July 16, 2014

TO: Santa Clara County Board of Education

FROM: Darcie Green, Chair, Policy Development Subcommittee

VIA: Mary Ann Dewan, Ph.D., Interim County Superintendent of Schools

SUBJECT: First Reading of Revised Board Policies 0410, 3100, 3260, and 6179

Associated Goals
GOAL 4: Improve organizational effectiveness and efficiency

Background

On June 18, 2014 the Policy Development Subcommittee met and approved the revision of the following Board Policies:

BP 0410 Nondiscrimination in District Programs and Activities
This proposed policy revision reflects new law (AB 1266) which requires districts to permit a student to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of his/her gender as listed on his/her educational records. This policy revision also references new law (AB 556) which prohibits employers from discriminating against employees and job applicants based on their military or veteran status. This policy revision is considered a priority due to federally monitored programs and the need for updated policy with new grants.

BP 3100 Budget
This proposed policy revision reflects new law (AB 97, 2013) which requires that (1) the board must adopt the LCAP prior to adopting the district budget; (2) the budget must include the expenditures necessary to implement the LCAP or the annual update to the LCAP; (3) supplemental and concentration grant funds under the local control funding formula must be used to increase or improve services for students who are eligible for free or reduced-price meals, English learners, and/or foster youth; and (3) state standards and criteria for district budgets must be adopted by the SBE by January 1, 2014, to reflect the requirements of the LCAP.
BP 3260 Fees and Charges
This policy update reflects new Title 5 regulation (Register 2013, No. 38) which addresses remedies to be provided to all affected students and parents/guardians if the district is found in violation of the prohibition against unauthorized student fees. The policy update also clarifies that the prohibition against student fees does not restrict districts from soliciting for voluntary donations, participating in fundraising activities, or providing prizes or other recognition for participants in such fundraising events.

BP 6179 Supplemental Instruction
This policy update reflects new law (AB 97) which redirects funding for supplemental instruction programs into the LCFF. The policy update also clarifies which programs are still required by law and which are discretionary, and reflects new law (AB 484) which establishes a new state assessment system, thereby affecting the criteria that may be used to determine student eligibility for supplemental instruction based on lack of sufficient progress toward passing the high school exit exam.

Fiscal Implications

The proposed revisions have no fiscal implications.
Santa Clara County Office of Education

Board Policy

Nondiscrimination In SCCOE Programs And Activities

BP 0410
Philosophy, Goals, Objectives and Comprehensive Plans

The Santa Clara County Office of Education (SCCOE) is committed to equal opportunity for all individuals in education. SCCOE’s programs and activities shall be free from discrimination based on age, gender, sex, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; or the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The SCCOE shall promote programs which ensure that discriminatory practices are eliminated in all SCCOE activities.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)
(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave Act)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6178 - Career Technical Education)
(cf. 6200 - Adult Education)

Annually, the County Superintendent or Superintendent’s designee shall review SCCOE programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing SCCOE programs and activities, including the use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier.

(cf. 1330 – Use of Facilities)

SCCOE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act.
Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the County Superintendent or Superintendent’s designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the SCCOE’s policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

The SCCOE’s nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school’s students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities

SCCOE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

(cf. 6163.2 - Animals at School)
(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)

The Santa Clara County Superintendent of Schools or Superintendent’s designee shall ensure that the SCCOE provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, note takers, written materials, taped text, and Braille or large print materials.

(cf. 6020 - Parent Involvement)

Individuals with disabilities shall notify the County Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

The County Superintendent or designee shall notify students, parents/guardians, employees, employee organizations and applicants for admission and employment, and sources of referral for applicants about the SCCOE policy on nondiscrimination. Such notification shall be included in each announcement, bulletin, catalog, application form or other recruitment materials distributed to these groups. (34 CFR 104.8, 106.9)
The County Superintendent or designee shall also provide information about related complaint procedures:

(cf. 1312.3 Uniform Complaint Procedures)
(cf. 4031 Complaints Concerning Discrimination in Employment)

In compliance with law, the SCCOE's nondiscrimination policy shall be published in the individual's primary language to the extent practicable.

(cf. 5145.6 Parental Notifications)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
48985 Notices to parents in language other than English
51007 Legislative intent; state policy
GOVERNMENT CODE
11000 Definitions
11135 Nondiscrimination in programs or activities funded by state
11138 Rules and regulations
12900-12996 Fair Employment and Housing Act
54953.2 Brown Act compliance with Americans with Disabilities Act
PENAL CODE
422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness, Title IX
2301-2415 Carl D. Perkins Vocational and Applied Technology Act
6311 State plans
6312 Local education agency plans
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2001h-2000h-6 Title IX
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
36.303 Auxiliary aids and services
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 Dissemination of policy

Management Resources:
CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-
Nonconforming Students, Policy Brief, February 2014
Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Notice of Non-Discrimination, January, 1999
Protecting Students from Harassment and Hate Crime, January, 1999

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
2010 ADA Standards for Accessible Design, September 2010

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Safe Schools Coalition: http://www.casafeschoolscoaition.org
Pacific Disability and Business Technical Assistance ADA Center: http://www.pacdbtaeadapacific.org
U.S. Department of Education, Office for Civil Rights:
http://www.ed.gov/about/offices/list/ocr/index.html
U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:
http://www.ada.gov

Policy adopted: June 3, 2009

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
Philosophy, Goals, Objectives, and Comprehensive Plans

Nondiscrimination in SCCOE Programs and Activities

The Santa Clara County Office of Education is committed to equal opportunity for all individuals in education. SCCOE's programs and activities shall be free from discrimination based on age, gender, sex, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics. The SCCOE shall promote programs which ensure that discriminatory practices are eliminated in all SCCOE activities.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6178 - Career Technical Education)
(cf. 6200 - Adult Education)

SCCOE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act.

