspension.

(G) Procedure for Safe Ingress and Egress of Pupils, Parents, and Staff to and from School (EC 35294.2)

All visitors must check in at the office.

Neighborhood passes:

Students must obtain a walking pass to walk to or from school and only if they live in the neighborhood.

Students are responsible for keeping their passes or obtaining passes as needed prior to school dismissal.

Transportation in private vehicles :

Students shall wait in designated areas for transportation.

Students and drivers must drive vehicles safely, obeying all traffic laws.

Students must have parent/guardian permission to ride in any vehicle of someone outside the family.

Student drivers must submit copy of driver's license.

Music in vehicles should be at a low volume.

Bus Stop:

Wait in line patiently

Be aware of others' personal space

Students should be prepared with the right bus fare or pass before coming to or leaving from school.

Use kind words and appropriate language

Keep hands and feet to oneself

Boarding the bus:

Students should enter the bus one at a time, not crowding the door of the bus

Wait in line patiently, no cutting in line

Refrain from profanity at all times

On the bus:

Stay in your seat, do not move while bus is moving.

Keep hands and feet to self.

Refrain from eating or drinking on the bus.

Follow directives of bus driver:

Refrain from negative or derogatory comments on the bus.

Follow all bus rules as per signed contract.

Exiting the bus:

Get off only at your regular stop at the bus station unless pre-approved by parent/guardian.

Exit the bus in an orderly fashion.

Do not push the bar for the bus to stop unless you are exiting the bus at that stop.

Follow directives of the driver.

Skateboards and bicycles:

Walk skateboards and bicycles on campus.

Park bikes in bike rack.

Skateboards and bicycles shall be free of all inappropriate symbols or words.

Skateboards need to be stored away during school hours.

(H) A Safe and Orderly School Environment Conducive to Learning (EC 35294.2)

Component:

Culture

Element:

To provide a school culture that is conducive to learning.

Opportunity for Improvement:

The reality of the school we run is that most students that enter are already at a tier 3 level of behavior. The discipline matrix designed for the 2023-2024 school year is made to reflect an equitable manner to keep the school safe and decline the opportunity for repeat suspensions. The discipline plan is constantly being reviewed to reflect more positive, trauma-informed, restorative practices.

In addition to discipline, Camille Creek is committed to building a positive, safe environment by promoting engaging, meaningful learning opportunities for students through electives, CTE pathways, work experience, Mariposa, Leadership, and volunteer opportunities within the community. In the classroom, inclusive practices like Restorative Justice/Circles are being implemented. Therapy and counseling are available on campus directly and through partner relationships with Aldea and other agencies.

Objectives	Action Steps	Resources	Lead Person	Evaluation
Provide CTE and internship opportunities	Work with CCR and Assistant Principal to increase vocational offerings. Students currently have access to Welding and Culinary programs and internship opportunities.	NCOE/College and Career Department, Napa Valley College, Career Point, community businesses and agencies	Assistant Principal	WASC/LCAP self study
Continue 5 year implementation of Restorative Practices	Train new staff in RJ basics	Trained teachers/RJ texts	Director	WASC/LCAP self study
Staff trained in RJ, PBIS, Trauma Informed Practices	Continue to employ LCSW/probation officer to act as RJ facilitator, offer staff professional development	Center for Optimal Brain Integration consultant, RJ-related trainings, NCOE, LACOE, Northbay Insurance	Director, Asst. Principal	WASC/LCAP self study
Increase number of behavior and cognitive groups on campus	Men's Group, Mariposa, and Cognitive Behavior Groups groups, Restorative Justice	Rooms and Group leaders	Director, Assistant Principal, Social Worker, Interventions Coordinator	WASC/LCAP self study
Increase engaging activities such as art, garden, work experience, music etc	Continue to provide access to art programs for all students each Tuesday and Thursday afternoon.	CCR, community agencies and businesses	Assistant Principal	WASC/LCAP self study

Component:

Attendance

Element:

Increase attendance rate

Opportunity for Improvement:

The majority of our students come to us with significant truancy issues. Our goal is to reach 90% attendance consistently. At this time we are short of that goal as we work through logistics with our FSL team. The school plan is to create home visits with the help of our resources and SRO. We have had limited success with this and hope to increase in the spring of 2024 our home visits.

The family liaison team meets weekly and calls home daily for absent students to confirm reasons and connect families to support and resources. Camille Creek will monitor how their efforts impact attendance in addition to other strategies.

Objectives	Action Steps	Resources	Lead Person	Evaluation
Target chronic truants and intervene to support greater success in attendance.	Schedule meeting with support staff for all truants. Define ways to support family and student.	Interventions Coordinator, SARB, Truancy Court, parent classes and other supports	Interventions Coordinator, Director	WASC/LCAP self study
Incentivize student attendance.	Provide fun school activities, engaging curriculum, nurturing environment.	Arts, CTE, Leadership plans, all staff	Director, Interventions Coordinator	WASC/LCAP self study
Increase opportunities for learning that engage students outside of the classroom.	Provide career exploration activities, work site tours, internships, job opportunities, art enrichment, community service.	CTE, Arts, RJ training	Director, Teachers	WASC/LCAP self study
Increase school-family connections.	Conduct home visits; weekly calls to parents/guardians. Family events held on campus.	Parent Liaisons, Social Worker, Interventions Coordinator	Director/FSL Team	WASC/LCAP

Component:

Element:

Opportunity for Improvement:

Objectives	Action Steps	Resources	Lead Person	Evaluation

(I) School Discipline Rules and Consequences (EC 35291 and EC 35291.5)

Napa County Community School (Camille Creek Community School) Student Conduct Code

Discipline Plan - Discipline Matrix is new this year and can be found in all classrooms.

Principles and Beliefs

Mistakes happen – they are a part of life

Mistakes should be an opportunity for self-reflection

We will hold our students accountable for their mistakes so that they can learn self-discipline

We will support our students in learning from their mistakes (e.g. restorative practices)

We will not be punitive

Children need consistency to best learn rules and limits in order to become self-regulating

Children learn best from the people with whom they have strong and positive relationships

Schools and classrooms should be positive and emotionally safe places

Students are empowered when we believe in them without limits or reservations so that they begin to believe in themselves

Camille Creek Agreements

- Unconditional respect
- Use kindness and a positive tone
- Be sensitive and receptive to others
- Work through issues with others privately and respectfully
- Be patient
- Check for clarity, and follow-up
- Be inclusive
- Be compassionate
- Be timely and punctual
- When faced with a challenge, be resourceful to solve it
- Own your own actions, especially your mistakes, without justification or blame of self and others

Conduct Code Procedures

- Common behavior incidents
- Tardiness
- Violation of Dress Code
- Inadvertent Swearing
- Out of seat without permission
- Disruptive or distracting behavior
- Throwing things
- Work or directive refusal
- Sleeping
- Disrespectful comment or conversation
- Out of class/ wandering without permission
- Swearing in anger
- Threatening words or actions
- Bullying
- Roughhousing/possible harm to self or others
- Destruction of property

Teachers can use a verbal or physical cue as a warning for first time, and/or use discretion for office referral/administration support if unable to correct/promote positive behavior within classroom. Incidents are recorded in Powerschool.

Staff and administration will communicate consequences to students and families with consistency, kindness and an objective of repairing harm / promoting positive behavior / preventing future incidents. Consequences may include (but are not limited to): restorative / mediated conflict resolution, service projects, campus beautification, after-school hours, vaping cessation class, academic/learning activities related to hate speech or other issues, Restorative Workshops, loss of privileges, etc.

(J) Hate Crime Reporting Procedures and Policies

48900.3. In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.

NCOE strictly adheres to a no-tolerance policy regarding hate crimes on campus. Hate crimes are immediately reported to law enforcement and charges filed if appropriate. This information is included in the student orientation process.

Opioid Prevention and Life-Saving Response Procedures

The Napa County Office of Education will provides parent and student education about the dangers of synthetic drugs, including Fentanyl, by sharing materials with parents via Parent messaging system, posting information on the NCOE website, and hosting informational speakers at the school. Staff are trained yearly as to the dangers of synthetic drugs, identifying students who may be under the influence, and responding in the case of an emergency situation.

Step 1: Identify overdose. Suspected overdose signs include a person who is unresponsive and not breathing, struggling to breathe, or making a snoring sound. The person does not wake up if you shake them or call their name, their skin may be pale or blue, and pupils of eyes small.

Step 2: Call 9-1-1 and alert them of possible overdose. Use Walkie Talkie to alert administration and law enforcement.

Step 3: Administer NARCAN nasal spray: Give 1st dose in the nose

HOLD the nasal spray device with your thumb on the bottom of the plunger

INSERT the nozzle into either NOSTRIL

PRESS the plunger firmly to give the 1st dose

1 nasal spray device contains 1 dose

Step 4: WAIT 2-3 minutes after the 1st dose to give the medicine time to work

if the person wakes up: Go to Step 5

if the person does not wake up: Administer CPR

Continue to give doses 2-3 minutes until the person wakes up

It is safe to keep giving doses

Step 5: Stay

PLACE victim on their side in the recovery position

STAY until ambulance arrives: even if the person wakes up

GIVE another dose if the person becomes very sleepy again

Safety Plan Review, Evaluation and Amendment Procedures

The safety plan is reviewed yearly by the safety committee, updated as necessary, and sent to the board for review and approval.

Safety Plan Appendices

Emergency Contact Numbers

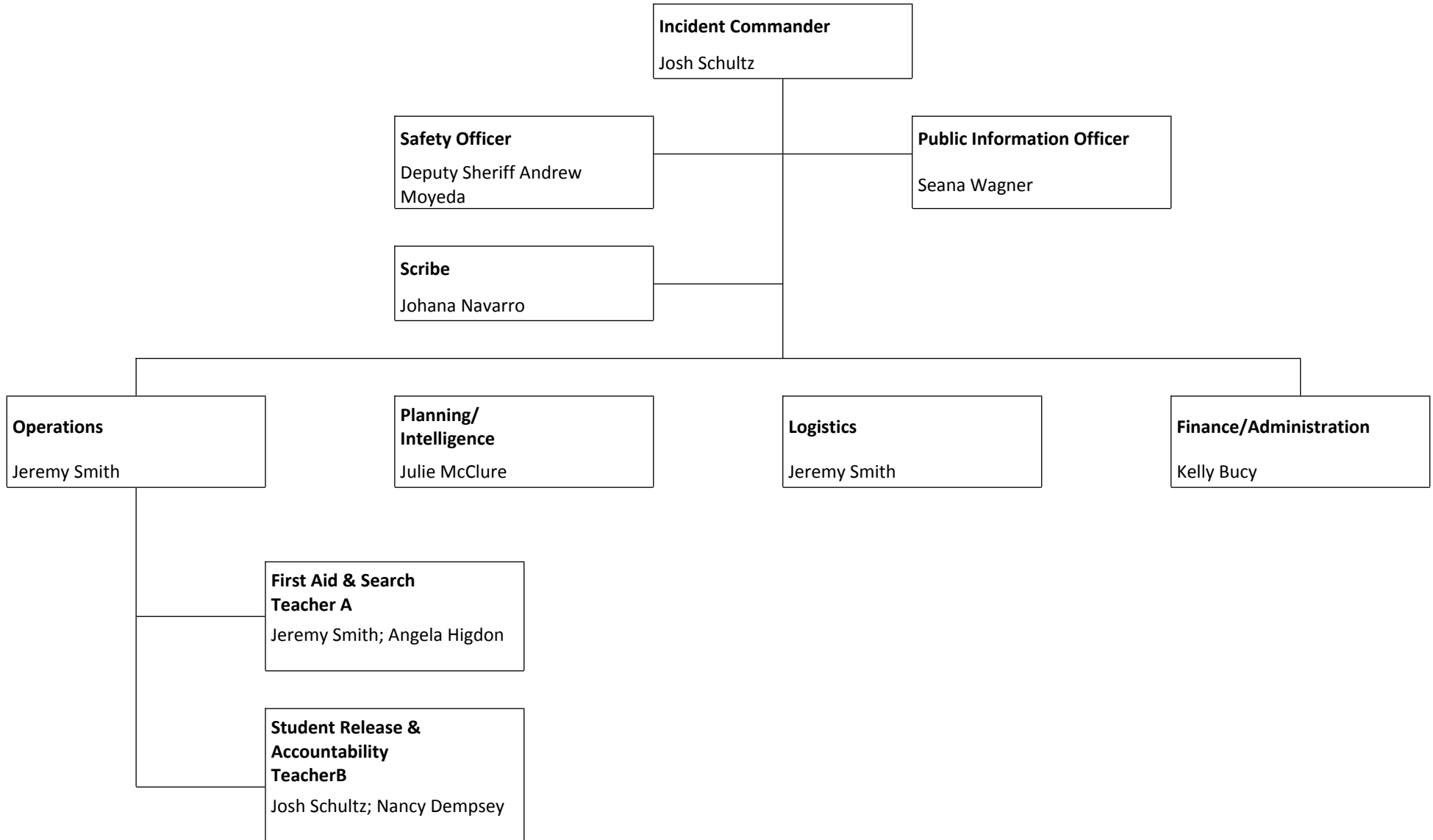
Utilities, Responders and Communication Resources

Type	Vendor	Number	Comments
Law Enforcement/Fire/Paramedic	Emergencies	911	
Other	24-hours Mental Health	707-253-4711	
City Services	Animal Control Services	707-253-4452	
Emergency Services	Child Protective Services	707-253-4744	
Law Enforcement/Fire/Paramedic	Napa County Sheriff	707-253-4451	
Law Enforcement/Fire/Paramedic	Napa Police Department	707-257-9223	
Public Utilities	Napa Water Division	707-257-9544	
Public Utilities	PG&E	800-743-5000	
Emergency Services	Poison Control	800-222-1222	
Local Hospitals	Queen of the Valley Medical Center	707-252-4411	

Safety Plan Review, Evaluation and Amendment Procedures

Activity Description (i.e. review steps, meetings conducted, approvals, etc)	Date and Time	Attached Document (description and location)
Meeting with school site safety team to review	1/9/24 2:30pm	
Meeting with law enforcement and administrators	1/9/24 2:30pm	
Administrative Review	1/10/24 9am	
NCOE Board of Directors Review	2/7/24 4pm	

Napa County Community School (Camille Creek Community School) Incident Command System



Incident Command Team Responsibilities

Standardized Emergency Response Management System Overview

The California Standardized Emergency Management System (SEMS) is designed to centralize and coordinate emergency response through the use of standardized terminology and processes. This greatly facilitates the flow of information and resources among the agencies participating in response to an emergency. SEMS consists of five functions:

Management

During an emergency, the Incident Commander directs response actions from a designated Command Post. To effectively do this, the Incident Commander must constantly assess the situation, and develop and implement appropriate strategies. The Incident Commander must be familiar with the available resources, accurately document all response actions, and effectively communicate response strategies to others participating in the response. This function is typically filled by the school principal. The principal is assisted in carrying out this function by a Public Information & Liaison Officer and Safety Officer.

