



## **Regular Board Meeting**

**01/09/2025 06:00 PM**

Assembly Hall

1935 Bohemian Highway, Occidental, CA 95465



## AGENDA

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Closed session begins at 6:00 pm; Open session begins at 7 pm. All documents relating to the following agenda items are available for public review in the Administrative Office of the Harmony Union School District during office hours at least 72 hours prior to the scheduled Board meeting. The Harmony District Board of Education meetings are open to the public, except for certain subjects that are addressed in closed session in accordance with the Ralph M. Brown Act. If anyone wishes to attend and requires special accommodations due to a handicapping condition, as outlined in the Americans with Disabilities Act, please contact the superintendent at least two working days prior to the meeting.

- 1. Call to Order** 5
- 2. Pledge of Allegiance** 6
- 3. Approval of the Agenda** 7  
That the board approve the meeting agenda.
- 4. Public Comment** 8  
*For Closed Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures.*  
  
*Members of the public may address the Board regarding items on the agenda at the time the item appears on the agenda. The Board President may move any agenda item to a different place on the agenda in order to accommodate the public or improve the flow of the meeting.*
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  - B. With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: HUTA 11
  - C. With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957.6: Update on Anticipated Litigation items 12
  - D. With respect to every item of business to be discussed in closed session pursuant to Gov.





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<i>Members of the public may address the Board regarding items on the agenda at the time the item appears on the agenda. The Board President may move any agenda item to a different place on the agenda in order to accommodate the public or improve the flow of the meeting.</i>	
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**1. Call to Order**

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## 2. Pledge of Allegiance

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### 3. Approval of the Agenda

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#### Recommendation

That the board approve the meeting agenda.

#### 4. Public Comment

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##### Quick Summary / Abstract

*For Closed Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures.*

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## 5. Closed Session

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**5. A. With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: CSEA**

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**5. B. With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: HUTA**

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**5. C. With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957.6: Update on Anticipated Litigation items**

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**5. D. With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957: Superintendent Review**

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**5. E. With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957: Student Discipline**

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**6. Reconvene to Open Session**

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**6. A. Report out on any action taken during closed session**

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## 7. Communication

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## 7. A. Reports

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**7. A. i. HUTA Report**

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**7. A. ii. Shark Report**

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**7. A. iii. Student Report**

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**7. A. iv. Board Member Reports**

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**7. A. v. Superintendent/Principal's Report**

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**7. A. vi. Pathways Director Report**

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## 7. B. Public Comment

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### Quick Summary / Abstract

*For Open Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures.*

*Members of the public may address the Board regarding items on the agenda at the time the item appears on the agenda. The Board President may move any agenda item to a different place on the agenda in order to accommodate the public or improve the flow of the meeting.*



**7. C. Correspondence**

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## 8. Consent Agenda

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**8. A. Vendor Warrants**

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**8. B. Approve the minutes from the special meeting held 11/14/2024**

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**Recommendation**

Approve through consent agenda

**Supporting Documents**

 Board Meeting Minutes, 11\_14\_24—special, unapproved

**Harmony Union School District  
Special School Board Meeting  
November 14, 2024  
Minutes (draft/unapproved)**

**Board Members present:**

Amanda Solter (AS), Yuri Koslen (YK), Mariah Lander (ML), Charlie Laird (CL)

**Absent:** Andrew Cone (AL)

**Also present:**

Stacy Kalember, Matthew Morgan, Suzi Heron

**Meeting opened: at 10:09 pm**

**1. Approval of the Agenda**

*No changes to the agenda.*

*Motion: CL*

*Second: ML*

*All in favor—motion carried*

**2. Public Comment**

*No public comment at this time.*

**3. Discussion Items**

A. Visioning Discussion

*This was addressed at the regular meeting.*

B. Bond Committee

*Committee approves bond spending. Must include citizens but can't be contractors who work with the district. Need representatives from certain demographics. Not involved in design or hiring contractors. At the December meeting, the board will formally appoint some of the people on the list with a formal resolution.*

- *Public comment: Sarah: Sat. is Occidental Community Council meeting, so Sarah can bring any asks.*

**4. Action Items**

A. Consideration of contract with POS for cafeteria management LINQ is a POS system to assist in cafeteria management of both the FOH and BOH services. That the board approve the contract with POS for cafeteria management.

Stacy: Need point of service contract for cafeteria back-of-house meal planning (which we have) and cafeteria front-of-house (which we don't have) digital systems. If we take on front-of-house \$6270 for start up, \$1320 ongoing since we won't continue to use old program. Joining with a JPA with other schools like ours so districts can use service at a fraction of the cost.