The Santa Clara County Superintendent of Schools or designee shall ensure that the SCCOE provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, note takers, written materials, taped text, and Braille or large print materials.

(cf. 6020 - Parent Involvement)

Individuals with disabilities shall notify the County Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

The County Superintendent or designee shall notify students, parents/guardians, employees, employee organizations and applicants for admission and employment, and sources of referral for applicants about the SCCOE policy on nondiscrimination. Such notification shall be included in each announcement, bulletin, catalog, application form or other recruitment materials distributed to these groups. (34 CFR 104.8, 106.9)
NONDISCRIMINATION IN SCCOE PROGRAMS AND ACTIVITIES (continued)

The County Superintendent or designee shall also provide information about related complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4031 - Complaints Concerning Discrimination in Employment)

In compliance with law, the SCCOE's nondiscrimination policy shall be published in the individual's primary language to the extent practicable.

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
48985 Notices to parents in language other than English
GOVERNMENT CODE
11000 Definitions
11138 Rules and regulations
12900-12996 Fair Employment and Housing Act
54953.2 Brown Act compliance with Americans with Disabilities Act
PENAL CODE
422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities in Education Act
1661-1688 Discrimination based on sex or blindness, Title IX
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UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
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12101-12213 Americans with Disabilities Act
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36.303 Auxiliary aids and services
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 Dissemination of policy
Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Protecting Students from Harassment and Hate Crime, January, 1999
Notice of Non-Discrimination, January, 1999

WEB SITES
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr/index.html
CDE: http://www.cde.ca.gov
Safe Schools Coalition: http://www.casafeschoolscoalition.org
Pacific Disability and Business Technical Assistance Center: http://www.pacdtac.org

Policy adopted: June 3, 2009
Santa Clara County Office of Education

Board Policy

Business and Noninstructional Operations

BP 3100
Budget

The Santa Clara County Board of Education (County Board) recognizes its critical responsibility for adopting a sound budget for each fiscal year which is aligned with the SCCOE - Santa Clara County Office of Education (SCCOE) vision, goals, and priorities. The Santa Clara County Office of Education SCCOE budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the SCCOE.

(cf. 0000 - Vision)
(cf. 3000 - Concepts and Roles)
(cf. 3300 - Expenditures and Purchases)
(cf. 3460 - Financial Reports and Accountability)
(cf. 9000 - Role of the Board)

The SCCOE budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 1621 and 42122)

Budget Development and Adoption Process

The Santa Clara County Superintendent of Schools (County Superintendent) or Superintendent's designee shall establish an annual budget development process and calendar in accordance with the single budget adoption process described in Education Code 42127(i).

In order to provide guidance in the development of the budget, the County Board shall annually establish budget priorities based on identified SCCOE needs and goals and on realistic projections of available funds.

The County Superintendent or Superintendent's designee shall oversee the preparation of a proposed SCCOE budget for approval by the County Board and shall involve appropriate staff in the development of budget projections.

The County Board encourages public input in the budget development process and shall hold public hearings and meetings in accordance with Education Code 1623, 42103, and 42127.

(cf. 9320 - Meetings and Notices)
The budget that is formally adopted by the County Board shall be in the format prescribed by the Superintendent of Public Instruction. The County Superintendent or Superintendent's designee may supplement this format with additional information as necessary to effectively communicate the budget to the County Board, staff, and public.

**Budget Study Committee**

The County Superintendent or Superintendent’s designee may appoint a budget study committee composed of staff, three County Board representatives, and/or members of the community.

The committee shall develop recommendations during the budget development process and its duties shall be assigned each year based on SCCOE needs. All recommendations of the committee shall be advisory only and shall not be binding on the Board or the County Superintendent or Superintendent’s designee.

**Budget Criteria and Standards**

In developing the SCCOE budget, the County Superintendent or Superintendent’s designee shall analyze criteria and standards adopted by the State Board of Education which address estimation of funded average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit Local Control Funding Formula revenues, salaries and benefits, other purpose revenues and expenditures consistent with California Education code identified services and mandates in support of school districts and community colleges in the county, facilities maintenance, deficit spending, fund balance, and reserves. The budget review shall also identify supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, and the status of labor agreements. (Education Code 33127, 33128, 33129; 5 CCR 15440-15451)

**Fund Reserve**

The County Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of law. (Education Code 33128.3; 5 CCR 15450)
1. **Level of Reserves:**

   The Office of SCCOE shall utilize unrestricted reserves for economic uncertainty. Unrestricted reserves for economic uncertainty shall be established at a level of four percent. Any use of funds that would bring SCCOE’s unrestricted reserve below the State-mandated level of two percent shall not be permitted. Any use of funds that would bring SCCOE’s unrestricted reserve below the County Board-required level of four percent shall require prior County Board approval. Once County Board approval is received, SCCOE shall have three years in which to replenish the unrestricted reserve to the four percent level.