Planning & Intelligence

Planning and Intelligence involves the use of various methods to efficiently gather information, weigh and document the information for significance, and actively assess the status of the emergency. This understanding and knowledge about the situation at hand is vital to the effective management of a response. These activities are performed by a single person who reports directly to the Incident Commander.

Operations

All response actions are implemented under by Operations. This includes staff performing first aid, crisis intervention, search and rescue, site security, damage assessment, evacuations, and the release of students.

Logistics

Logistics supports the response by coordinating personnel; assembling and deploying volunteers; providing supplies, equipment, and services; and facilitating communications among emergency responders.

Finance & Administration

Finance & Administration involves the purchasing of all necessary materials, tracking financial records, timekeeping for emergency responders, and recovering school records following an emergency. These activities are performed by a single person who reports directly to the Incident Commander.

Emergency Response Guidelines

Step One: Identify the Type of Emergency

When you see something, report it. For all staff, students, and teachers. If incident or threatened activity is dangerous, violent, or unlawful, immediately use Walkie Talkie to call for assistance.

Step Two: Identify the Level of Emergency

Report what you saw and allow admin and law enforcement to determine the level of threat.

Step Three: Determine the Immediate Response Action

Follow the posted plans and execute based on drills completed to ensure safety of all personnel.

Step Four: Communicate the Appropriate Response Action

Report over the loud speaker and/or text or private chat to adults to ensure that all staff continue to follow the safety plan.

Types of Emergencies & Specific Procedures

Aircraft Crash

In the event of an aircraft crash on or near the school grounds, students would be alerted to shelter in place if their classroom is intact and not breached by the aircraft or on fire. Administration or law enforcement would then oversee evacuation procedures.

Animal Disturbance

Animal Disturbance

If there is a rabid or uncontrollable animal on campus, implement this procedure:

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

Isolate the students from the animal. Close doors and use tables as a means to isolating the animal.

If the animal is outside, keep students inside and institute a LOCKDOWN.

If the animal is inside, initiate an EVACUATION outside to a protected area away from the animal.

Contact the General Services and/or Animal Control (707-253-4452) for assistance in removing the animal.

If the animal injures anyone, seek medical assistance from the school nurse.

Notify parent/guardian and recommended health advisor.

STAFF/TEACHER ACTIONS:

If the animal is outside, keep students inside. Lock doors and keep students away from the windows.

If the animal is inside, EVACUATE students to a sheltered area away from the animal.

Notify the principal if there are any injuries.

Armed Assault on Campus

Camille Creek Community School

2023-2024

Active Shooter Response Manual

In the event of an active shooter or active violence on the campus of Camille Creek or nearby on the Napa County Office of Education Campus the following manual will direct adults on site on where to go and the best way to protect their students. The reality of an act of violence or shooting in today's school is a requirement to prepare in the event something happens. This document has been prepared by the safety committee at Camille Creek including law enforcement, probation officers, administrators, and teachers.

Prior to any active drill, a presentation on preparing for an active shooter will be demonstrated to staff. The last training provided to Camille Creek staff happened on: November 28th, 2023.

Basic Premise:

In the event of an active shooter adults on campus are trained to:

1. Report suspicious activity by adults and/or students to law enforcement or office using walkie talkie or intercom.
 2. Call 911
 3. Gather any close students around and make sure disabled students have required assistance to stay connected to the group.
 4. Run/Escape - Find the fastest route away from the violence or intruder and escape campus when/if possible
 5. Hide - If you cannot escape, adults are to gather students inside their classrooms and barricade the doors, lights off, cell phones off, stay away from garage doors and windows, stay low by the corners of the room. Do not open the doors for anyone unless they have a key or are law enforcement officers
 6. Fight - With no other options, adults and students are to arm themselves with any items around them and fight like their life depends on it
 7. Law enforcement will clear the campus class by class. Do not open the door unless it is opened by someone with a key.
- If you have made it off campus please find the outside rendezvous point at: Corner of Imola Ave and Shurtleff in the rear parking lot.

Directions pending on where the event starts:

During class instruction all students are to:

Remain in the classroom if they are in one. If the staff/educator determines it is safe to make an escape they may do so through east, west, or main doorways.

Determination of safety is based on the adult who is solely responsible for their students during a violent event; specifically a teacher protecting their students

During Lunch Time/activity or gathering in quad:

During an activity in the quad students should first escape towards an exit away from the shooting. Adults or staff will assist Preferably staff and students should head from the quad away from gunfire to the east and west exit however they may also head towards the welding shop for shelter and/or the back exit gate near room 107 to get off site towards the Napa COE offices

Note: Gates in the back area may not be open/unlocked in the event of an emergency at times

Note: Students in the garden area, if an event occurs, will also head towards the welding shop and/or room 107 near PE area.

Event happening on the East Side:

If an event enters on the east side (closest towards COE building) occurs students should flow in the following direction:

Liberty and Chamberlain: Attempt escape through the west side emergency exits. If unable, then shelter in place.

Skyline and Creekside: Shelter in place immediately. Pull in all students to ability. Once doors close and lock then you barricade.

Upstairs: If you can escape safely through the west side exits while going downstairs then do it. If not, shelter in place.

If an event enters on the West Side (closest to the state hospital) students should flow in the following direction:

Liberty and Chamberlain: Shelter in place immediately. Pull in all students to ability. Once doors close and lock then you barricade.

Skyline and Creekside: Attempt escape through the west side emergency exits. If unable, then shelter in place.

Upstairs: If you can escape safely through the east side exits while going downstairs then do it. If not, shelter in place.

Biological or Chemical Release

A Biological or Chemical Release involves discharge of a biological or chemical substance in a solid, liquid or gaseous state. The release of radioactive materials may happen. Common chemical threats within or adjacent to schools include discharge of acid in a school laboratory, overturned truck of hazardous materials in proximity of the school, or a nearby explosion at oil refinery or chemical plant.

Indicators suggesting the release of a biological or chemical substance: multiple victims suffering from watery eyes, twitching, choking or loss of coordination, or having trouble breathing. Other indicators may include an unusual odor or the presence of distressed animals or dead birds.

Scenario 1: Substance Released Inside a Room or Building Procedure

- 1) School Administrator initiates EVACUATE BUILDING. Staff uses designated routes or other alternative safe routes to assigned assembly/shelter site, located upwind and uphill, if possible, of affected room or building.
- 2) School Administrator calls "911" and the Napa County Office of Environmental Management 707-253-4471, providing exact location and nature of emergency.
- 3) School Administrator notifies District Superintendent of situation.
- 4) Access to potentially contaminated areas is restricted.
- 5) Site Security Team turns off local fans in area of release, closes windows and doors, and shuts down building's air system, if this can be done without exposure to released substance.
- 6) Persons who have come into direct contact with hazardous substances move to an area with fresh, clean air and wash with soap and water. Immediately remove and contain contaminated clothing. Do not use bleach or other disinfectants on potentially exposed skin. Individuals who have been contaminated "topically" by a liquid are segregated from unaffected individuals (isolation does not apply to widespread airborne releases). Affected individuals remain isolated until cleared for release by Napa Interagency HazMat Team or County Health Officer. A member of Medical Team assesses need for medical attention, but should not come in contact with exposed persons unless fully protected with personal protective equipment (HazMat suit, mask, etc.).
- 7) Student Care Team provides list of all people in affected room or contaminated area, specifying those who may have had actual contact with substance.
- 8) Any affected areas will not be reopened until Napa Interagency HazMat Team or appropriate agency provides clearance and School Administrator gives authorization to do so.

Scenario 2: Substance Released Outdoors and Localized Procedure

- 1) School Administrator determines appropriate Immediate Response Action, which may include SHELTER-IN-PLACE or EVACUATE BUILDING while directing staff to remove students from

affected areas to area upwind and uphill from the release.

- 2) Site Security Team establishes safe perimeter around affected area and ensures personnel do not re-enter area.
- 3) School Administrator calls "911" and Napa County Office of Environmental Management 253-4471, providing exact location and nature of emergency.
- 4) School Administrator notifies District Superintendent of situation.
- 5) Site Security Team turns off local fans in area of release, closes windows and doors and shuts down air handling systems of affected buildings, if this can be done without exposure to released substance.
- 6) See #6 in first scenario. '
- 7) Student Care Team provides list of all people in areas of contamination, especially those who may have had actual contact with substance.
- 8) Any affected areas will not be reopened until Napa Interagency HazMat Team or appropriate agency provides clearance and School Administrator gives authorization to do so.

Scenario 3: Substance Released In Surrounding Community Procedure

- 1) School Administrator or local authorities determine potentially toxic substance has been released into the atmosphere. School Administrator initiates SHELTER-IN-PLACE.
- 2) Upon receiving SHELTER-IN-PLACE notification, Site Security Team turns off local fans in area; closes and locks doors and windows; shuts down all buildings' air handling systems; seals gaps under doors and windows with wet towels or duct tape; seals vents with aluminum foil or plastic wrap, and turns off sources of ignition, such as pilot lights.
- 3) Staff and students located outdoors are directed to proceed immediately to nearby classrooms or buildings (e.g., auditorium, library, cafeteria, gymnasium). Teachers communicate their locations to School Administrator, using the PA system or other means without leaving building.
- 4) School Administrator calls "911" and Napa County Office of Environmental Management 253-44 71, providing exact location and nature of emergency.
- 5) School Administrator notifies District Superintendent of situation.
- 6) School remains in SHELTER-IN-PLACE condition until Napa Interagency HazMat Team or appropriate agency provides clearance, or staff is otherwise notified by School Administrator.

Bomb Threat/ Threat Of violence

Bomb Threat/ Threat Of violence

1. If phone call, attempt to keep the caller on the line
2. CAII 911 - OFF THE AIR - DO NOT USE CELL PHONES, TEXT MESSAGE, OR USE WALK-TALKIES
3. Principal notifies (or assigns a designee to notify) general services x6828, teachers, support staff, superintendent X6810, and other district administrators.
4. PA announcement, "Please do a quick 1-minute scan of your classroom or office for anything unusual." (A Professional/law enforcement officer will decide if it is a bomb-device or not)
5. Follow the directions of law enforcement, They will search perimeter, public areas, room etc. and assist with crowd control. Have extra school maps available for law enforcement.
6. Principal activates SEMS Plan (Standardized Emergency Management System), as needed
7. Secure campus Perimeter
8. Evacuate, if deemed necessary. Help students with disabilities. Teachers take roll sheets and office staff takes emergency cards to evacuation area.
9. Take roll and alert command center of any student not accounted for (telephone, intercom, walkie talkie, and/or email).
10. All clear will be signaled by Principal. Only law enforcement can authorize all clear.
11. Principal debriefs staff, parents/community, and students.
12. Student Release Procedures (only send students home before end of day if directed by Superintendent)
 - a. Use signs to designate "Request Student Pick-up Area (or Gate) and Release Students Area (or Gate).
 - b. Use signs to direct parents how to line -up (e.g. alpha, grade levels, or room numbers),
 - c. Release younger students first.
 - d. Use "student Emergency Release" form to document each student release and use "Emergency Cards" to authorized adults who can pick-up student. (RETAIN RECORDS)
 - e. provide escort for parent/guardian to Crisis Response Team, Search/Rescue Team, or Medical Area; if necessary

Bus Disaster

The NCOE Community School uses public bus service. Students will follow protocol and instruction from the VINE personnel.

Should an accident or incident occur involving a school van, drivers should follow the following steps:

1. Stop. Do not leave the scene of an accident. Use your hazard lights to indicate the bus is stopped.
2. Do not move the bus. Document the position of all vehicles involved. Unless you are in danger of another situation that could cause more harm, stay put until directed by police or a supervisor.
3. Assess the situation. Evaluate the scene so you can create a plan to react accordingly. Decide what immediate action needs to be taken, such as injuries that need assistance, or children to evacuate.
4. Reassure the students. Keeping the children calm will help you handle the situation more effectively.
5. Notify dispatch. Make your message clear and urgent. Start by stating the bus number and that it's an emergency. This will allow dispatch to pin down your bus even if there is no other information available.
Apply first aid, but only within your limits of training. Never move an injured child unless they are in imminent danger. Put your attention on life-threatening injuries first, and do not exceed the limits of your first aid training.
6. Protect the scene. Use reflectors, flares, and cones to warn oncoming traffic. If children are evacuated, make sure they are in a safe place.
7. Account for all passengers. If possible, document where each passenger was located at the time of the accident. Make a list of all passengers on board and provide emergency responders with this list.
8. Document what happened. Use an accident investigation kit located in the bus to document the details. Find witnesses on the scene to gather their names, phone, and address. Capture key information such as other vehicles and drivers involved and write a description of the accident.
9. Do not release students. Unless evacuation is necessary, children are safer waiting on the bus rather than outside. Do not release to Good Samaritans, neighbors, or anyone else. Do not allow children to walk away on their own.
10. Cooperate with authorities. As emergency services arrive, you can let them take over the scene.
11. Don't make statements at the scene. Be respectful and polite, but do not place or take the blame for the accident. What you say at the scene can be admissible in court. Do not discuss any information with anyone other than law enforcement, your supervisor, your insurance company, your company attorney, or your school district. Refer the media to your Seana Wagner, NCOE director of communications.

Disorderly Conduct

Disorderly Conduct

A civil disturbance is an unauthorized assemblage on the school grounds with the potential to: disrupt school activities; cause injury to staff and students; and/or damage property. Precautionary measures must be taken to keep school personnel and students from undue exposure to danger. Efforts should be made to remain calm, to avoid provoking aggression, and to keep students in their classrooms.

INSIDE SCHOOL:

STAFF ACTIONS:

Report disruptive circumstances to principal/site administrator.

Avoid arguing with participant(s).

Have all students and employees leave the immediate area of disturbance.

Lock doors. Account for all students and remain in classroom unless instructed otherwise by the principal or law enforcement.

Stay away from windows and exterior doors.

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

If the students are engaging in civil disobedience, keep the students confined to one room in the school building.

Set up a communication exchange with the students, staff and principal. Try to restore order.

If unable to calm students and violent or uncontrolled behavior is probably, notify police of situation and request assistance.

Send home with students for their parents/guardians a brief written description of the emergency, how it was handled and, if appropriate, what steps are being taken in its aftermath.

OUTSIDE SCHOOL:

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

Call 911.

Move any students who are outside into the school building. If unable to do so, have students lie down and cover their heads. Once students are in the school building, lock and secure all exterior doors, including restrooms. Have custodians remove trash containers and other burnable items from public access.

Cancel all outside activities.

