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**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

Memo

To Board of Education

From Marion McWilliams, General Counsel

Board Meeting Date June 28, 2017

Subject Amendment to Board Policy – BP 4127 Temporary Athletic Team Coaches

Action Requested Approval by the Board of Education of updates to the Oakland Unified School District Board Policy BP 4127 Temporary Athletic Team Coaches

Background Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District's standards.

Discussion In order to ensure that our policies are current, it is important for us to review and update our policies. The proposed changes are based upon the California Association of Schools Board's recommended model. The modifications have been reviewed and vetted by the General Counsel.

This policy is updated to reflect new law (AB 1639) which requires coaches to complete training course related to the nature and warning signs of cardiac arrest and to retake such a course every two years thereafter. Policy also allows a coach to submit either the activity Supervisor Clearance Certificate or the Department of Justice and Federal Bureau of Investigation criminal background check.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with blue strikeouts. The recommended additions are shown in red.

Recommendation Approval of modification to the Oakland Unified School District Board Policy BP 4127 Temporary Athletic Team Coaches

Fiscal Impact No direct funding implications

Attachments Amendment to Board Policy BP 4127 Temporary Athletic Team Coaches

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Personnel

BP 4127 4227, 4327

Temporary Athletic Team Coaches

The Governing Board ~~recognizes the importance of hiring~~ desires to employ highly qualified ~~temporary athletic team~~ coaches for the district's sports ~~program.~~ and interscholastic athletic programs in order to enhance the knowledge, skills, motivation, and safety of student athletes.

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee may hire a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. (5 CCR 5590)

(cf. 4121 - Temporary/Substitute Personnel)

When hiring a person to fill a position as a temporary athletic team coach, the position shall first be made available to qualified certificated teachers currently employed by the district.

(Education Code 44919)

All coaches shall be subject to Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.63 - Steroids)

(cf. 5141.1 - Child Abuse Prevention and Reporting)

Noncertificated coaches shall have no authority to assign grades to students. (5 CCR 5591)

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

Qualifications and Training

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and ~~with~~ district standards ~~and priorities.~~ These criteria shall ensure that ~~all~~ ~~temporary~~ coaches possess an appropriate level of competence, knowledge, and skill.

Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic program shall, prior to beginning his/her duties, submit to the

Superintendent or designee either an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing or a Department of Justice and Federal Bureau of Investigation criminal background clearance. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)

~~Any certificated teacher employed by the district who applies for a position as a temporary athletic team coach and who satisfies the qualification criteria established for the position shall first be offered the position. (cf. 4112.5/4212.5/4312.5 - Criminal Record Check)~~

Following the selection of a temporary athletic team coach, the Superintendent or designee shall certify to the Board, at the next regular Board meeting or within 30 days, whichever is sooner, that the coach meets the qualifications and competencies required by 5 CCR 5593. By April 1 of each year, the Board shall certify to the State Board of Education that the provisions of 5 CCR 5593 have been met. (5 CCR 5594)

In addition, the Superintendent or designee shall regularly report to the Board regarding the extent to which the district's coaches have completed the trainings required by law, including those required pursuant to Education Code 33479.6 and 49032, and by district policy.

~~(Education Code 44919)~~

~~In addition, all coaches shall be subject to Board policy, administrative regulation and the codes of ethical conduct published by the state and the California Interscholastic Federation.~~

~~(cf. 5131.1 - Bus Conduct)~~

~~(cf. 6145.2 - Athletic Competition)~~

Volunteer Coaches

~~Volunteer athletic team coaches who do not meet the district qualification criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic program.~~

~~(cf. 1240 - Volunteer Assistance)~~

Legal Reference:

EDUCATION CODE

35179-35179.7 Interscholastic ~~athletic program and activities~~athletics

33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act

44010 _Sex offense

44011 _Controlled substance offense

44332-44332.5 Temporary certificates

44424 _Conviction of a crime

44808 Liability when students are not on school property
44916 Written statement indicating employment status
44919 Classification of temporary employees
45125.01 Interagency agreements for criminal record information
45347 Instructional aides subject to requirements for classified staff
45349 Use of volunteers to supervise or instruct students
49024 Activity Supervisor Clearance Certificate
49030-49034 Performance-enhancing substances
49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities ~~of pupils~~

5590-5596 Duties of temporary athletic team coaches

COURT DECISIONS

Neily v. Manhattan Beach Unified School District, (2011) 192 Cal. App. 4th 187

Kavanaugh v. West Sonoma County Union High School District, (2003) 29 Cal. 4th 911

CTA v. Rialto Unified School District, (1997-) 14 Cal. 4th 627

~~San~~627San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal.-App.-3d 1376, ~~281~~
~~Cal. Rptr. 724~~

Management Resources:

CSBA PUBLICATIONS

Steroids and Students: What Boards Need to Know, Policy Brief, July 2005

CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

California Interscholastic Federation Constitution and Bylaws

Pursuing Victory with Honor, 1999

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

WEB SITES

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

California Athletic Trainers' Association: <http://www.ca-at.org>

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

California Interscholastic Federation: <http://www.cifstate.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Athletic Trainers' Association: <http://www.nata.org>

8/25/04; 6/28/17 (if adopted)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Personnel

BP 4127 4227, 4327

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