2. **Approved Use of Reserves:**

   Any expenditures from the SCCOE reserves shall have prior approval from the County Board, except in the following cases: emergency situations; year-end carryover transactions; and expenditures previously authorized by the County Board. The County Superintendent shall bring emergency expenditures before the County Board for its approval at the next regular County Board meeting. Emergency situations shall be understood to mean those situations which require immediate action in order to avoid jeopardy to SCCOE operations and programs or to the health and safety of SCCOE employees, students, or the public. All expenditures from the SCCOE’s reserves shall be identified in the monthly financial reports, which are approved by the County Board.

3. **Prohibited Use of Reserves:**

   The SCCOE’s unrestricted reserves should not be used to fund the ongoing operational deficits of SCCOE programs. The County Board believes that approaches other than using SCCOE’s unrestricted reserves should be sought to resolve continuing program shortfalls. If a program is faced with a projected ongoing deficit, the County Superintendent must take action to identify alternative revenue sources, to reduce program services, or to otherwise eliminate the differential between program revenues and expenditures.

**Deferred Maintenance Account**

The SCCOE recognizes that facilities have deferred maintenance needs such as Heating Ventilation and Air Conditioning (HVAC), paving, roof repairs, etc., and as such, per Education Code 17584.1 had set aside one-half of one percent of its revenue limit average daily attendance. While this requirement is eliminated with the new LCFF, the SCCOE will continue to set aside one-half of one percent of its current year LCFF average daily attendance for deferred maintenance needs.

**Facilities Fund**

SCCOE shall establish a facilities fund to provide for replacement, renovation, and construction of facilities for SCCOE purposes. Provided the four percent reserve requirement in “Level of Reserve” above is met, the facilities fund shall be initially established at a level of one percent using the state-mandated reserve calculation. To the extent that such funds are available in the budget adoption process, the fund shall be augmented each year by an allocation of one percent using the state-mandated reserve calculation.
Indirect Cost Rate Charges

SCCOE indirect fees or the State-approved indirect cost rate shall be assessed against program expenditures as follows:

1. All programs, Services and Functions of SCCOE that are not determined to be part of the office’s administrative activities necessary for the general operations (e.g., accounting, budgeting, payroll, preparation, personnel management, purchasing, centralized data processing) will be charged the State-approved indirect.

2. Grant programs shall be assessed the State-approved indirect cost rate. Waivers shall be sought from the Superintendent wherever funding agency restrictions limit the indirect cost rate to a level less than the State-approved rate.

3. All other programs shall be assessed an indirect fee-cost rate which is established by the Superintendent and approved by the County Board.

4. Donations shall not be assessed an indirect fee-cost rate.

Ending Balances and Carryover Transactions

1. All legally restricted programs (such as contract, grant, trust, and State categorical programs) may carry over their ending balances.

2. The facilities fund may carry over its ending balance.

3. Prior County Board approval shall not be required for approved purchase orders and grant/contract expenditures which must be carried over and re-budgeted in the next fiscal year. Such carryover transactions shall be brought to the County Board for information after the appropriate budget revisions have been processed.

The County Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, categorical program requirements and flexibility, if any, as well as other factors necessary to ensure that the budget is a realistic plan for SCCOE revenues and expenditures.

(cf. 2210 - Administrative Discretion Regarding Board Policy)
(cf. 3110 - Transfer of Funds)

Long-Term Financial Obligations

The SCCOE current-year budget and multi-year projections shall contain adequate provisions for addressing the SCCOE long-term financial obligations, including, but not limited to, long-term obligations resulting from collective bargaining agreements, financing of facilities projects, unfunded or future liability for retiree benefits, and accrued workers' compensation claims.
The County Board shall approve a plan for meeting the SCCOE long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the SCCOE annual fiscal obligations for such benefits in a manner that continually reduces the deficit to the SCCOE to the extent possible. The County Board reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the SCCOE and maintains flexibility to adjust for changing budgetary considerations.

**Budget Amendments**

Whenever revenues and expenditures change significantly throughout the year that increase beyond the adopted budget, the County Superintendent or Superintendent's designee shall recommend budget amendments to ensure accurate projections of the SCCOE net ending balance. When final figures for the prior-year budget are available, this information will be presented for board approval four times a year or as appropriate to update the current-year budget's beginning balance and projected revenues and expenditures.

In addition, budget amendments shall be submitted for County Board approval when the state budget is adopted, collective bargaining agreements are accepted, SCCOE income declines, increased revenues or unanticipated savings are made available to the SCCOE, program proposals are significantly different from those approved during budget adoption.