Maintain an accurate record of events, conversations and actions.

Assign staff members to assist nurse as necessary.

STAFF ACTIONS:

Close and lock classroom doors. Close all curtains and blinds. Keep students away from windows and take precautions to protect them from flying glass in the event windows are broken.

Instruct students to DUCK AND COVER, lie on the floor and keep students calm.

Care for the injured, if any.

Remain with students within locked classrooms until all clear is given, regardless of bells and the school schedule

Earthquake

Earthquakes generally occur without warning and may cause minor to serious ground shaking, damage to buildings, and injuries. Even a mild tremor can create a potentially hazardous situation.

The following procedures should be implemented in response to all earthquakes, regardless of magnitude.

Procedure

Note: Keep calm and remain where you are. Assess situation, then act. Remember, most injuries or deaths are direct result of falling or flying debris.

- 1) Upon first indication of an earthquake, teachers direct students to DUCK, COVER, AND HOLD ON.
- 2) Move away from windows and overhead hazards to avoid glass and falling objects.
- 3) When shaking stops, School Administrator initiates EVACUATE BUILDING. Staff and students evacuate buildings using prescribed routes or other safe routes to assembly/shelter site.
- 4) Teachers bring their student roster and take attendance at assembly/shelter site to account for students. Teachers notify Student Care Team of missing students.
- 5) If injury or damage is suspected, School Administrator calls "911".
- 6) Site Security Team attempts to suppress fires with extinguishers.
- 7) Site Security Team notifies school personnel of fallen electrical wires.
- 8) Site Security Team turns off school's main gas supply, if leak is detected.
- 9) School Administrator directs Site Security Team to post guards a safe distance away from building entrances to prevent access.
- 10) Site Security Team Leader notifies appropriate utility company of any damages to water lines, sewers, power lines and other utilities.
- 11) Medical Team checks for injuries and provides appropriate first aid.
- 12) If area appears safe, Search and Rescue Team makes initial inspection of school buildings to identify any injured or trapped students or staff.
- 13) School Administrator contacts District Superintendent to determine additional actions that may be necessary. Actions will be communicated to Napa County Office of Education.
- 14) School Administrator contacts Local District Facilities Director to ensure buildings are safe for re-occupancy. When safe to do so, Site Security Team conducts inspection of school buildings. Site Security Team maintains log of their findings, by building, and provides periodic report to Incident Commander.
- 15) Any affected areas are not reopened until Local District Facilities Director provides clearance and School Administrator gives authorization to do so.
- 16) School Administrator initiates OFF-SITE EVACUATION, if warranted.

Explosion or Risk Of Explosion

Explosion or Risk Of Explosion

Emergency response will depend on the type of explosion (smoke bomb, chemical lab incident, etc.) and proximity to the school. All students should be kept away from the explosion and under supervision.

PRINCIPAL/SITE ADMINISTRATOR:

Determine whether site evacuation should be implemented. If so, sound fire alarm. This will automatically implement action to EVACUATE the building. EVACUATION may be warranted in some buildings but others may be used for SHELTER IN PLACE.

Notify Fire Department (call 911). Provide school name, address, exact location within the building, your name and phone number and nature of the emergency.

Secure area to prevent unauthorized access until the Fire Department arrives.

Advise the District Superintendent of school status.

Notify emergency response personnel of any missing students.

Notify utility company of breaks or suspected breaks in utility lines or pipes. Provide school name, address, location within building, your name and phone.

Direct a systematic, rapid and thorough approach to search the building and surrounding areas. Check classrooms and work areas, public areas (foyers, offices, bathrooms and stairwells), unlocked closets, exterior areas (shrubbery, trash cans, debris boxes) and power sources (computer rooms, gas valves, electric panels, telephone panels).

Determine if Student Release should be implemented. If so, notify staff, students and parents.

If damage requires the school to be closed, notify parents and staff of school status and alternate site for classroom instruction. Do not return to the school building until it has been inspected and determined safe by proper authorities.

STAFF ACTIONS:

Initiate DROP, COVER AND HOLD ON.

If explosion occurred inside the school building, EVACUATE to outdoor assembly area. Keep students and staff at a safe distance from the building(s) and away from fire-fighting equipment.

Check to be sure all students have left the school site. Remain with students throughout evacuation process.

Upon arrival at assembly area, check attendance. Report status to site administrator immediately.

Render first aid as necessary.

Do not return to the building until the emergency response personnel determine it is safe to do so.

If explosion occurred in the surrounding area, initiate SHELTER IN PLACE. Keep students at a safe distance from site of the explosion.

Fire in Surrounding Area

Fire in Surrounding Area

A fire in an adjoining area, such as a wild land fire, can threaten the school building and endanger the students and staff. Response actions are determined by location and size of the fire, its proximity to the school and the likelihood that it may endanger the school community.

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

Determine if EVACUATION of school site is necessary.

Contact local fire department (call 911) to determine the correct action for your school site.

If necessary, begin evacuation of school site to previously identified safe site using school evacuation plan. If needed, contact bus dispatch for OFF-SITE EVACUATION and DIRECTED TRANSPORTATION by bus.

Direct inspection of premises to assure that all students and personnel have left the building.

Notify the school district where the school has relocated and post a notice on the office door stating the temporary new location.

Monitor radio station for information.

Do not return to the building until it has been inspected and determined safe by proper authorities.

STAFF ACTIONS:

If students are to be evacuated, take attendance to be sure all students are present before leaving the building site.

Stay calm. Maintain control of the students a safe distance from the fire and fire fighting equipment.

Take attendance at the assembly area. Report any missing students to the principal/site administrator and emergency response personnel.

Remain with students until the building has been inspected and it has been determined safe to return to

Fire on School Grounds

Procedure:

1. Upon discovery of fire, teachers or staff direct all occupants out of building, signal fire alarm, and report fire to School Administrator.
2. School Administrator immediately initiates EVACUATE BUILDING. Staff and students evacuate buildings using prescribed routes or other safe routes to assembly/shelter site.
3. Teachers bring student roster and take attendance at assembly/shelter site to account for students. Teachers notify Student Care Team of missing students.
4. School Administrator calls "911 " providing exact location of fire.
5. Site Security Team suppress fires and initiates rescue procedures until local fire department arrives.
6. Site Security Team secures area to prevent unauthorized entry and keeps access roads clear for emergency vehicles.
7. Site Security Team Leader directs fire department to fire and briefs department official on situation.
8. Site Security Team notifies appropriate utility company of damages.
9. School Administrator notifies district superintendent of fire. Napa County Office of Education is informed of situation.
10. If needed, Transportation Unit requests buses for staff and student evacuation.
11. Any affected areas are not reopened until local fire department or appropriate agency provides clearance and School Administrator issues authorization.
12. All fires, regardless of size, which are extinguished by school personnel, require a call to fire department to indicate "fire is out" and to request fire department to respond for investigation.

Flooding

Procedure:

1. School Administrator initiates appropriate Immediate Response Actions, which may include SHELTER-IN-PLACE, EVACUATE BUILDING, or OFF-SITE EVACUATION.
2. School Administrator notifies "911" and describes nature and extent of flooding.
3. If School Administrator issues EVACUATE BUILDING or OFF-SITE EVACUATION act on, staff and students evacuate affected buildings using prescribed routes or other safe routes to assembly/shelter site.
4. Teachers bring student roster and take attendance at assembly/shelter site to account for students. Teachers notify Student Care Team of missing students.
5. School Administrator notifies District Superintendent of emergency situation. Napa County Office of Education is informed of situation.
6. School Administrator initiates OFF-SITE EVACUATION, if warranted.

Loss or Failure Of Utilities

Loss or Failure Of Utilities

Failure of any of the utilities (electricity, gas, water) during school hours constitutes a condition that must be dealt with on a situational basis. Advance notice may be received from a utility company regarding loss of service. In many cases, such loss of service will be of short duration and require no special action other than notifying staff of the temporary interruption of service.

PRINCIPAL/SITE ADMINISTRATOR:

Notify utility company. Provide the following information:

1. Affected areas of the school site
2. Type of problem or outage
3. Expected duration of the outage, if known Determine length of time service will be interrupted.

Determine desired action, which may include relocation of students and staff, notification of parents, and alternate food service.

If disruption in service will severely hamper school operation, notify students and staff by appropriate means.

Use messengers with oral or written word as an alternate means of faculty notification.

Notify District Office of loss of service.

Implement plan to provide services without utilities or with alternate utilities.

Motor Vehicle Crash

A motor vehicle crash may result in a fuel or chemical spill on school property. If the crash results in a utility interruption, refer to the section on Utility Failure.

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

Notify police and fire department (call 911).

Determine immediate response procedures, which may include EVACUATION, OFF-SITE EVACUATION or DIRECTED TRANSPORTATION.

Arrange for first aid treatment and removal of injured occupants from building.

Secure area to prevent unauthorized access until the public safety officials (police, sheriff, fire department) arrive.

Ensure that students and staff remain at a safe distance from the crash.

Account for all building occupants and determine extent of injuries.

Notify District Superintendent.

STAFF ACTIONS:

Notify Principal.

Move students away from immediate vicinity of the crash.

EVACUATE students to a safe assembly area away from the crash scene. Take class roster/name-tags and emergency backpack.

Check school site to assure that all students have evacuated.

Take attendance at the assembly area.

Report missing students to the principal /designee and emergency response personnel.

Maintain control of the students a safe distance from the crash site.

Care for the injured, if any.

Escort students back to the to the school site when emergency response officials have determined it is safe to return to the building.

Psychological Trauma

There are four key components that need to be addressed in the aftermath of a traumatic event:

- Cognitive: deal with the need to understand what happened from a factual basis
- Affective: deal with the need to open lo the possibility of feeling (grieving)
- Memorialize: deal with the need lo acknowledge what happened and feel like an action was taken to address the problem
- Move on: the strategies below are designed to include these key components.

The School Districts Mental Health Crisis Teams have been trained and can support schools by providing support and assistance to teachers, who play a critical role in student post traumatic event psychological recovery. Following a traumatic event the principal should contact district administration for access to Crisis Team support. If possible, the Crisis team should meet with the principal and then hold an all staff meeting the hour before classes resume. The purpose of this meeting is to review the response plan, provide information and identify needed support. Key recovery strategies include:

(1) Maintain routine as much as possible - even if business such as assignments, curriculum etc. must be modified. Routine supports recovery!

(2) Communication Is Critical: Recovery is a team approach. Administration, teachers, parents and students need lo be informed. Structured events can mitigate rumor, misinformation and can curtail panic reactions.

(3) Take the Initiative: Students may withdraw or have other difficulties recovering from the crisis and fail to seek help. Actively reach out to students and parents when appropriate.

(4) Seek Consultation: It is impossible to prepare for every scenario that may occur or every concern students may have. Consult the school's mental health professional or have him/her visit your class to give information and answer students' questions.

(5) Provide Information about the Event: Be truthful and share information In a developmentally appropriate way. Consider these guidelines when talking with students:

- Schedule time with students to listen to their concerns about the incident. Correct any misconceptions they may have about recovery. Schedule this discussion early in the day and when there is enough time to address all concerns. Discourage discussions about details of any death or disturbing aspects of the event.
- Work with the students In planning memorial tributes or displays. Inform them about any applicable school procedures or restrictions.

- Encourage students to participate in pro-social service activities (volunteer days, fund raising events). Help students to assemble cards, letters, and memory books for the families of the victims, but ensure that the content of such materials is appropriate.

(6) Reassure Students: In the days and weeks after the incident, students may continue to show signs of emotional distress or concern. Reassure them that they can come to you with such concerns and/or inform them of the procedures in place to get help.

(7) Report Safety Concerns: Be alert to safety concerns about subsequent incidents or rumors, and report any such rumors or threats immediately to the school's Safety Officer or administration.

(8) Help Manage Grief: If a student is struggling with the death of a friend or loved one, provide appropriate emotional support. After identifying the needs of the student, notify the school's mental health professional of the situation and modify academic assignments as needed.

(9) Know Common Signs of Distress: Watch and listen for any students who show signs of distress or changes in behavior and refer them to the appropriate professionals.

(10) Provide Information on Available Services: All families, students, and staff need to know the location of school and community services and the steps required to access these services. If you are unsure of the appropriate and available resources, refer the individual in need to those who may have that information. Have psycho-educational and informational materials available for parents in order to address their questions.

Suspected Contamination of Food or Water

Procedure:

1. School Administrator isolates suspected contaminated food/water to prevent consumption, and restricts access.
2. School Administrator notifies "911", County Health Officer 253-4566, Local District Office, Office of Environmental Management 253-4471, school food services, and local water utility.
3. School Administrator provides list of all potentially affected students and staff.
4. Medical Team assesses need for medical attention and provides first aid as appropriate.
5. School Administrator maintains log of affected students and staff and symptoms, food/water suspected to be contaminated, quantity and character of products consumed, and other pertinent information.
6. Save ALL food and food containers, even those items that have been placed in the trash/garbage inside or outside of the building.
7. School Administrator confers with County Health Officer, Office of Environmental Management, and local water utility before resumption of normal operations.
8. School Administrator notifies parents of incident, as appropriate.

Unlawful Demonstration or Walkout

Upon learning of a walkout, protest or student demonstration, administration may engage in dialogue with students, parents, employees, local law enforcement, and other relevant stakeholders regarding appropriate free speech within the school environment and appropriate student protests. Administration may meet with stakeholders to discuss alternatives that do not disrupt the instructional day or impact safety of campus or students.

Student Freedom of Speech

Students have free speech rights under the First Amendment. Students in California have additional free speech rights in accordance with Education Code section 48907:

(a) Pupils of the public schools, including charter schools, shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not the publications or other means of expression are supported financially by the school or by use of school facilities...