Legal Reference:
EDUCATION CODE
1240 Duties of county superintendent of schools
1280 Revisions to Annual Budget
1620-1630 County office of education budget approval
33127-33131 Standards and criteria for local budgets and expenditures
35035 Powers and duties of superintendent
35161 Powers and duties, generally, of governing boards
42103 Public hearing on proposed budget; requirements for content of proposed budget
42122-42129 Budget requirements
42130-42134 Financial certifications
42238.01-42238.07 Local control funding formula
42602 Use of unbudgeted funds
42605 Tier 3 categorical flexibility
42610 Appropriation of excess funds and limitation thereon
44518-44519.2 Chief business officer training program
45253 Annual budget of personnel commission
45254 First year budget of personnel commission
52060-52077 Local control and accountability plan
GOVERNMENT CODE
7900-7914 Appropriations limit
CODE OF REGULATIONS, TITLE 5
15060 Standardized account code structure
15440-15451 Criteria and standards for school district budgets

Policy
adopted: October 20, 2010
Revised: May 16, 2012

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
Board Policy
Business and Noninstructional Operations

BP 3100
Budget

The Santa Clara County Board of Education recognizes its critical responsibility for adopting a sound budget for each fiscal year which is aligned with the SCCOE vision, goals, and priorities. The Santa Clara County Office of Education budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the SCCOE.

(cf. 0000 - Vision)
(cf. 3000 - Concepts and Roles)
(cf. 3300 - Expenditures and Purchases)
(cf. 3460 - Financial Reports and Accountability)
(cf. 9000 - Role of the Board)

The SCCOE budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 1621 and 42122)

Budget Development and Adoption Process

The Santa Clara County Superintendent of Schools or designee shall establish an annual budget development process and calendar in accordance with the single budget adoption process described in Education Code 42127(i).

In order to provide guidance in the development of the budget, the County Board shall annually establish budget priorities based on identified SCCOE needs and goals and on realistic projections of available funds.

The County Superintendent or designee shall oversee the preparation of a proposed SCCOE budget for approval by the County Board and shall involve appropriate staff in the development of budget projections.

The County Board encourages public input in the budget development process and shall hold public hearings and meetings in accordance with Education Code 1623, 42103, and 42127.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)
The budget that is formally adopted by the County Board shall be in the format prescribed by the Superintendent of Public Instruction. The County Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the County Board, staff, and public.

**Budget Study Committee**

The Superintendent or designee may appoint a budget study committee composed of staff, three County Board representatives, and/or members of the community.

The committee shall develop recommendation during the budget development process and its duties shall be assigned each year based on SCCOE needs. All recommendations of the committee shall be advisory only and shall not be binding on the Board or the Superintendent or designee.

(cf. 1220 – Citizen Advisory Committees)
(cf. 2230 – Representative and Deliberative Groups)
(cf. 3101 – Budget Study Committee)
(cf. 3350 – Travel Expenses)
(cf. 9130 – Board Committees)
(cf. 9140 – Board Representatives)

**Budget Criteria and Standards**

In developing the SCCOE budget, the County Superintendent or designee shall analyze criteria and standards adopted by the State Board of Education which address estimation of funded average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit, salaries and benefits, other purpose revenues and expenditures consistent with California Education code identified services and mandates in support of school districts and community colleges in the county, facilities maintenance, deficit spending, fund balance, and reserves. The budget review shall also identify supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, and the status of labor agreements. (Education Code 33127, 33128, 33129; 5 CCR 15440-15451)

**Fund Reserve**

The County Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of law. (Education Code 33128.3; 5 CCR 15450)

1. **Level of Reserves:**

The Office shall utilize unrestricted reserves for economic uncertainty. Unrestricted reserves for economic uncertainty shall be established at a level of four percent. Any use of funds that would bring SCCOE’s unrestricted reserve below the State-mandated level of two percent shall not be permitted. Any use of funds that would
bring SCCOE's unrestricted reserve below the County Board-required level of four percent shall require prior County Board approval. Once County Board approval is received, SCCOE shall have three years in which to replenish the unrestricted reserve to the four percent level.

2. **Approved Use of Reserves:**

Any expenditures from the SCCOE reserves shall have prior approval from the County Board, except in the following cases: emergency situations; year-end carryover transactions; and expenditures previously authorized by the County Board. The County Superintendent shall bring emergency expenditures before the County Board for its approval at the next regular County Board meeting. Emergency situations shall be understood to mean those situations which require immediate action in order to avoid jeopardy to SCCOE operations and programs or to the health and safety of SCCOE employees, students, or the public. All expenditures from the SCCOE’s reserves shall be identified in the monthly financial reports, which are approved by the County Board.

3. **Prohibited Use of Reserves:**

The SCCOE’s unrestricted reserves should not be used to fund the ongoing operational deficits of SCCOE programs. The County Board believes that approaches other than using SCCOE’s unrestricted reserves should be sought to resolve continuing program shortfalls. If a program is faced with a projected ongoing deficit, the County Superintendent must take action to identify alternative revenue sources, to reduce program services, or to otherwise eliminate the differential between program revenues and expenditures.

**Facilities Fund**

SCCOE shall establish a facilities fund to provide for replacement, renovation and construction of facilities for SCCOE purposes. Provided the four percent reserve requirement in “Level of Reserve” above is met, the facilities fund shall be initially established at a level of one percent using the state-mandated reserve calculation. To the extent that such funds are available in the budget adoption process, the fund shall be augmented each year by an allocation of one percent using the state-mandated reserve calculation.

**Indirect Charges**

SCCOE indirect fees or the State-approved indirect cost rate shall be assessed against program expenditures as follows:

1. All programs, Services and Functions of SCCOE that are not determined to be part of the office’s administrative activities necessary for the general operations (e.g., accounting, budgeting, payroll, preparation, personnel management, purchasing, centralized data processing) will be charged the State-approved indirect.
2. Grant programs shall be assessed the State-approved indirect cost rate. Waivers shall be sought from the Superintendent wherever funding agency restrictions limit the indirect cost rate to a level less than the State-approved rate.

3. All other programs shall be assessed an indirect fee which is established by the Superintendent and approved by the County Board.

4. Donations shall not be assessed an indirect fee.

**Ending Balances and Carryover Transactions**

1. All legally restricted programs (such as contract, grant, trust, and State categorical programs) may carry over their ending balances.

2. The facilities fund may carry over its ending balance.

3. Prior County Board approval shall not be required for approved purchase orders and grant/contract expenditures which must be carried over and re-budgeted in the next fiscal year. Such carryover transactions shall be brought to the County Board for information after the appropriate budget revisions have been processed.

The County Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, categorical program requirements and flexibility, if any, as well as other factors necessary to ensure that the budget is a realistic plan for SCCOE revenues and expenditures.

(cf. 2210 - Administrative Discretion Regarding Board Policy)
(cf. 3110 - Transfer of Funds)

**Long-Term Financial Obligations**

The SCCOE current-year budget and multi-year projections shall contain adequate provisions for addressing the SCCOE long-term financial obligations, including, but not limited to, long-term obligations resulting from collective bargaining agreements, financing of facilities projects, unfunded or future liability for retiree benefits, and accrued workers’ compensation claims.

(cf. 7210 - Facilities Financing)
(cf. 9250 - Remuneration, Reimbursement and Other Benefits)
The County Board shall approve a plan for meeting the SCCOE long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the SCCOE annual fiscal obligations for such benefits in a manner that continually reduces the deficit to the SCCOE to the extent possible. The County Board reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the SCCOE and maintains flexibility to adjust for changing budgetary considerations.

**Budget Amendments**

Whenever revenues and expenditures change significantly throughout the year that increase beyond the adopted budget, the County Superintendent or designee shall recommend budget amendments to ensure accurate projections of the SCCOE net ending balance. When final figures for the prior-year budget are available, this information will be presented for board approval four times a year or as appropriate to update the current-year budget's beginning balance and projected revenues and expenditures.

In addition, budget amendments shall be submitted for County Board approval when the state budget is adopted, collective bargaining agreements are accepted, SCCOE income declines, increased revenues or unanticipated savings are made available to the SCCOE, program proposals are significantly different from those approved during budget adoption.

*Legal Reference: (see next page)*
Legal Reference:

EDUCATION CODE
1240 Duties of county superintendent of schools
1280 Revisions to Annual Budget
1620-1630 County office of education budget approval
33127-33131 Standards and criteria for local budgets and expenditures
35035 Powers and duties of superintendent
35161 Powers and duties, generally, of governing boards
42103 Public hearing on proposed budget; requirements for content of proposed budget
42122-42129 Budget requirements
42130-42134 Financial certifications
42602 Use of unbudgeted funds
42605 Tier 3 categorical flexibility
42610 Appropriation of excess funds and limitation thereon
44518-44519.2 Chief business officer training program
45253 Annual budget of personnel commission
45254 First year budget of personnel commission

GOVERNMENT CODE
7900-7914 Appropriations limit

CODE OF REGULATIONS, TITLE 5
15060 Standardized account code structure
15440-15451 Criteria and standards for school district budgets

Policy
adopted: October 20, 2010
Revised: May 16, 2012

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
The Santa Clara County Board of Education Superintendent (County Superintendent) recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the educational program are made available to them at no cost. No student shall be required to pay any fees, deposits, or other charges for his/her participation in an educational activity which constitutes an integral fundamental part of the Santa Clara County Office of Education's (SCCOE) educational program, including curricular and extracurricular activities.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 3100 - Budget)
(cf. 3290 - Gifts, Grants and Bequests)
(cf. 6145 - Extracurricular and Cocurricular Activities)

As necessary, the SCCOE may approve fees, deposits, and other charges which are specifically authorized by law. For such authorized fees, deposits, and charges, the SCCOE shall consider students' and parents/guardians' ability to pay when establishing fee schedules and granting waivers or exceptions.

(cf. 3250 - Transportation Fees)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5143 - Insurance)
(cf. 9323.2 - Actions by the Board)

The prohibition against student fees shall not restrict the SCCOE from soliciting for voluntary donations, participating in fundraising activities, and providing prizes or other recognition for participants in such activities and events. However, the SCCOE shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student and shall not remove, or threaten to remove, from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

(cf. 1321 – Solicitation of Funds from and by Students)
(cf. 3290 – Gifts, Grants and Bequests)

Whenever SCCOE employees, volunteers, students, parents/guardians, or educational or civic
organizational participation in such events or activities, the County Superintendent or Superintendent’s designee shall emphasize that participation in the event or activity is voluntary.