However, student free speech is subject to limitations:

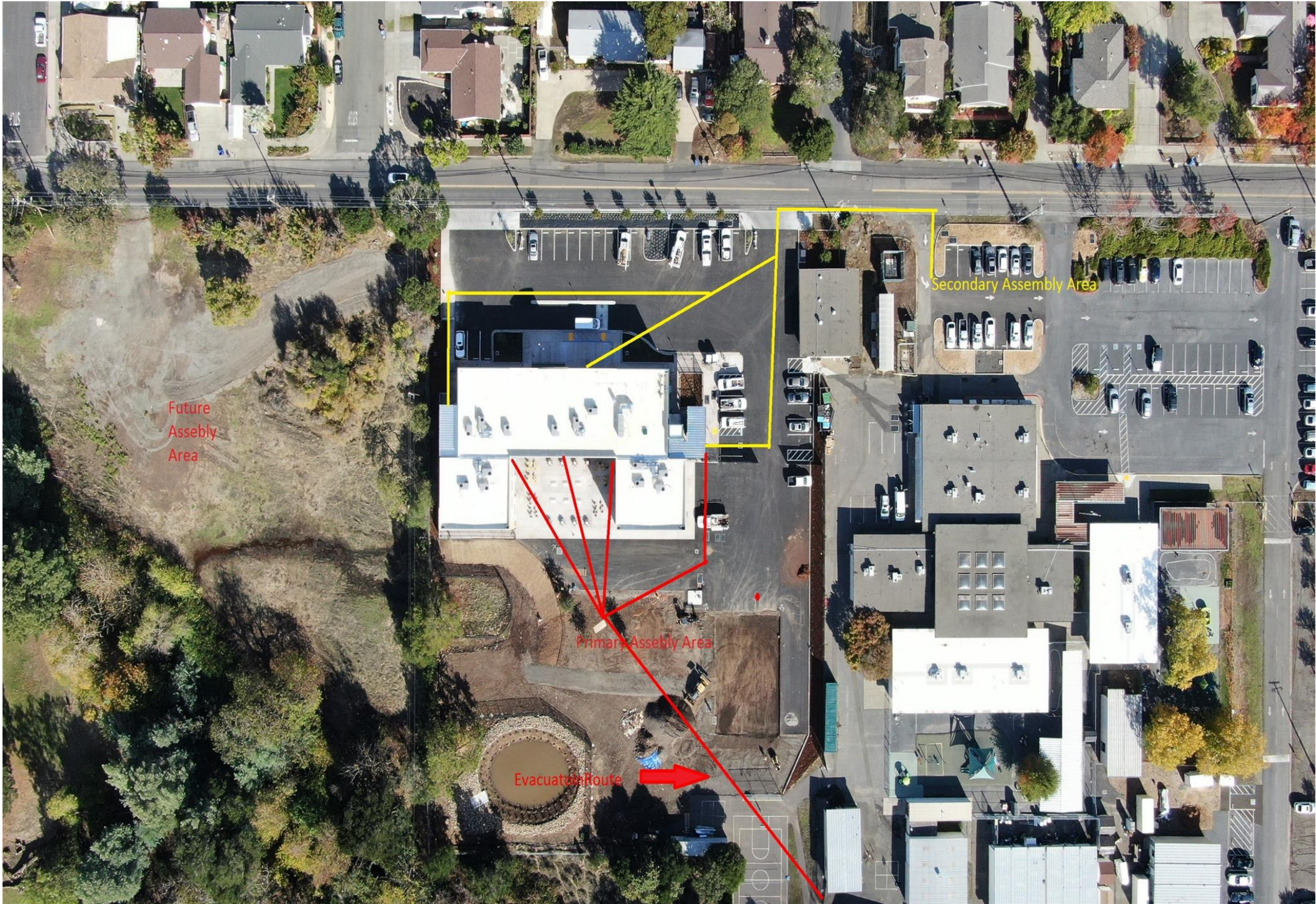
...expression shall be prohibited which is obscene, libelous, or slanderous. Also prohibited shall be material that so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.

STAFF / ADMINISTRATION:

- School employees may not advocate, direct, or encourage students to walk out of class during instructional time or to leave campus or miss an instructional day.

- If students leave campus during the instructional day to demonstrate, then school staff should strongly consider NOT accompanying students off campus as this may result in the assumption of liability for actions that occur with the students off campus.
- The parents of students who leave campus during instructional time should be contacted and informed their child has left school and the need for them to retrieve their child.
- Administration will inform law enforcement if there appears to be the risk of danger to the students leaving campus during the instructional day.
- Staff will not physically intervene to prevent a student from leaving campus.
- Staff will not permit media agencies to engage with students. All media inquiries should be referred to Seana Wagner, communications director for NCOE.

Emergency Evacuation Map



Future
Assembly
Area

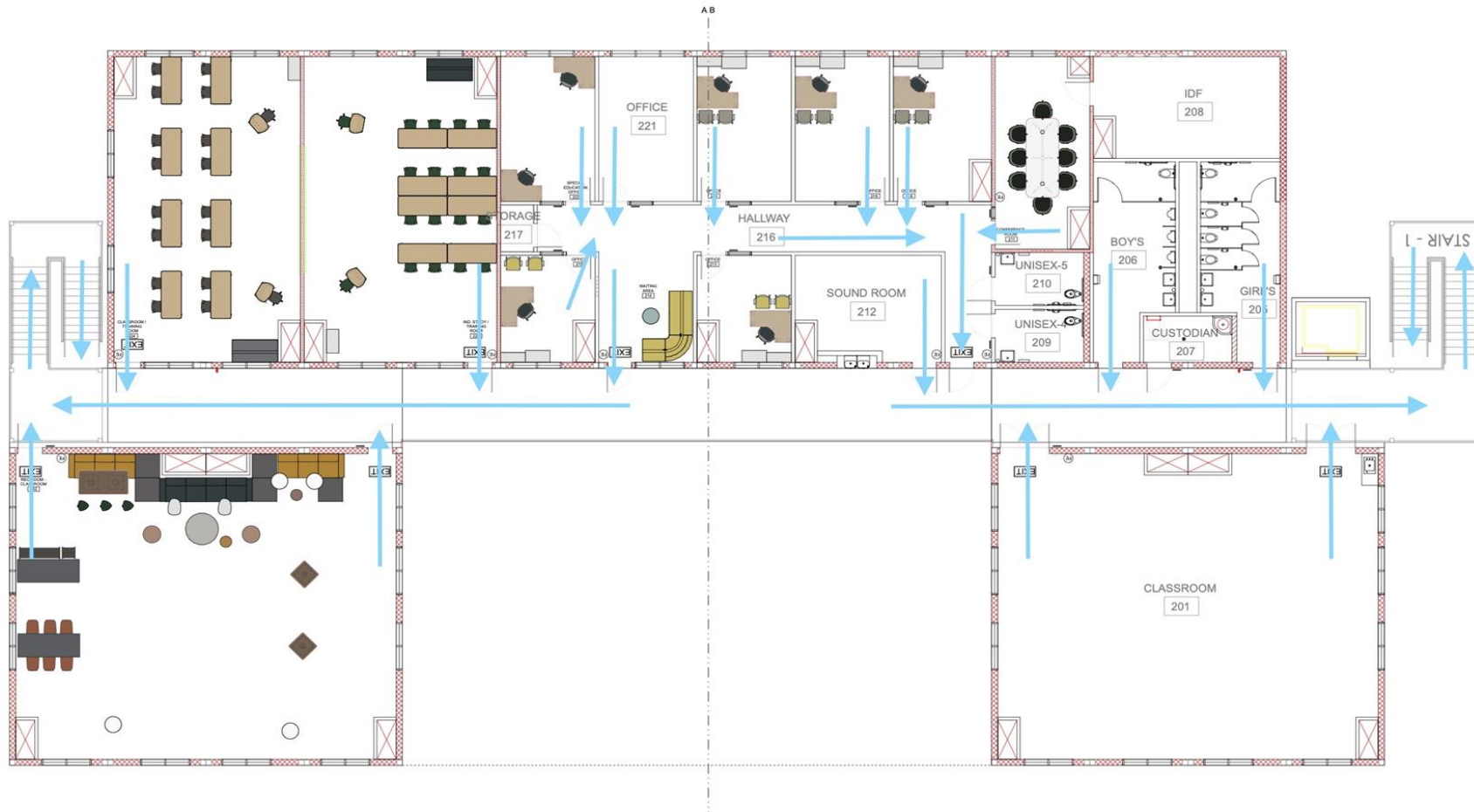
Primary Assembly Area

Secondary Assembly Area

Evacuation Route

FLOOR 02

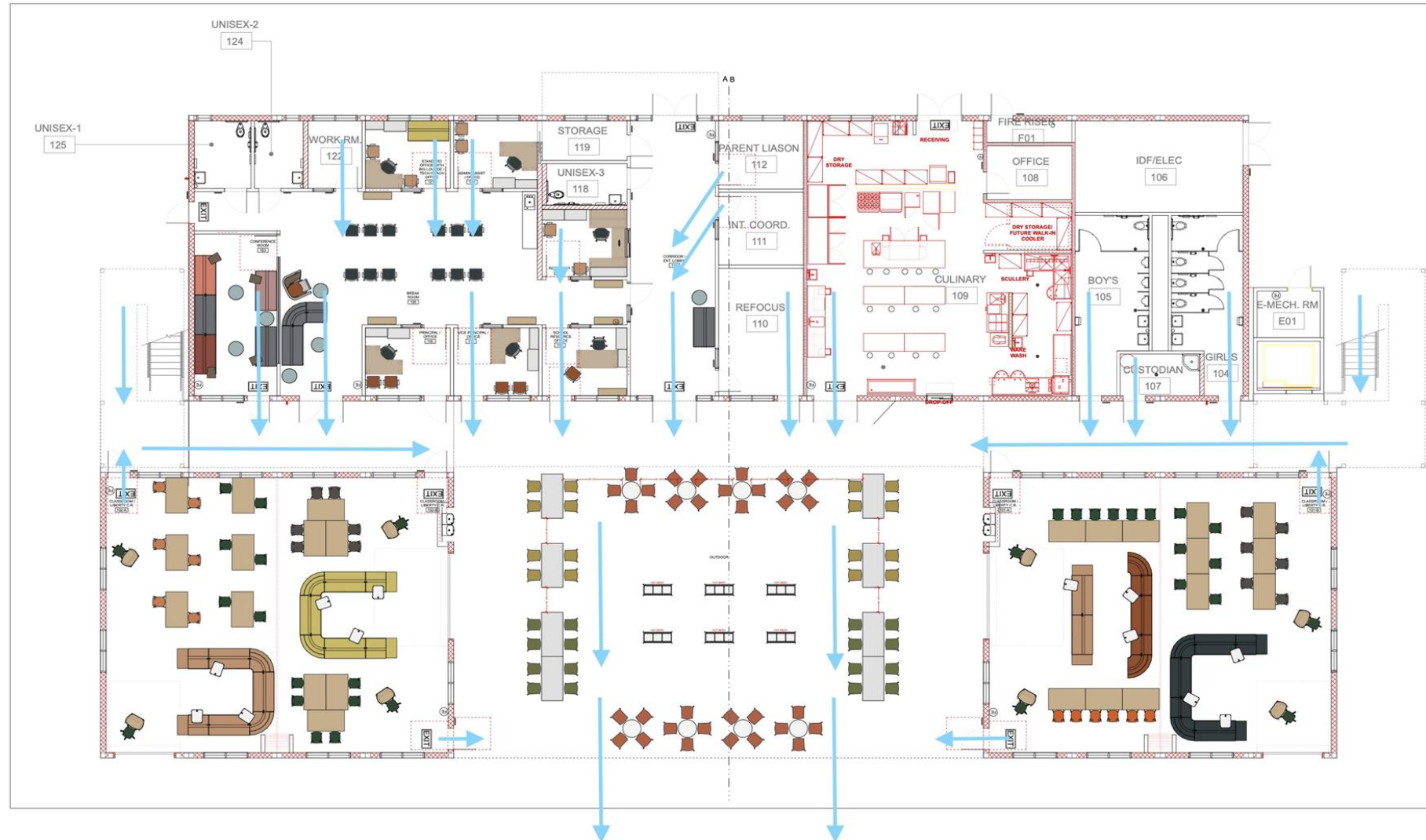
CAMILLE CREEK EMERGENCY EVACUATION PLAN



EVACUATION AREA

FLOOR 01

CAMILLE CREEK EMERGENCY EVACUATION PLAN



EVACUATION AREA

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

Item: 5.B.
February 13, 2024

TITLE: Neighbor2Neighbor Program
Resolution 2024-03: AmeriCorps Planning Grant 2024-2025 "AmeriCorps Neighbor2Neighbor Program" AmeriCorps Program Contract

HISTORY:

This planning grant awarded to Community Programs will be used to develop a 20 member AmeriCorps program throughout the state which will engage AmeriCorps members to cultivate local neighborhood leaders, strengthen neighborhood networks, and support further action on climate and disaster priorities in under-resourced, historically underrepresented communities vulnerable to the climate crisis. Slated to launch in October 2024, N2N Service Corps Members will address the needs of under-resourced neighborhoods with high disaster and climate risk. Program activities will primarily be in the National Service Focus areas of Civic Bridge Building, Disaster Preparedness, Climate Action and Resource Access.

The project, under the direction of Sara Sitch, operates an AmeriCorps funded program for the Napa County Office of Education. "The Neighbor2Neighbor program" will build capacity for neighborhoods to utilize AmeriCorps members to support underserved communities.

CURRENT PROPOSAL:

This resolution is required in order to accept the 2024-2025 contracts and funding for the Neighbor 2 Neighbor Project for \$303,151.

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 2024-03 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
February 6, 2024

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

Item 5.B.

Neighbor2Neighbor Program
Resolution 2024-03: AmeriCorps Planning Grant 2024-2025
"AmeriCorps Neighbor2Neighbor Program" AmeriCorps Program Contract

Resolution 2024-03

BE IT RESOLVED BY THE NAPA COUNTY BOARD OF EDUCATION,
GOVERNING BODY FOR THE NAPA COUNTY OFFICE OF EDUCATION, THAT

Barbara Nemko, Ph.D., County Superintendent of Schools,

OR

Joshua Schultz, Deputy Superintendent of Schools

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance in an amount not to exceed \$303,151 to operate the Neighbor2Neighbor Program Contract in 2024-25.

Passed and approved this February 13, 2024.

CERTIFICATION

I, Don Huffman, duly elected and President of the NAPA COUNTY BOARD OF EDUCATION, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the NAPA COUNTY BOARD OF EDUCATION, governing body of the NAPA COUNTY OFFICE OF EDUCATION on February 13, 2024.

Date: _____

Don Huffman, President, Napa County Board of Education

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

TO: Napa County Board of Education

DATE: February 13, 2024

FROM: John Zikmund, Human Resources

RE: Personnel Activity

BOARD ITEM: 7A

NEW CERTIFICATED EMPLOYEE

None

NEW CLASSIFIED EMPLOYEE

Manoj Warriar – Site Coordinator, Community Programs

Giovany Morales – Site Coordinator, Community Programs

Garrett Sathre – Instructional Support Specialist II, Camille Creek

Kristin Da Silva – Foster Youth Education Liaison, Community Programs

Malaysia Onyeocha – Curriculum/Instruction Manager, Continuous Improvement

Gayle Davies – College and Career Program Specialist, College and Career Readiness

Sandra Aguilar – Admin. Asst. II, Community Programs

Emilio Vasquez Tovar – Family Support Liaison, Camille Creek

Ivan Castillo Barragan – College and Career Program Specialist, College and Career Readiness

CHANGE IN ASSIGNMENT

Lydia Salcedo – Early Childhood Assistant to Child Development Teacher, Early Childhood Services

RESIGNATION

Kimberly Stratton – Community Programs

RETIREMENT ANNOUNCEMENTS

None

TERMINATION

John Hillyer – Asst. Principal, Camille Creek

LAYOFF/NON-RELECTS/TEMPORARY RELEASE NOTICES

None

POSITION VACANCIES

Instructional Assistant (3) - College and Career Readiness

Early Childhood Education Assistant (3) – Early Childhood Services

Child Development Teacher (3) – Early Childhood Services

Associate Child Development Teacher (1) – Early Childhood Services

Program Coordinator I – College and Career Readiness and Community Programs

Food Service Asst. – Camille Creek

Napa County Office of Education
Barbara Nemko, Ph.D., Superintendent

Item: 7.B.
February 13 2024
Board Meeting

TITLE:

2024-25 Budget Calendar

HISTORY:

Each year a budget calendar is developed to assist staff in meeting important timelines when developing the subsequent year's budget and LCAP.

CURRENT PROPOSAL:

This calendar is for your information and to use as a forecast of when you may expect to see preliminary reports, when the public hearing has been scheduled, and the date of final adoption for the budget and LCAP.

FUNDING SOURCE: Information Only

RECOMMENDATION: Information Only

PRESENTED BY: Joshua Schultz, Deputy Superintendent

NAPA COUNTY OFFICE OF EDUCATION
 BUDGET CALENDAR

2024-25 Fiscal Year

Month	Action	Due Date
January	<ul style="list-style-type: none"> ▪ Governor's Budget Press Conference. ▪ Governor's Budget Workshop by School Services of California. ▪ Budget Calendar to Board. 	January 10 January 17 February 6
March	<ul style="list-style-type: none"> ▪ Certificated and Classified layoff notices for 2024-25 fiscal year. ▪ Budgets will be developed in the Escape application. A review of the budget development process is scheduled for March 19 10am-noon by Zoom. Each department is required to send a budget representative to the training. <p>Budget development begins.</p> <p>Departments submit:</p> <ul style="list-style-type: none"> ▪ Position FTE/Calendar/Location changes to Human Resources ▪ Position account code changes to Fiscal Services ▪ Preliminary Resource Information Sheets electronically to Fiscal Services ▪ Completed budget in Escape 	March 15 March 19 March 19
April	<ul style="list-style-type: none"> ▪ Departments complete budget development. 	April 19
May	<ul style="list-style-type: none"> ▪ Preliminary Budget presented to the Board. ▪ Budgets may be reopened for editing at the Department's request. ▪ Meeting with Fiscal team to review budget. ▪ Governor's Final Budget Proposal presented (May Revise) 	May 7 May 7-24 May 1-24 May TBD
June	<ul style="list-style-type: none"> ▪ LCAP and Proposed Budget presented to the Board in a public hearing. ▪ Final Budget and LCAP to Board for adoption. ▪ Submit adopted budget to State Superintendent of Public Instruction. 	June 4 June 18 June 30

Last Updated: KB 1/23/2024

Napa County Office of Education
Barbara Nemko, Ph.D., Superintendent

Item: 7.C.
February 13, 2024
Board Meeting

TITLE: First Reading Board Bylaw 9005 Governance Standards

HISTORY:

Board Bylaw 9005: Governance Standards outlines expectations for Board Members related to the conduct of their governance function.

Sonoma County Office of Education's Board Bylaw 9005 has also been included as it contains some additional items of interest to the Board.

Additional language from the Sonoma County policy has been integrated into NCOE's Board Bylaw 9005, including an additional section on ethics.

CURRENT PROPOSAL:

Board to review and discuss the revised attached NCOE Board Bylaw 9005 Governance Standards.

FUNDING SOURCE: n/a

PREPARED BY:

Julie McClure, Associate Superintendent
2/5/24

Board Bylaw 9005: Governance Standards

Status: DRAFT

Original Adopted Date: 01/06/2004 | Last Revised Date: 01/05/2021 | Last Reviewed Date: 01/05/2021

The County Board of Education believes that its primary responsibility is to act in the best interests of every student in every school or program operated by the County Office of Education. The members of the County Board of Education have a duty to represent students, constituents, and the educational community. The County Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the county office. To maximize County Board effectiveness and public confidence in its governance, County Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct, and provide stewardship of public resources.

The County Board members are expected to work with each other and with the County Superintendent of Schools and staff to ensure that a high-quality equitable education is provided to students in county office schools and/or programs, and that high-quality services are provided to school districts within the jurisdiction of the County Office and to the community.

Each individual County Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education
3. Recognize and respect differences of perspective and style on the County Board and among staff, students, parents/guardians and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader
7. Understand the distinctions between County Board, County Superintendent and staff roles, and refrain from performing management functions that are the responsibility of the County Superintendent and staff
8. Understand that authority rests with the County Board as a whole and not with individual County Board members

The County Board shall endeavor to foster members also shall assume collective responsibility for building unity and creating a positive organizational culture that promotes the following standards. To operate effectively, the County Board shall have a unity of purpose and:

1. Keep focused on student learning and achievement, as well as the role of the county office in providing services to school districts and the community
2. Support and encourage County Office services to local school districts, the community and regional educational consortiums
3. Work in partnership collaboratively with the County Superintendent
4. Communicate a common vision
5. Operate openly, with trust and integrity
6. Govern in a dignified and professional manner, treating everyone with civility and respect
7. Govern within the law and County Board-adopted policies and procedures
8. Take collective responsibility for the County Board's performance
9. Periodically evaluate their own effectiveness of the County Board of Education based upon the annually

adopted goals and objectives

10. Ensure opportunities for the diverse range of views and encourage in the community interest and participation in subjects within the to inform County Board's jurisdiction. deliberations

Ethics

Each individual County Board member is expected to adhere to the following principles:

1. Equity in attitude

- a. To be fair, just, and impartial in all decisions and actions.
- b. To accord others the respect we wish for ourselves.
- c. To encourage expressions of different opinions and listen with an open mind to others' ideas.

2. Trustworthiness in stewardship

- a. To be accountable to the public by representing Board and Superintendent policies, programs, priorities and progress accurately.
- b. To be responsive to the community by seeking its involvement in appropriate Board affairs and by communicating its priorities and concerns.
- c. To work to ensure prudent and accountable use of Board and Superintendent resources.
- d. To make no personal promise or take private action that may compromise performance of responsibilities.

3. Honor in Conduct

- a. To tell the truth
- b. To share views while working for consensus
- c. To respect the majority decision as the decision of the Board
- d. To base decisions on law, rules, and fact rather than supposition, opinion, or public favor

4. Integrity of character

- a. To refuse to surrender judgment to any individual or group at the expense of the Board as a whole
- b. To consistently uphold all applicable laws, rules, policies, and governance procedures
- c. To keep confidential information that is privileged by law or that will needlessly harm the Board or Superintendent if disclosed.

5. Commitment to service

- a. To focus attention on fulfilling the Board's responsibilities of goal setting, policy making and program evaluation.
- b. To diligently prepare for and attend Board meetings.
- c. To avoid personal involvement in activities the law or the Board has delegated to the County Superintendent.
- d. To seek continuing education that will enhance the ability to fulfill duties effectively.

6. Student-centered focus

To be continuously guided by what is best for all students of the County.

Board Bylaw 9005: Governance Standards

Status: ADOPTED

Original Adopted Date: 01/09/2003 | **Last Revised Date:** 10/06/2016

The primary responsibility of the Sonoma County Board of Education is to act in the best interests of every student in every school or program operated by the County Office of Education. The members of the County Board of Education have a duty to represent students, constituents, and the educational community. The County Board also has major commitments to parents/guardian, all members of the community, employees, the State of California, laws pertaining to public education, and established policies of the County Board of Education. To maximize County Board effectiveness and public confidence in its governance, County Board members are expected to govern responsibly, and hold themselves to the highest standards of ethical conduct, and provide stewardship of public resources.

County Board members are expected to work with each other and with the County Superintendent of Schools to ensure that a high-quality and equitable education is provided to all students in County Office schools and programs and that high-quality services are provided to the community and to the school districts within the jurisdiction of the County Office.

Each individual County Board member shall:

1. Keep learning and achievement for all students as a primary focus
2. Value, support and advocate for public education
3. Recognize and respect differences of perspective and style on the County Board and among staff, students, parents/guardians and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader
7. Understand that authority rests with the County Board as a whole and not with individual County Board members
8. Endeavor to understand the distinctions between County Board and County Superintendent responsibilities, and staff roles. Refrain from performing management functions that are the responsibility of the County Superintendent and staff

The County Board shall endeavor to foster a positive organizational culture that promotes the following standards:

1. Keep focus on student learning and achievement, as well as the role of the County Office in providing services to school districts and the community
2. Support and encourage County Office services to local school districts, the community and regional educational consortiums
3. Work in partnership with the County Superintendent of Schools
4. Communicate a common vision
5. Operate openly, with trust and integrity
6. Govern in a dignified and professional manner, treating everyone with civility and respect
7. Govern within the law and County Board-adopted policies and procedures
8. Take collective responsibility for the County Board's performance
9. Periodically evaluate the effectiveness of the County Board of Education based upon the annually adopted goals and objectives
10. Ensure opportunities for the diverse range of views and encourage community interest and participation in

subjects within the Board's jurisdiction.

Ethics

Each individual County Board member is expected to adhere to the following principles:

1. Equity in attitude

- a. To be fair, just, and impartial in all decisions and actions.
- b. To accord others the respect we wish for ourselves.
- c. To encourage expressions of different opinions and listen with an open mind to others' ideas.

2. Trustworthiness in stewardship

- a. To be accountable to the public by representing Board and Superintendent policies, programs, priorities and progress accurately.
- b. To be responsive to the community by seeking its involvement in appropriate Board affairs and by communicating its priorities and concerns.
- c. To work to ensure prudent and accountable use of Board and Superintendent resources.
- d. To make no personal promise or take private action that may compromise performance of responsibilities.

3. Honor in Conduct

- a. To tell the truth
- b. To share views while working for consensus
- c. To respect the majority decision as the decision of the Board
- d. To base decisions on law, rules, and fact rather than supposition, opinion, or public favor

4. Integrity of character

- a. To refuse to surrender judgment to any individual or group at the expense of the Board as a whole
- b. To consistently uphold all applicable laws, rules, policies, and governance procedures
- c. To keep confidential information that is privileged by law or that will needlessly harm the Board or Superintendent if disclosed.

5. Commitment to service

- a. To focus attention on fulfilling the Board's responsibilities of goal setting, policy making and program evaluation.
- b. To diligently prepare for and attend Board meetings.
- c. To avoid personal involvement in activities the law or the Board has delegated to the County Superintendent.
- d. To seek continuing education that will enhance the ability to fulfill duties effectively.

6. Student-centered focus

To be continuously guided by what is best for all students of the County.

Napa County Office of Education
Barbara Nemko, Ph.D., Superintendent

Item: 7.D.
February 13, 2024
Board Meeting

TITLE: First Reading Board Bylaw 9123.1 Clerk of the Board and Executive Officer

HISTORY:

The role of the Napa County Superintendent of Schools is outlined in the policies referenced below. The County Superintendent serves in multiple capacities in her role as County Superintendent of Schools.

CURRENT PROPOSAL:

First Reading and Board review Board Bylaw attached BB 9123.1 Clerk of the Board and Executive Officer. (Superintendent Policies 2110 County Superintendent Responsibilities and Duties and SP 2111 County Superintendent Governance Standards are attached for reference only).

FUNDING SOURCE: n/a

PREPARED BY:

Julie McClure, Associate Superintendent
2/5/24

Board Bylaw 9123.1: ^Clerk Of The Board And Executive Officer

Status: ADOPTED

Original Adopted Date: 10/23/1990 | **Last Revised Date:** 11/07/2017 | **Last Reviewed Date:** 01/05/2021

The Superintendent

The Napa County Superintendent of Schools is Clerk of the Board and Executive Officer of the Board. (Education Code 1010(<https://simbli.eboardsolutions.com/SU/o4woM7ux2Jl8XhdXalmKuQ==>))

Attendance at Meetings

The Superintendent shall attend all open meetings of the Board and be granted the privilege of taking part in its deliberations. The Superintendent may attend such closed sessions as is appropriate. (Education Code 1042(<https://simbli.eboardsolutions.com/SU/6AxNNMaTIQslshPBzpluf5VqMg==>))

Duties

As Clerk of the Board and Executive Officer, the Superintendent shall prepare an agenda in consultation with the Board President, record the actions, maintain official minutes, report on the condition of the schools, recommend action and enforce the rules of the Board and carry out the actions adopted by the Board.

In such capacity, the Superintendent or designee shall maintain all adopted County Office of Education policies and adopted revisions, including dates. (Education Code 1240(<https://simbli.eboardsolutions.com/SU/sMhSoCSRRrtYqL1slshjTNs3A==>))

Executive Officer

As executive officer of the Board, the Superintendent shall be the professional adviser to the Board in the formulation of policies for the county school program, and as the executor of the policies adopted by the Board shall guide and support the Board on compliance with the statutes, regulations and policies. (Education Code 1010(<https://simbli.eboardsolutions.com/SU/o4woM7ux2Jl8XhdXalmKuQ==>))

Informing the Board and Public

The Superintendent shall keep the Board and the public informed on the status of the school districts' educational programs in Napa County and make such recommendations for change and improvements as he or she believes desirable for the welfare of the county educational program. (Education Code 1260(<https://simbli.eboardsolutions.com/SU/C2vNZexXcGV1qGlGZtJlQ==>))

Educational Developments

The Superintendent shall inform the County Office of Education on educational developments that relate to the policies of the Board. (Education Code 1010(<https://simbli.eboardsolutions.com/SU/o4woM7ux2Jl8XhdXalmKuQ==>))

Administer the School Program

The Superintendent shall administer the county school program efficiently and honestly. (Education Code 1010(<https://simbli.eboardsolutions.com/SU/o4woM7ux2Jl8XhdXalmKuQ==>))

Employment of Staff

The Superintendent shall employ a professional staff to assist in carrying out Board policies, and give professional leadership in the constant upgrading of his/her staff.

Board approval shall be required for those employment matters set forth in the Education Code.