Whenever a student or parent/guardian believes that an impermissible fee, deposit, or other charge is being required of the student for his/her participation in an educational activity, the student or his/her parent/guardian may file a complaint with the principal or designee using the SCCOE’s procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

(cf. 1312.3 - Uniform Complaint Procedures)

The County Superintendent or Superintendent's designee shall include information in the annual notification required by 5 CCR 4622 to be provided to all SCCOE students, parents/guardians, employees, and other interested parties about the requirements relating to the prohibition against SCCOE requiring students to pay fees, deposits or other charges in order to participate in an educational activity, unless authorized by law, and the filing of complaints for alleged violations using the uniform complaint procedures. (Education Code 49013)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

Legal Reference:
EDUCATION CODE
8239  Preschool and wraparound child care services
8263  Child care eligibility
8760-8773  Outdoor science and conservation programs
17551  Property fabricated by students
19910-19911  Offenses against libraries
32033  Eye protective devices
32221  Insurance for athletic team member
32390  Fingerprinting program
35330-35332  Excursions and field trips
35335  School camp programs
38080-38085  Cafeteria establishment and use
38120  Use of school band equipment on excursions to foreign countries
39807.5  Payment of transportation costs
39837  Transportation of students to places of summer employment
48050  Residents of adjoining states
48052  Tuition for foreign residents
48904  Liability of parent or guardian
49010-49013  Student fees
49065  Charge for copies
49066  Grades, effect of physical education class apparel
49091.14  Prospectus of school curriculum
51810-51815  Community service classes
52612 Tuition for adult classes
52613 Nonimmigrant aliens
60410 Students in classes for adults
GOVERNMENT CODE
6253 Request for copy; fee
CALIFORNIA CONSTITUTION
Article 9, Section 5 Common school system
CODE OF REGULATIONS, TITLE 5
350 Fees not permitted
4622 Notice
UNITED STATES CODE, TITLE 8
1184 Foreign students
COURT DECISIONS

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES
1030.97 Fiscal Management Advisory 97-02: Fees, Deposits and Other Charges
WEB SITES
CSBA: http://www.csba.org
California Department of Education:  http://www.cde.ca.gov

Policy SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: October 20, 2010  San Jose, California
revised:  April 3, 2013
Santa Clara COE
Board Policy
Fees And Charges

BP 3260
Business and Noninstructional Operations

The Santa Clara County Board of Education recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the educational program are made available to them. No student shall be required to pay any fees, deposits, or other charges for his/her participation in an educational activity which constitutes an integral fundamental part of the Santa Clara County Office of Education's educational program, including curricular and extracurricular activities.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 3100 - Budget)
(cf. 3290 - Gifts, Grants and Bequests)
(cf. 6145 - Extracurricular and Cocurricular Activities)

As necessary, the SCCOE may approve fees, deposits, and other charges which are specifically authorized by law. For such authorized fees, deposits, and charges, the SCCOE shall consider students' and parents/guardians' ability to pay when establishing fee schedules and granting waivers or exceptions.

(cf. 3250 - Transportation Fees)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5143 - Insurance)
(cf. 9323.2 - Actions by the Board)

Whenever a student or parent/guardian believes that an impermissible fee, deposit, or other charge is being required of the student for his/her participation in an educational activity, the student or his/her parent/guardian may file a complaint with the principal or designee using the SCCOE's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

(cf. 1312.3 - Uniform Complaint Procedures)

The Santa Clara County Superintendent of Schools or designee shall include information in the annual notification required by 5 CCR 4622 to be provided to all SCCOE students, parents/guardians, employees, and other interested parties about the requirements relating to the prohibition against SCCOE requiring students to pay fees, deposits or other charges in order to participate in an educational activity, unless authorized by law, and the filing of complaints for alleged violations using the uniform complaint procedures. (Education Code 49013)
Legal Reference:

EDUCATION CODE
8239 Preschool and wraparound child care services
8263 Child care eligibility
8760-8773 Outdoor science and conservation programs
17551 Property fabricated by students
19910-19911 Offenses against libraries
32033 Eye protective devices
32221 Insurance for athletic team member
32390 Fingerprinting program
35330-35332 Excursions and field trips
35335 School camp programs
38080-38085 Cafeteria establishment and use
38120 Use of school band equipment on excursions to foreign countries
39807.5 Payment of transportation costs
39837 Transportation of students to places of summer employment
48050 Residents of adjoining states
48052 Tuition for foreign residents
48904 Liability of parent or guardian
49010-49013 Student fees
49065 Charge for copies
49066 Grades, effect of physical education class apparel
49091.14 Prospectus of school curriculum
51810-51815 Community service classes
52612 Tuition for adult classes
52613 Nonimmigrant aliens
60410 Students in classes for adults

GOVERNMENT CODE
6253 Request for copy; fee
CALIFORNIA CONSTITUTION
Article 9, Section 5 Common school system
CODE OF REGULATIONS, TITLE 5
350 Fees not permitted
4622 Notice
UNITED STATES CODE, TITLE 8
1184 Foreign students
COURT DECISIONS

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES
1030.97 Fiscal Management Advisory 97-02: Fees, Deposits and Other Charges
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Policy
adopted: October 20, 2010
revised: April 3, 2013

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
**Santa Clara County Office of Education**