Presentation of Matters

The Superintendent shall prepare and present to the Board for its approval all matters required or permitted by statutes, or where in the discretion of the Superintendent, the approval of the Board is necessary or appropriate. (Education Code 1010(<https://simbli.eboardsolutions.com/SU/o4woM7ux2Jl8XhdXalmKuQ==>))

Annual Report

The Superintendent may prepare an annual report of the state of the schools in Napa County for the County Office of Education. (Education Code 1240(<https://simbli.eboardsolutions.com/SU/sMhSoCSRRrtYqL1slshjTNs3A==>))

Increase of Salary, Remuneration, Benefits, or Pension of a County Superintendent of Schools

The County Superintendent of Schools shall not increase his or her salary, financial remuneration, benefits, or pension in any manner or for any reason without bringing the matter to the attention of the County Office of Education for its discussion at a regularly scheduled public meeting of the Board and without the approval of the County Office of Education. (Education Code 1209(<https://simbli.eboardsolutions.com/SU/vZ8iBm7SlmRd8lcOYa8umg==>))

(cf. 2111(<https://simbli.eboardsolutions.com/SU/f2KttTsnYGtplus6MI2L8Qmw==>) - Superintendent Governance Standards)

(cf. 2121(<https://simbli.eboardsolutions.com/SU/X9v4tpluscBN5TNqATOJZnCaw==>) - Salary of Napa County Superintendent of Schools)

(cf. 2140(<https://simbli.eboardsolutions.com/SU/ZiqwQaf9PrpMLcWEe4PI1A==>) - Evaluation of the Superintendent)

No Right of Voting

The County Superintendent shall not have the privilege of voting on matters before the Board. (Robert's Rules of Order, Article X, Section 59)

Vacancy in Office of Superintendent

In the event of a vacancy in the office of Superintendent, the Board shall exercise its authority to fill the vacancy as authorized by Education Code 1042(<https://simbli.eboardsolutions.com/SU/6AxNNMaTIQslshPBzppplusf5VqMg==>) (e) and Board Rule 104.20. (Education Code 1042(<https://simbli.eboardsolutions.com/SU/6AxNNMaTIQslshPBzppplusf5VqMg==>))

1. The Board shall fill by appointment any vacancy that occurs during the term of office of the County Superintendent of Schools. The appointment shall be made in public session at a duly noticed special or regular meeting. The appointee shall hold office until the office is filled by election at the next gubernatorial election.

2. During any interim period between the occurrence of a vacancy in the office of the county superintendent of schools and the date when the Board appoints a successor, the then designated chief deputy or highest ranking official shall continue to perform with the assistance of any other then designated deputies, all of the business, legal, governmental, or educational duties of the office. In no event shall the chief deputy or any other deputy use the title of interim or acting superintendent unless specifically authorized to do so by the Board. (Education Code 1042(<https://simbli.eboardsolutions.com/SU/6AxNNMaTIQslshPBzppplusf5VqMg==>) : Government Code 24000(<https://simbli.eboardsolutions.com/SU/OoEBGJ4yFCplus0d0tMslshZALJQ==>) , 24105)

Legal Reference:

EDUCATION CODE

1010(<https://simbli.eboardsolutions.com/SU/o4woM7ux2Jl8XhdXalmKuQ==>) Ex Officio Secretary

1042(<https://simbli.eboardsolutions.com/SU/6AxNNMaTIQslshPBzppplusf5VqMg==>) Additional Powers

1209(<https://simbli.eboardsolutions.com/SU/vZ8iBm7SlmRd8lcOYa8umg==>) Increase of Salary, Remuneration, Benefits, or Pension of a County Superintendent of Schools

1240(<https://simbli.eboardsolutions.com/SU/sMhSoCSRRrtYqL1slshjTNs3A==>) General Duties; Reports

1260(<https://simbli.eboardsolutions.com/SU/C2vNZexXcGVilqGlGZtJlQ==>) Powers to Promote Advancement of Education

35025 Secretary and Bookkeeper

GOVERNMENT CODE

24000 County Officers

24105 Deputies

Management Resources

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

Roberts Rules of Order, Article X, Section 59

WEB SITES

CSBA: <http://www.csba.org>(<https://simbli.eboardsolutions.com/SU/endNqaxyiGQAmOk5HoBoUw==>)

Bylaw NAPA COUNTY OFFICE OF EDUCATION

adopted: October 23, 1990 Napa, California

revised: January 6, 2004

revised: March 1, 2011

revised: November 7, 2017

revised: January 5, 2021

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.

Notice References

Description

Unique Policy

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Superintendent Policy 2110: County Superintendent Responsibilities And Duties

Status: ADOPTED

Original Adopted Date: 02/18/2021 | **Last Reviewed Date:** 02/18/2021

The Napa County Board of Education desires to establish a productive working relationship with the Napa County Superintendent of Schools and to ensure that the work of the County Superintendent is focused on student learning and achievement and the attainment of the Napa County Office of Education's (NCOE) vision and goals. The County Board also desires to provide a fair basis for holding the County Superintendent accountable. The responsibilities of the County Superintendent are detailed in law, in the County Superintendent's contract, and throughout Board policies and administrative regulations.

The County Board shall clarify expectations and goals for the County Superintendent at the beginning of every evaluation year.

As the chief executive officer of the NCOE, the County Superintendent shall implement all County Board decisions and manage the instructional and noninstructional operations of the schools. The County Superintendent also serves as a member of the NCOE's governance team and has responsibilities to support County Board operations and decision making.

The County Superintendent may delegate any of his/her responsibilities and duties to other NCOE staff, but he/she remains accountable to the County Board for all areas of operation under the County Superintendent's authority.

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Notice References

Description

Unique Policy

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Superintendent Policy 2111: County Superintendent Governance Standards

Status: ADOPTED

Original Adopted Date: 02/18/2021 | **Last Reviewed Date:** 02/18/2021

The Napa County Board of Education recognizes that effective Napa County Office of Education (NCOE) governance requires strong collaboration and teamwork with the Napa County Superintendent of Schools (County Superintendent). Because the County Board and County Superintendent each have their unique roles and responsibilities, both contribute to the responsible governance of the NCOE and the quality of education provided to the community's students.

The County Superintendent is expected to hold himself/herself to the highest standards of ethical conduct and professionalism.

To support the County Board in the governance of the NCOE, the County Superintendent:

1. Promotes the success of all students and supports the efforts of the County Board to keep the NCOE focused on learning and achievement
2. Values, advocates and supports public education and all stakeholders
3. Recognizes and respects the differences of perspective and style on the County Board and among staff, students, parents/guardians and the community and ensures that the diverse range of views inform County Board decisions
4. Acts with dignity, treats everyone with civility and respect, and understands the implications of demeanor and behavior
5. Serves as a model for the value of lifelong learning and supports the County Board's continuous professional development
6. Works with the County Board as a "governance team" and assures collective responsibility for building a unity of purpose, communicating a common vision and creating a positive organizational culture
7. Recognizes that the County Board/County Superintendent governance relationship is supported by the management team in the NCOE
8. Understands the distinctions between County Board and staff roles, and respects the role of the County Board as the representative of the community
9. Understands that authority rests with the County Board as a whole; provides guidance to the County Board to assist in decision-making; and provides leadership based on the direction of the County Board as a whole
10. Communicates openly with trust and integrity, including providing all members of the County Board with equal access to information and recognizing the importance of both responsive and anticipatory communications
11. Accepts leadership responsibility and accountability for implementing the vision, goals and policies of the NCOE

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.

Notice References

Description

Unique Policy

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

Item 7.E.

February 13, 2024

TITLE: Review Process for Separate Legal Counsel for the Napa County Board of Education

HISTORY:

The Napa County Board of Education has requested a written summary of the statutory provisions governing the selection of counsel by a county board of education.

Reference: Board to review attached summary provided by Frank Zotter, Senior Associate General Counsel, School & College Legal Services of California.

CURRENT PROPOSAL: Board review selection process for separate legal counsel for the Napa County Board of Education.

FUNDING SOURCE: N/A

SPECIFIC RECOMMENDATION: Board review selection process for separate legal counsel for the Napa County Board of Education.

Prepared by: Josh Schultz
February 1, 2024

Item 7.E.

February 13, 2024

Dear Board Pres. Huffman:

This is in response to your request for a written summary of the statutory provisions governing the selection of counsel by a County Board of Education.

As background, the historical practice of the Napa County Office of Education has been for the County Superintendent of Schools to choose the legal counsel for both the superintendent and the county board. Part of this is perhaps because, for almost all matters (and unlike the practices for K-12 districts), the County Superintendent is empowered to enter into contracts without seeking ratification of the Board. See, e.g., Educ. Code §§ 1240 and 1605. Furthermore, having the superintendent select the counsel for both entities complies with Education Code § 35041.5, the last sentence of which provides, “The county board of education and the superintendent of schools of the same county shall appoint the same legal counsel.” Relying on this statute, the California Attorney General concluded in 86 Ops. Cal. Atty. Gen. 57 (2003) that, “A county board of education may not appoint an outside counsel in addition to in-house counsel to provide unrestricted, independent advice to the board.”

The Attorney General also addressed the language in Educ. Code § 1042, subd. (d), which your Board discussed at the meeting I attended last month. Specifically, it permits a county board to “Contract with and employ any persons for the furnishing to the county board of education of special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.” The Attorney General stated that this power may be exercised when “when such services, for reasons beyond the board's control, are ‘unavailable’ from its own legal counsel due to disqualification, inability, refusal or otherwise.”

In determining whether a “conflict” exists for purposes of recusal or disqualification, Rule 1.7 (a) of the Rules of Professional Conduct governing attorneys states, “A lawyer shall not, without informed written consent from each client and compliance with [these rules], represent a client if the representation is directly adverse to another client in the same or separate matter.” Circumstances in which the advice or representation are “directly adverse” are rare. For example, if a party consulted an attorney about a pending dispute matter and provided confidential information to the attorney, and then that same attorney was contacted by the opposing party in the dispute, the attorney could not (without a waiver of any conflict) advise or represent that adverse party. Similarly, if both parties have opposing goals in a pending matter despite initially appearing to have no overt conflict, the potential that they *could* end up with adverse positions would normally requires separate counsel.

For example, if two parties approached an attorney to draft a settlement agreement in an otherwise uncontested dissolution of marriage, or to draft a partnership agreement for a business venture, both sides could still have conflicting interests about various matters that those agreements would cover. Thus, even though on the surface the parties to the agreements would appear to be in agreement about the goal of the representation, absent a waiver of conflict a single attorney could not “represent” both parties.

At the same time, courts have cautioned that many of these rules were developed for situations in which both the legal counsel and clients were private parties. When asked to review a lower court order directing the disqualification of county counsel, the court of appeal noted that, “Disqualifications of public counsel can result in increased public expenditures for legal representation, and ‘there is the potential for a substantially increased call upon an already severely strained tax base.’ (Citation omitted.) Where only speculative or minimal benefit would be obtained by disqualification of public counsel, the ‘dislocation and increased expense of government’ is not justified.” *In re Lee G.* (1992) 1 Cal.App.4th 17 at 28. *Lee G.* involved a situation when the county counsel was representing the department of social services in a case in which the mother of the dependent juvenile was also a conservatee of the public guardian’s office. Ultimately the court of appeal overturned a disqualification order, finding that there was no such “conflict” of interest.

The circumstances here appear to be that some board members are dissatisfied with a past opinion of this office, and want to have an independent opinion from different counsel on the same question. In light of both Education Code § 35041.5 and 86 Ops. Cal. Atty. Gen. 57 (2003), the exercise of the Board’s authority under § 1042 to seek such legal services would not be based on a “directly adverse” representation, however, but instead upon a desire to get a “second opinion” about the matter. While I do not wish to minimize the sincerity of those Board members’ desire to obtain such an opinion, it would be inconsistent with both § 35041.5 and the Attorney General’s conclusion that outside counsel cannot be obtained “to provide unrestricted, independent advice to the Board” unless a conflict of interest indeed exists.

I hope that this is helpful. Please let me know if you have further questions regarding this matter.

Frank Zotter Jr.
Senior Associate General Counsel
School & College Legal Services of California
5350 Skylane Blvd.
Santa Rosa, CA 95403
Phone: (707) 524-2690
Fax: (707) 578-0517

Napa County Office of Education
Barbara Nemko, Ph.D., Superintendent

Item: 7.F.
February 13, 2024
Board Meeting

TITLE: Board Review Self-Evaluation Options

HISTORY:

The Board requested information on board self-evaluation options. Board self-evaluation options from CCBE are attached in the packet.

CURRENT PROPOSAL:

Board review the CCBE board self-evaluation process and options.

FUNDING SOURCE: n/a

PREPARED BY:

Barbara Nemko, Superintendent
2/5/24

BN/es

County Board Self-Evaluation

Why do county boards of education evaluate themselves? Governing boards, be they a public board or a nonprofit board, have a fundamental responsibility to evaluate their effectiveness.

CCBE believes board self-evaluation can strengthen board performance.

1. *County boards evaluate themselves to demonstrate that county leadership is committed to continuous improvement at every level - beginning at the top.* Counties are learning organizations in two ways. First, their mission is to help children learn. Equally important though is that counties *need to learn*. In order for counties to be highly effective, they must invest in the professional development of every adult in the system, including the county governing board.
2. *County boards evaluate themselves to identify specific ways the board can improve its governance work.* The board can evaluate three areas that are all interconnected. First, the board can evaluate how well they function internally. For example: “How effective are communications among board members and with the county superintendent?” Second, the board can evaluate how well it fulfills its governing responsibilities to the county. For example: “How well do we adopt budgets aligned to county goals? Third, the board can evaluate to what extent its governance decisions help the county office achieve its long-range goals? For example: Did we meet our target of improving attendance rates?”
3. *County boards evaluate themselves to demonstrate accountability to the community that elected them.* County board members are elected by the community. The board has an obligation to report back to the community on how well the board and the county office of education are functioning.

Instructions

1. The board self-evaluation form should be given to each county board member.
2. County board members complete the board self-evaluation and submit their responses.
3. The board can designate a board member to tabulate responses, or the board can ask the superintendent to assign staff to do this work.
4. The board president and superintendent must place board self-evaluation on the agenda of an open session of the county board of education meeting.
5. The summary results should be provided to board members with other board agenda materials.

Preparing for the Discussion

1. Tabulate the results.

Tally the responses identifying the total number of times each rank was selected for each item.

2. Place ‘Board Self Evaluation’ on the agenda for a future county board meeting.

The county board could place the discussion of these results on the agenda of any regular board meeting. However, fully reviewing these results can take time, and the county board may be best served by scheduling a special governance study session – *in open session* - to discuss the results.

County Board Self-Evaluation

3. The conversation at the meeting.

The board can improve its cohesiveness by discussing the range of responses, learning each member's rationale for their ratings. As the board discusses these results, remember a few critical points.

- The tabulation displays a range of perceptions, *not facts*.
- The benefit of self-evaluation is not in the results, but in the *quality of your conversation* in response to the results.
- You can't talk about everything – there's too much. *Focus* on what matters most.
- Each member should *try to understand* the views of other board members. It's okay to differ in opinion; you don't always need agreement. *You do need understanding*. In some cases, the board may find that members have different expectations for what deserves an 'Almost always' vs. an 'often', but that there is general agreement on how the board is performing.

Process for the conversation

Step 1: Confirm the perceived strengths.

Identify all items in which a majority of the board *ranked at item as "often" or almost always*.

Step 2: Confirm the perceived areas for growth.

Identify all items in which a majority of the board *ranked at item as "less often or "rarely*.

Step 3: Identify areas where perceptions are mixed.

Identify items where the highest and lowest ratings differ by 2 or more. Look for:

- Distribution - three or all four of the ratings are applied to an item.
- Splits – a '0' in 'Often' or 'Less Often' with votes on either side.

Step 4: Focus.

From the results from steps 2 and 3 above, the board should select - through consensus or vote - *a limited number* of areas [three to five] to focus the discussion. The board should answer the question: *Which areas of improvement will be most beneficial to the county office of education and the county board?*

Step 5: Set goals.

Set specific, measurable, time-bound goals for improving board performance in each area.

Step 6: Integrate board performance into the regular agenda.

Clarify when progress towards the board's improvement goals will be reviewed at future board meetings.

FAQs

Does the Brown Act apply to board self-evaluation?

Yes. The Brown Act applies. The results should not be discussed until the item is posted as an open-session agenda item at a publicly noticed board meeting.

Can we discuss the results in closed session?

No. Board self-evaluation does *not* qualify as a closed session item. Board self-evaluation is conducted in open session.

County Board Self-Evaluation

I. Board unity, roles and relationships	Almost always	Often	Less Often	Rarely	Not sure
1. The board has adopted a set of common beliefs about the value of public education, the attributes of good governance, and the ability of students to achieve.					
2. When an issue is decided by majority vote, all board members support the board decision.					
3. The board has adopted policies, bylaws and protocols to manage board operations.					
4. The board understands the role and responsibilities of the board and the county superintendent.					
5. The board maintains a productive partnership with the county superintendent.					
6. Board members keep confidential matters confidential.					
7. The board treats the superintendent and staff with respect.					
8. The Board manages any conflicts between board members in a productive manner.					
9. The board has adopted and follows a set of behavioral norms for meetings.					
10. Board members treat each other with respect.					

II. Communication between meetings	Almost always	Often	Less Often	Rarely	Not sure
11. The board has agreements on how to communicate with each other and the superintendent between board meetings.					
12. All board members receive timely information.					
13. All board members receive adequate information.					
14. All board members receive the same information.					
15. Board members avoid surprises at meetings by discussing questions with the superintendent in advance whenever possible.					
16. The board has agreements on how concerns from the community will be handled.					

County Board Self-Evaluation

III. Board Meetings	Almost always	Often	Less Often	Rarely	Not sure
17. Board members come to board meetings prepared.					
18. The board uses data during board meetings.					
19. Board meetings start on time.					
20. There is a good relationship between how long the board spends on an agenda item and the importance of the item.					
21. The board creates a welcoming and positive environment for community input at board meetings.					

IV. Board Development	Almost always	Often	Less Often	Rarely	Not sure
22. The board agrees on the process for choosing officers.					
23. The board plans for the development and training of the board.					
24. The board orients new members.					
25. The board periodically reviews its policies and governance agreements.					
26. The board periodically evaluates the effectiveness of board meetings.					
27. The board periodically evaluates the board's performance.					

V. Setting Direction	Almost always	Often	Less Often	Rarely	Not sure
28. The board adopts its mission, vision and long-range priorities in collaboration with the superintendent.					
29. The board is focused on and committed to raising student learning and achievement.					
30. Prior to adopting the COE Local Control Accountability Plan (LCAP), the board holds at least one public hearing to solicit recommendations and comments regarding the LCAP from the public.					
31. The board holds an additional meeting at which the board adopted the COE LCAP.					
32. The board adopts courses of study for county office programs including juvenile schools, community schools, and ROC/P programs.					

County Board Self-Evaluation

VI. Fiscal	Almost always	Often	Less Often	Rarely	Not sure
33. The board has a sound process for determining the superintendent's compensation.					
34. The board is engaged with the superintendent in the budget process.					
35. The board adopts the COE LCAP by July 1 of each year that ensures fiscal solvency and is aligned to the COE LCAP.					
36. The board approves interim financial reports.					

VII. Judicial	Almost always	Often	Less Often	Rarely	Not sure
37. The board has adopted rules and regulations that guide the charter school petition appeals process.					
38. The board reviews and takes action on charter school appeals as needed.					
39. The board has adopted rules and regulations that guide the inter-district transfer appeals process.					
40. The board reviews and takes action on student inter-district transfer appeals.					
41. The board reviews and takes action on student expulsion appeals.					

VIII. Accountability	Almost always	Often	Less Often	Rarely	Not sure
42. The board monitors progress towards its goals.					
43. The board monitors the implementation of board policies.					
44. The county board ensures that each countywide benefit charter school fulfills the terms of its charter.					

IX. Engagement & Advocacy	Almost always	Often	Less Often	Rarely	Not sure
45. The board communicates a common vision.					
46. The board provides community leadership on educational issues.					
47. The board advocates on behalf of students and public education.					
48. The board is represented at key COE events.					
49. The board celebrates accomplishments of staff and students.					
50. The board maintains cooperative relationships with school district board members and personnel.					

Napa County Office of Education
Barbara Nemko, Ph.D., Superintendent

Item: 7.H.
Feb 13, 2024
Board
Meeting

TITLE:

Mayacamas Charter Middle School First Interim Review

HISTORY:

In September 2022 the California State Board of Education assigned NCOE the role of “authorizer” of the Mayacamas Charter Middle School (MCMS). One of the roles of a charter authorizer is to provide fiscal oversight of the charter schools under its authority. As required, in December 2023, MCMS submitted a 1st Interim report detailing the school’s fiscal position as of October 31, 2023. NCOE staff reviewed the report using the California Charter Authorizing Professionals (CCAP) Financial Health and Sustainability Framework. The CCAP framework seeks to answer the core question – is the charter school financially viable?

CURRENT PROPOSAL:

Review the current fiscal position of MCMS.

FUNDING SOURCE: NA

PREPARED BY:

Aaron Johnson, Assistant Director of Fiscal Services, and Joshua Schultz, Deputy Superintendent

Mayacamas 2023-24 First Interim Report

FINANCIAL REVIEW



Framework

California Charter Authorizing Professionals (CCAP) Financial Health and Sustainability Framework

- Seeks to answer the core question – is the charter school financially viable?

Structure

- Short-Term Indicators (Current Fiscal Year)
- Sustainability (Current +2 years)

Short-Term Indicators

Days of Cash on Hand

The days of cash on hand ratio indicates the total number of days a school can pay its expenses without an influx of cash. This ratio tells authorizers whether the school has sufficient cash to meet its cash obligations without incurring a loan, or in some cases defaulting on a payment.

Formula:

$$\text{Days of Cash on Hand} = \frac{\text{Cash Received}}{\text{Budgeted Expenses}/365}$$

Standard:

- MEETS STANDARD: At least 60 Days of Cash on Hand
- DOES NOT MEET STANDARD: 30-Less than 60 Days of Cash on Hand
- FALLS FAR BELOW STANDARD: Less than 30 Days of Cash on Hand

Calculation:

Cash Received - October 2023:
 Budgeted Expenses
 Days
 Days of Cash on Hand =
 Standard Met?

524,477.00
1,584,119.58
365
120.85
Meets Standard

Calculation:

Cash Received - June 2023:
 Budgeted Expenses
 Days
 Days of Cash on Hand =
 Standard Met?

58,201.68
1,584,119.58
365
13.41
Falls Far Below Standard

Cash Flow Projection

The general fund current year cash flow based on the budget as approved by the charter school's governing board includes a monthly projected cash balance and shows whether cash will be positive at any given time. Each month, the projection should be updated with actual receipts and expenditures along with changes in balance sheet items and the remaining months should be adjusted. The result should present a positive cash balance. If not, the school's governing board should make the necessary budget adjustments, or explore short-term loan options accordingly.

Formula: *Beginning Cash + Receipts - Disbursements + Balance Sheet Transactions = Ending Cash*

Calculation:

Cash Flow Ending Cash Projection

July	51,869.91
August	248,576.43
September	227,967.92
October	524,477.03
November	537,566.29
December	501,108.03
January	384,748.02
February	253,719.44
March	218,243.88
April	188,926.92
May	130,647.23
June	58,201.68
Standard Met?	Meets Standard

Enrollment Variance

Enrollment variance is the difference between the school's projected and actual enrollment, calculated as Average Daily Attendance (ADA). The variance provides the authorizer with information on the accuracy of the enrollment forecasts as well as an indication of the school's budgeting practices for generating sufficient revenue to fund ongoing operational expenses.

Formula:

$$\text{Percent Forecast Accuracy} = \left[\frac{\text{Actual Enrollment} - \text{Projected Enrollment}}{\text{Actual Enrollment}} \right] \times 100$$

Standard:

MEETS STANDARD: In either or both of:

1. The current fiscal year, or
2. At least two of the most immediate three prior fiscal years, projected enrollment was not overestimated by more than the following percentage levels:
 - 3% if the school's ADA was between 0 and 300 that fiscal year
 - 2% if the school's ADA was between 301 and 1,000 that fiscal year
 - 1% if the school's ADA was more than 1,001 that fiscal year

DOES NOT MEET STANDARD: Enrollment is overestimated by the applicable percentage in the years indicated

Projected ADA	71.25
Standard	3%

Calculation:

Actual Enrollment	71
Projected Enrollment	142
Actual Enrollment	71
Percentage Basis	100
Percent Forecast Accuracy =	-100.0%
Standard Met?	Does Not Meet Standard

Calculation:

Actual Enrollment	71
Projected Enrollment	75
Actual Enrollment	71
Percentage Basis	100
Percent Forecast Accuracy =	-5.6%
Standard Met?	Does Not Meet Standard

Average Daily Attendance (ADA) to Enrollment Variance

Funded ADA is a percentage based on the number of days students attended classes at second period (P2). The accuracy of projected ADA indicates to the authorizer whether the school is reasonably and conservatively budgeting revenue to fund ongoing operations. Funded ADA is the largest annual revenue source for operations.

Formula:

$$ADA \text{ to Enrollment Variance} = \left[\frac{\text{Projected P2 ADA}}{\text{Estimated Enrollment}} \right] - \text{Charter Historical Ratio}$$

Standard

MEETS STANDARD: The projected second period (P2) ADA to enrollment ratio for any time during the current fiscal year, or two subsequent fiscal years, does not exceed the charter historical average ratio from the three prior years by more than one-half percent (.5%).

DOES NOT MEET STANDARD: Projected ratio at some time during current or next two subsequent fiscal years exceeds charter historical ratio by more than one-half percent (.5%).

Calculation:

Charter Historical Ratio:

N/A

Charter Current Year Data:

	Estimated P-2 ADA	CalPADS Enrollment	Ratio
2023-24	71.25	71.00	100.35%
2024-25	142.50	150.00	95.00%
2025-26	209.00	220.00	95.00%

Standard Met?

N/A

Actual P-1 ADA	CalPADS Enrollment	Ratio
65	71.00	91.55%

Unduplicated Pupil Percentage (UPP) Variance

UPP variance is the difference between the projected and actual percentage of enrolled students as of the first Wednesday in October of each school year who qualify for Free/Reduced Price Meals, and/or are English Learners, Foster Youth, or Homeless.

Calculation:

Actual UPP Percentage	45.1%
Projected UPP Percentage	60.0%
UPP Variance	75.1%
Standard Met?	Does Not Meet Standard

Formula:

$$\text{Percent Forecast Accuracy} = 100 \times \left[\frac{\text{Actual UPP Percentage}}{\text{Projected UPP Percentage}} \right]$$

Standard:

MEETS STANDARD: Projected UPP variance equals or exceeds 95% of forecast in the current year.

DOES NOT MEET STANDARD: Projected UPP variance is less than 95% of forecast in the current year.

Calculation:

Actual UPP Percentage	45.1%
Projected UPP Percentage	50.0%
UPP Variance	90.1%
Standard Met?	Does Not Meet Standard

Reserve for Economic Uncertainty

The charter school meets or exceeds the reserve level defined in the charter MOU at each required reporting time.

Formula:

Reserve for Economic Uncertainty = Ending Fund Balance/Net Position (Unrestricted) / Total Expenditures and Other Financing Uses

Standard:

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.

Calculation:

Total Expenditures and Other Financing Uses
Ending Fund Balance/Net Position (Unrestricted)
Reserve for Economic Uncertainty
Standard Met?

2023-24	2024-25	2025-26
1,584,119.58	2,014,375.16	2,602,887.78
103,689.95	224,052.81	754,534.58
6.5%	11.1%	29.0%
Meets Standard		

Short-term Indicators Conclusion

Liquidity standards met

- Overpayment of LCFF state aid
- Donations

LCFF factors overstated

Risk of loss of Federal grants

Possible scenarios

- Identify additional non-operating revenues
- Identify additional mid-year budget reductions
- 5% reserve may not be met

Sustainability Standards

Debt Default

The debt default indicator addresses whether a school is meeting its loan or lease obligations or is delinquent with its debt service payments, if applicable. Based on currency of loan and/or lease payments, the school must not be in default of loan covenant(s) and must not be delinquent with debt service payments.

Standard:

MEETS STANDARD: All of the following are true:

- 1. The school’s budget, as approved by the governing board, includes expenditures to meet debt service payments.
- 2. These expenditures are being paid on time in the current year.
- 3. These amounts are included in the accompanying cash flow statements.

DOES NOT MEET STANDARD: Any of the above statements is not true.

Calculation:

Total Budget	\$ 3,125.00
Notice of Default?	None noted
Total Cash Flow	\$ 4,375.00
Standard Met?	Meets Standard

Multi-Year Financial Projections

Multi-Year Projections (MYP) project revenues and expenditures into the two subsequent fiscal years to assess financial risks and the affordability of commitments based on current assumptions. The MYP is a model based on current known information.

Standard

MEETS STANDARD: Over the next two subsequent fiscal years, the school is projected to have a net increase in its unrestricted fund balance, or its projected decrease in the unrestricted fund balance is for a “planned spend down” and does not represent a structural deficit.

DOES NOT MEET STANDARD: Over the next two subsequent fiscal years the school is projected to have a structural deficit depleting its unrestricted fund balance.

Calculation:

Net Increase (Decrease) in Fund Balance/Net Position
Ending Fund Balance/Net Position
Standard Met?

2023-24	2024-25	2025-26
103,689.95	120,362.86	530,481.77
103,689.95	224,052.81	754,534.58
Meets Standard		

Subsequent Years Cash Flow

Multi-Year Projections (MYP) project revenues and expenditures into the two subsequent fiscal years to assess financial risks and the affordability of commitments based on current assumptions. The MYP is a model based on current known information.

Standard:

MEETS STANDARD: Monthly cash flows reflect positive ending cash balances based on the projected general fund revenue and expenditures, and projections appear reasonable.