**Board Policy**

**Supplemental Instruction**

BP 6179

**Instruction**

BP 6179(a)

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**SUPPLEMENTAL INSTRUCTION**

**Cautionary Notice:** As added and amended by SBX3-4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4-2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants COE flexibility in "Tier 3" categorical programs. The Santa Clara County Office of Education accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the COE may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Santa Clara County **Board of Education (SCCOE)** recognizes that high-quality supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The **SCCOE shall offer programs of direct, systematic, and intensive supplemental instruction to meet the needs of students.**

(c.f. 5113.1 - Chronic Absence and Truancy)
(c.f. 5147 - Dropout Prevention)
(c.f. 5148.2 - Before/After School Programs)
(c.f. 5149 - At-Risk Students)
(c.f. 6011 - Academic Standards)
(c.f. 6146.1 - High School Graduation Requirements)
(c.f. 6146.5 - Elementary/Middle School Graduation Requirements)
(c.f. 6164.5 - Student Success Teams)

Supplemental instruction may be offered outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. It may also be provided during the regular school day provided it does not supplant the student’s instruction in the core curriculum areas or physical education.

**Required Supplemental Programs**

The Santa Clara County Office of Education shall offer direct, systematic, and intensive supplemental instruction for: Supplemental instruction shall be offered to:

1. Eligible students from low-income families whenever the SCCOE or a SCCOE school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more consecutive years (20 USC 6316)
12. Students in grades 2-9 who have been retained or recommended for retention at their current grade level or are at risk of retention pursuant to (Education Code 48070.5) (Education Code 37252.2)

(cf. 5123 - Promotion/Acceleration/Retention)

23. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation in order to help them pass the exam (Education Code 37252, 60851)

(cf. 6162.52 - High School Exit Examination)

"Sufficient progress" shall be determined based on a student's results on the state Standardized Testing and Reporting assessments administered pursuant to Education Code 60640-60649 and the minimum levels of proficiency recommended by the State Board of Education or:

(cf. 6162.51 - Standardized Testing and Reporting Program)

"Sufficient progress" shall be determined based on a student's grades or other indicators that demonstrate the attainment of academic standards in the core curriculum areas.

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 5121 – Grade/Evaluation of Student Achievement)

The curriculum of the supplemental instructional program shall reflect state academic content standards and shall be designed to assist students to succeed on the exit exam. (Education Code 60851)

In addition, students who do not possess sufficient English language skills to be assessed shall be considered students who do not demonstrate sufficient progress towards passing the exit exam and shall receive supplemental instruction designed to help them succeed on the exit exam. (Education Code 37252)

3. Students who have not passed one or both parts of the exit exam by the end of grade 12, for up to two consecutive school years after the completion of grade 12 or until they have passed both parts of the exit exam, whichever comes first. (Education Code 37254)

(cf. 1312.4 – Williams Uniform Complaint Procedures)

4. Eligible students from low-income families whenever the SCCOE or a SCCOE school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more years. (20 USC 6316)

(cf. 0520.2 – Title I Program Improvement Schools)
(cf. 0520.3 – Title I Program Improvement Districts)
**Required Student Participation**

The Santa Clara County Superintendent of Schools or designee may require participation in a supplemental instructional program for: (Education Code 37252.2, 37254.1)

In addition, contingent on the SCCOE budget and local control and accountability plan (LCAP), supplemental instruction may be offered to students who:

1. **Students in grades 7-12** who demonstrate insufficient progress toward the exit exam required for high school graduation pursuant to Education Code 37252. Demonstrate academic deficiencies in core curriculum areas that may jeopardize their attainment of academic content standards based on state assessment results, grades, or other indicators.

2. **Students in grades 2-9** who are retained or recommended for retention pursuant to Education Code 37252.2. Have not passed one or both parts of the high school exit exam by the end of grade 12.

3. **Students in grades 2-6** who are "at risk" of retention pursuant to Education Code 37252.8. Are targeted student groups identified in the SCCOE’s LCAP as needing increased or improved services to succeed in the educational program.

(cf. 0460 – Local Control and Accountability Plan)
(cf. 3100 – Budget)
(cf. 3553 – Free and Reduced-Price Meals)
(cf. 6173.1 – Education of Foster Youth)
(cf. 6174 – Education of English Language Learners)

4. **Students in grades 2-6** who are deficient in mathematics, reading, or written expression pursuant to Education Code 37252.8. Desire enrichment in core academic areas, visual and performing arts, physical education, or other subjects as approved by the Board.

(cf. 6142.6 – Visual and Performing Arts Education)
(cf. 6142.7 – Physical Education and Activity)
(cf. 6142.91 – Reading/Language Arts Instruction)
(cf. 6142.92 – Mathematics Instruction)
(cf. 6142.93 – Science Instruction)
(cf. 6142.94 – History-Social Science Instruction)
(cf. 6143 – Courses of Study)
(cf. 6172 – Gifted and Talented Student Program)

5. **Students in grades K-12** participating in enrichment programs in core academic subjects pursuant to Education Code 37253.

The County Superintendent or designee shall obtain written parent/guardian consent for a student’s participation in the supplemental instructional program.
As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

(cf. 1020 – Youth Services)

The County Superintendent or designee shall obtain written parent/guardian consent for a student's participation in the supplemental instructional program.

Legal Reference:
EDUCATION CODE
4240 County Superintendent duties
35186 Williams Uniform Complaint Procedures
37200-37202 School calendar
37223 Weekend classes
37252-37254.1 Supplemental instruction, summer school
41505-41508 Pupil Retention Block Grant
42238.01-42238.07 Local control funding formula
42239 Supplemental instruction, apportionments
44259 Comprehensive reading program
46100 Length of school day
48070-48070.5 Promotion and retention
48200 Compulsory education
48985 Translation of notices
51210-51212 Courses of study, elementary schools
51220-51228 Courses of study, secondary schools
52378-52380 Supplemental School Counseling Program
52060-52077 Local control and accountability plan
60603 Definitions, core curriculum areas
60640-60649 Standardized Testing and Reporting Program California Assessment of Student Performance and Progress
60850-60859 High school exit examination
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
52012 Establishment of school site council
52014-52015 School plans
53025-53031 Intensive reading instruction
53091-53094 Intensive algebra instruction
CODE OF REGULATIONS, TITLE 5
11470-11472 Summer school
UNITED STATES CODE, TITLE 20
6316 Program improvement schools and districts
Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE
Implementation of Assembly Bill (AB) 347: requiring instruction and services for students who have not passed the exit exam but have met all other graduation requirements, October 26, 2007
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Supplemental Educational Services, June 13, 2008, January 14, 2009
Creating Strong Supplemental Educational Services Programs, May 2004
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
SUPPLEMENTAL INSTRUCTION

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants COE flexibility in "Tier 3" categorical programs. The Santa Clara County Office of Education accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the COE may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Santa Clara County Board of Education recognizes that high-quality supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills.

(cf. 5113.1 - Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 5148.2 - Before/After School Programs)
(cf. 5149 - At-Risk Students)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6164.5 - Student Success Teams)

Required Supplemental Programs

The Santa Clara County Office of Education shall offer direct, systematic, and intensive supplemental instruction for:

1. Students in grades 2-9 who have been retained or recommended for retention pursuant to Education Code 48070.5 (Education Code 37252.2)

(cf. 5123 - Promotion/Acceleration/Retention)

2. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation in order to help them pass the exam (Education Code 37252, 60851)

(cf. 6162.52 - High School Exit Examination)

"Sufficient progress" shall be determined based on a student's results on the state Standardized Testing and Reporting assessments and the minimum levels of proficiency recommended by the State Board of Education.

(cf. 6162.51 - Standardized Testing and Reporting Program)
SUPPLEMENTAL INSTRUCTION (continued)

In addition, students who do not possess sufficient English language skills to be assessed shall be considered students who do not demonstrate sufficient progress towards passing the exit exam and shall receive supplemental instruction designed to help them succeed on the exit exam. (Education Code 37252)

3. Students who have not passed one or both parts of the exit exam by the end of grade 12, for up to two consecutive school years after the completion of grade 12 or until they have passed both parts of the exit exam, whichever comes first (Education Code 37254)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

4. Eligible students from low-income families whenever the SCCOE or a SCCOE school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more years (20 USC 6316)

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

Required Student Participation

The Santa Clara County Superintendent of Schools or designee may require participation in a supplemental instructional program for: (Education Code 37252.2, 37254.1)

1. Students in grades 7-12 who demonstrate insufficient progress toward the exit exam required for high school graduation pursuant to Education Code 37252

2. Students in grades 2-9 who are retained or recommended for retention pursuant to Education Code 37252.2

3. Students in grades 2-6 who are "at risk" of retention pursuant to Education Code 37252.8

4. Students in grades 2-6 who are deficient in mathematics, reading, or written expression pursuant to Education Code 37252.8

5. Students in grades K-12 participating in enrichment programs in core academic subjects pursuant to Education Code 37253

The County Superintendent or designee shall obtain written parent/guardian consent for a student’s participation in the supplemental instructional program.
SUPPLEMENTAL INSTRUCTION (continued)

Legal Reference:
EDUCATION CODE
1240 County Superintendent duties
35186 Williams Uniform Complaint Procedures
37200-37202 School calendar
37223 Weekend classes
37252-37254.1 Supplemental instruction
41505-41508 Pupil Retention Block Grant
42239 Supplemental instruction, apportionments
44259 Comprehensive reading program
46100 Length of school day
48070-48070.5 Promotion and retention
48200 Compulsory education
48985 Translation of notices
51210 Courses of study, elementary schools
51220 Courses of study, secondary schools
52378-52380 Supplemental School Counseling Program
60603 Definitions, core curriculum areas
60640-60648 Standardized Testing and Reporting Program
60850-60859 High school exit examination
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
52012 Establishment of school site council
52014-52015 School plans
53025-53031 Intensive reading instruction
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6316 Program improvement schools and districts

Management Resources:
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Implementation of Assembly Bill (AB) 347: requiring instruction and services for students who have not passed the exit exam but have met all other graduation requirements, October 26, 2007
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Supplemental Educational Services, June 13, 2005
Creating Strong Supplemental Educational Services Programs, May 2004
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Policy adopted: June 3, 2009

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California