DOES NOT MEET STANDARD: At least one subsequent month reflects negative ending cash balances based on the result of projected general fund revenue and expenditures, and/or projections do not appear reasonable.

Calculation:

Cash Flow Ending Cash Projection

July	103,060.85
August	103,314.00
September	26,643.40
October	12,683.83
November	72,375.27
December	109,686.73
January	87,075.91
February	91,118.06
March	77,325.41
April	32,719.69
May	18,927.04
June	47,164.01
Standard Met?	Meets Standard

NCOE Analysis of Structural Deficit

This analysis approximates whether any structural deficit may exist as a result of ongoing expenditures (primarily salary and benefits) as compared to ongoing revenues.

<u>Unrestricted</u>		<u>Combined</u>	
(Operating Revenue)		(Operating Revenue)	
8010-8099	803,171.33	8010-8099	803,171.33
8300-8599	12,112.50	8300-8599	200,068.20
8980-8999	<u>(22,320.45)</u>	8980-8999	<u>-</u>
(A) Total	792,963.38	(A) Total	1,003,239.53
(Operating Expenditures)		(Operating Expenditures)	
1000-1999	485,928.20	1000-1999	562,000.00
2000-2999	106,944.00	2000-2999	106,944.00
3000-3999	104,582.19	3000-3999	117,986.44
5000-5999	<u>142,847.03 *</u>	5000-5999	<u>235,888.57 *</u>
(B) Total	840,301.42	(B) Total	1,022,819.01
(B/A)	1.06 **	(B/A)	1.02 **

* Denotes only 50% of these expenditures are included in the analysis of deficit spending

** If this is higher than 1, it could be a structural deficit

Sustainability Indicators Conclusion

Standards met

Current enrollment does not generate sufficient revenues to sustain operation

Possible scenarios

- Increase enrollment significantly
- Continued reliance on non-operating revenues (donations)
- Reductions in services
 - Potentially requires a material revision to the charter
- Insolvency

Mayacamas Charter Middle School - 3 Year Financial Plan

	FY 2024	FY 2025	FY 2026	Notes/Assumptions
Enrollment	75	150	220	<i>Enrollment interest and recruitment efforts supports this growth in next two years</i>
ADA %	95%	95%	95%	
ADA	71.25	142.50	209.00	
Total LCFF Revenue	\$803,171	\$1,603,197	\$2,365,872	<i>Assumes conservative LCFF COLA of 1% in next two years</i>
Federal Revenue				
IDEA	\$0	\$5,000	\$10,000	<i>LACOE SELPA funds IDEA based on a SpED pupil count from prior year</i>
Title Program	\$13,875	\$23,865	\$35,002	<i>Title I and II</i>
Public Charter School Grant Program	\$330,222	\$169,778	\$0	<i>PCSGP grant fully expended during FY 2024-25</i>
Child Nutrition-Federal	\$40,473	\$69,178	\$101,462	<i>Nutrition program approved by CDE in November of 2023</i>
Total Federal Revenue	\$384,570	\$267,821	\$146,464	
Other State Revenue				
SB 740	\$101,246	\$178,380	\$172,248	<i>Assumes 75% of rent costs are reimbursed, this is below the per ADA Cap</i>
Child Nutrition-State	\$18,911	\$68,539	\$100,524	<i>Assumes state reimbursements under Universal Meal Program</i>
Other State Revenue	\$21,486	\$101,616	\$137,884	<i>Includes Lottery Revenues and State Mental Health. Adds MBG, ELOP and Prop 28 in Yr 2 & 3</i>
Total State Revenue	\$141,643	\$348,535	\$410,656	
Local Revenue				
Grants & Donations	\$300,000	\$0	\$0	<i>Grants secured during Year 1 of \$50K. Foundation fundraising contribution in Year 1 of \$250K</i>
Other Local Revenue	\$58,425	\$116,850	\$171,380	<i>SPED Apportionments using LACOE SELPA rates</i>
Total Local Revenue	\$358,425	\$116,850	\$171,380	
Total Revenue	\$1,687,810	\$2,336,404	\$3,094,372	
Salaries	FTE	FTE	FTE	
Teacher Salaries & Stipends	5	8.5	9	<i>Addition of teacher FTE in Yr 2& 3 to cover enrollment increases. Average pay for full-time teachers for FY 2024: ~\$82K; FY 2025 and 26: ~\$82.5K</i>
Certificated Administrator Salary	1	1	1	<i>Budgets for one full time Executive Director</i>
Counselor	0.5	0.75	0.75	<i>Part time counselor in first 3 years</i>
Classified staff salaries	2.25	4.25	7.25	<i>Includes 1 FTE full-time Operations Manager, plus Instructional Aides, PT after-school tutors, PT custodian in Yr 2, bilingual parent liaison in Yr 3, FT office assistant in Yr 2 plus additional office FTE in Yr 3</i>
Total Salaries	8.75	14.5	18	<i>Total cost includes some additional pay for PD on non-instructional days</i>
Benefits				
Health & Welfare/Other Retirement Benefits	\$59,788	\$109,525	\$129,763	<i>Full time employees eligible for H/W and 403b contribution</i>
Payroll taxes/Worker's Comp/SUI	\$58,198	\$84,151	\$99,605	<i>School does not participate in STRS or PERS, therefore this is primarily Social Security/Medicare</i>
Total Benefits	\$117,986	\$193,676	\$229,369	
Supplies				
Student Supplies & Books	\$254,949	\$141,846	\$189,033	<i>Year 1 includes a large amount for non-capitalized equipment, such as student and teacher laptops and PE equipment</i>
Office Supplies & Other Supplies	\$6,750	\$14,384	\$21,096	
Food Program	\$60,588	\$122,316	\$188,367	
Total Supplies	\$322,287	\$278,546	\$398,496	
Operating Services				
Lease/Rent	\$182,300	\$237,840	\$241,752	<i>Lease of full school facility at former private school. Year 1 rent reduction negotiated. Lease includes utilities.</i>
Special Education Services	\$35,953	\$60,500	\$104,000	<i>Includes contracted services for students with IEPs, assessments, and SELPA fees</i>
General Insurance	\$17,000	\$30,125	\$45,509	<i>Accident, General Liability, etc.</i>
Field Trips and Per Pupil Transportation	\$3,500	\$7,408	\$11,190	
All Other Consultants & Services	\$174,350	\$242,542	\$220,978	<i>Includes expected consulting and other contracted service costs, including contracted substitutes and PD</i>
Other Operating Expenses	\$58,674	\$90,634	\$114,165	<i>Internet/phone, Maintenance, Software Costs, travel, authorizer oversight, recruitment, etc.</i>
Total Operating Services	\$471,777	\$669,049	\$737,595	
Total Depreciation/Interest Expense	\$3,125	\$26,292	\$25,333	<i>No capital purchases currently budgeted so no depreciation expenses are shown, interest expense budgeted for interest payments on LOC</i>
Total Expenses	\$1,584,120	\$2,206,176	\$2,617,709	
Total Net Surplus	\$103,690	\$130,227	\$476,663	
Beginning Cash	\$55,951	\$95,163	\$246,428	<i>Initial beginning cash balance from start up grant funding plus Foundation fundraising</i>
Line of Credit/Loan draw down annual total	\$150,000	\$350,000	\$100,000	
Line of Credit/Loan pay back annual total	-\$150,000	-\$200,000	\$0	
NET annual debt owed from LOC/Loan	\$0	\$150,000	\$100,000	<i>School has secured a private LOC for up to \$400K as well as a bank LOC for up to \$500K. Documentation available upon request.</i>
Ending Cash	\$95,163	\$246,428	\$915,507	

January 31, 2024

Board of Directors
Mayacamas Charter Middle School
983 Napa Street
Napa, CA 94559

Dear Board of Directors:

In accordance with Education Code (EC) Sections 47604.32 and 47604.33, Napa County Office of Education (NCOE) is charged with monitoring the fiscal condition of each charter school under its authority. Based on our analysis of the information submitted, we would like to highlight the following for Mayacamas Charter Middle School's (MCMS) attention.

Mid-Year Budget Reductions

We congratulate the Charter Administration and the Board of Directors for the substantial progress made to establish a school where students will benefit from a highly personalized program that differentiates instruction to meet individual students' needs. As a startup charter school, we recognize uncertainty naturally arises for any venture with no historical data to rely on in the development of its budget.

We appreciate the Charter's adaptability in the implementation of significant mid-year budget reductions in all areas as a result of updated projections for enrollment and staffing. We acknowledge the difficulty inherent in these reductions and the impact they have on the community, staff, and students served by the school.

Our analysis of the year-to-date financial activity through October 31, 2023 demonstrates that the revised First Interim budget appears sufficient for the commitments described in the budget narrative. We caution, however, that the included assumptions continue to include financial risk, particularly as relates to the Multi-Year Projections (MYP) as detailed in our analysis below.

Financial Stability

We note that estimates for enrollment and average daily attendance (ADA) have been dramatically revised, and that these revisions are a primary factor necessitating the aforementioned mid-year reductions. The table below demonstrates revisions to enrollment, ADA, Unduplicated Pupil Count (UPC) and Unduplicated Pupil Percentage (UPP) since the charter petition was approved by the State Board of Education (SBE) in September 2022:

	Charter Petition	Adopted Budget	PENSEC*	20-Day Report	1st Interim
Enrollment	180	142	91	70	75
ADA	171	134.9	104.5	61.49	71.25
UPC	108	85	66	30	37.5
UPP	60.00%	60.00%	72.53%	42.86%	50.00%

*PENSEC = Pupil Estimates for New or Significantly Expanding Charter

As a result of these revisions, our office noted the potential for significant impacts to the charter school's fiscal projections and multi-year outlook, causing concern about the financial viability of the school. The charter petition anticipates significant growth in enrollment in each subsequent

year of operation, and NCOE requested, in addition to the first interim report, a corrective action plan to address:

- 2) Actions which MCMS will undertake to ensure enrollment growth and fiscal stabilization

We are in receipt of the corrective action plan and note the outreach and community engagement efforts the Charter has and will continue to undertake to help ensure enrollment growth as projected in the out years. We encourage the Charter to continue to monitor actual enrollment and attendance data and to revise its budget accordingly as described in the corrective plan.

Reductions to enrollment projections may have an adverse impact on the MYP and long-term fiscal sustainability. We also note that the Charter Petition contemplates an open enrollment period typically from October to late February, which indicates preliminary enrollment data for the 2024-25 school year should be available in early 2024. We therefore request that preliminary data be provided to our office with the Second Interim report by March 15, 2024 in order to evaluate the subsequent year projections of enrollment and ADA.

Demographics

Our request for a corrective action plan also included:

- 3) A description of efforts MCMS will undertake to ensure its student population aligns with the demographics of the community

The Charter notes in the corrective action plan that its student population’s racial/ethnic and English learner profile is representative of the community it serves. We note, however, that the Charter Petition contemplates mixed racial/ethnic, English learner status, students with disabilities, and socio-economic diversity. The petition is effusive in its analysis of the benefits of such a model and further states that the school design starts with the intentional recruitment and enrollment of a diverse student body based on these principles.

The Charter 20 Day report UPP of 42.86% is significantly lower than the petition’s 60%, which was noted as a conservative estimate. We therefore request an additional response indicating efforts MCMS will undertake to ensure its student population aligns with the socio-economic diversity of the community, particularly as it continues to grow. Please include the additional response with the Second Interim report by March 15, 2024.

Local Control Funding Formula Revenues

As noted previously, the assumptions included in the First Interim report for the calculation of Local Control Funding Formula (LCFF) revenues include an increase in enrollment, ADA and UPP as compared to the Charter 20-Day Report submitted to our office and the California Department of Education (CDE) in October 2023. Our analysis demonstrates that as a result of these assumptions, the First Interim budget includes additional LCFF revenue of approximately \$115k compared to assumptions using the Charter 20 Day Report of actual ADA:

	20-Day Report	1st Interim	Difference
Total ADA	61.49	71.25	(10)
Enrollment	70	75	(5)
UPP	42.86%	50.00%	-7.14%
LCFF Entitlement	687,272.00	803,171.33	(115,899.33)

We note that prior assumptions regarding enrollment and ADA estimates have proven optimistic, which presents the risk that 2023-24 LCFF revenues may be overstated. We caution that any reduction in revenue may adversely impact the calculation of net ending position, and may place the Charter at risk of not meeting the minimum required economic reserve of 5% for the current and two subsequent years.

ESSA Federal Revenues

We further note that MCMS includes in its budget federal revenues related to the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). However, the most recent allocations provided by CDE in January 2024 for ESSA Title I and Title II indicate \$0 allocations for MCMS due to incomplete federal funding requirements. Local Educational Agencies (LEAs) that do not submit a Consolidated Application and Reporting System Application for Funding or a Local Control Accountability Plan Federal Addendum by March 31, 2024, will forfeit their eligibility amount for ESSA funds. We therefore advise MCMS to adjust its revenue projections and/or complete all applicable funding requirements.

Multi-Year Projections

We note that the MYP assumptions for the two subsequent years of operations demonstrate revised estimates for enrollment, ADA, and staffing as compared to the Adopted Budget from July 2023. We caution that there remains a risk that the assumptions regarding projected ADA in each subsequent year may prove optimistic, and that a material reduction in ADA may have a significant impact on the Charter's fiscal outlook.

We also highlight that the current year budget includes \$300k of local revenues, which are voluntary donations, and that each subsequent year includes additional local revenues. Without these funds, the ending net position of the school may be adversely impacted, and given the current economic outlook for the State of California, we highlight the potential risk in a reliance upon discretionary revenues.

Cash Flow

Cash flow in startups requires close monitoring due to the natural uncertainty inherent in the endeavor. We note no significant cash flow issues, however, we note several technical irregularities with the cash flow report provided for our review, including:

- Total receipts and disbursements do not reconcile to the interim budget
- Monthly ending cash balances do not reconcile to the provided bank statements for all months through October 31

We are in receipt of a corrected cash flow that demonstrates reconciliation to the bank statements, however, note that the revised budget still does not reconcile. The explanation provided for the variance is related to the MCMS interpretation of the revised budget as compared to projected totals. We therefore clarify that the Second Interim budget should include the most recent projected totals for the year's financial activities as of January 31, 2024.

We would like to express our appreciation to MCMS for its cooperation during the First Interim review process and applaud your dedication to providing high quality education for all students under very challenging circumstances.

If there are any questions regarding this review, please contact me at (707) 253-6832.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Schultz', with a long horizontal flourish extending to the right.

Joshua Schultz
Deputy Superintendent

cc: Catherine Adams, MCMS Head of School
Ayanthy Peiris, ExED Vice President
Dr. Franci Sassin, ExED Vice President
Napa County Board of Education Trustees