*Motion: ML*

*Second: AS*

*All in favor—motion carried*

B. Consideration of Resolution 2024/25-7 with Redwood Credit Union Resolution 2024/25-7 with Redwood Credit Union to add signatories Rachael Handley and Stefanie Coe. That the board approve Resolution 2024/25-7 with Redwood Credit Union *Add Stefanie and Rachael to the account so we can sign checks. Shell will be removed, and confirmed that Missy is not on the form.*

*Motion: AS*

*Second: ML*

*All in favor—motion carried*

## **5. Next Board Meeting**

Regular Board Meeting on Thursday, December 12 @ 6:00 pm

## **6. Adjournment 10:18 pm**




**8. C. Approve the minutes from regular meeting held 12/12/2024**

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**Recommendation**

Approve through consent agenda

**Supporting Documents**

 Board Meeting Minutes, 12\_12\_24—regular, unapproved



**8. D. Approve the minutes from special meeting held 12/17/2024**

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**Recommendation**

Approve through consent agenda



**8. E. Approve Quarterly Report, October 1 to December 31, 2024, regarding any complaints covered by the Williams Act**

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**Supporting Documents**

 [WilliamsUCPQReport24-25-fillable2](#)



**Quarterly Report – Williams Uniform Complaints [Education Code § 35186]**

**District:** \_\_\_\_\_

**Name & Title of Preparer:** \_\_\_\_\_

**Quarter Reported:** (check one)  1<sup>st</sup> Quarter: July 2024 through September 2024 – Due October 2024  
 2<sup>nd</sup> Quarter: October 2024 through December 2024 – Due January 2025  
 3<sup>rd</sup> Quarter: January 2025 through March 2025 – Due April 2025  
 4<sup>th</sup> Quarter: April 2025 through June 2025 – Due July 2025

**Date for information to be reported publicly at governing board meeting:** \_\_\_\_\_

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**Please check the box that applies:**

- No complaints were filed with any school in the district during the quarter indicated above.
- Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints. **Copies of the complaint and the district’s written response will be submitted along with this report.**

General Subject Area	Number of Complaints Received	Number of Complaints Resolved	Number of Complaints Unresolved
Instructional Materials and Textbooks			
Facility Conditions			
Teacher Vacancy or Misassignment			
<b>TOTAL</b>			

\_\_\_\_\_  
Name & Signature of Superintendent

Date:

Sign and date the report **after** it is presented at your board meeting.  
 Please submit the executed report to SCOE EES via email at [williams@scoe.org](mailto:williams@scoe.org)



## 8. F. Approve the Consent Agenda

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### Recommendation

That the board approve the consent agenda



**9. Information / Correspondence / Discussion**

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## 9. A. Enrollment Report

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### Information

Total district enrollment: 227



**9. B. Discussion re: District Special Education Services**

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## 9. C. Board Member Development

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## 9. D. Examination of layoffs for 25-26 school year

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### Quick Summary / Abstract

Examination of layoffs for the 25-26 school year






## 9. E. Board Policy Updates- First Reading


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### Policies

-  [DRAFT] Policy 0450: Comprehensive Safety Plan
-  [DRAFT] Regulation 0450: Comprehensive Safety Plan
-  [DRAFT] Regulation 1312.3: Uniform Complaint Procedures
-  [DRAFT] Policy 3516: Emergencies And Disaster Preparedness Plan
-  [DRAFT] Regulation 3516: Emergencies And Disaster Preparedness Plan
-  [DRAFT] Policy 3550: Food Service/Child Nutrition Program
-  [DRAFT] Regulation 3550: Food Service/Child Nutrition Program
-  [DRAFT] Policy 3551: Food Service Operations/Cafeteria Fund
-  [DRAFT] Regulation 3551: Food Service Operations/Cafeteria Fund
-  [DRAFT] Policy 3553: Free And Reduced Price Meals
-  [DRAFT] Regulation 3553: Free And Reduced Price Meals
-  [DRAFT] Policy 4111: Recruitment And Selection
-  [DRAFT] Regulation 4112.5: Criminal Record Check
-  [DRAFT] Exhibit 4112.5-E(1): Criminal Record Check
-  [DRAFT] Policy 4118: Dismissal/Suspension/Disciplinary Action
-  [DRAFT] Regulation 4118: Dismissal/Suspension/Disciplinary Action



-  [DRAFT] Policy 4140: Bargaining Units
-  [DRAFT] Policy 4157: Employee Safety
-  [DRAFT] Regulation 4157: Employee Safety
-  [DRAFT] Regulation 4157.1: Work-Related Injuries
-  [DRAFT] Policy 4211: Recruitment And Selection
-  [DRAFT] Regulation 4212.5: Criminal Record Check
-  [DRAFT] Exhibit 4212.5-E(1): Criminal Record Check
-  [DRAFT] Policy 4218: Dismissal/Suspension/Disciplinary Action
-  [DRAFT] Regulation 4218: Dismissal/Suspension/Disciplinary Action
-  [DRAFT] Policy 4240: Bargaining Units
-  [DRAFT] Policy 4257: Employee Safety
-  [DRAFT] Regulation 4257: Employee Safety
-  [DRAFT] Regulation 4257.1: Work-Related Injuries
-  [DRAFT] Policy 4311: Recruitment And Selection
-  [DRAFT] Regulation 4312.5: Criminal Record Check
-  [DRAFT] Exhibit 4312.5-E(1): Criminal Record Check
-  [DRAFT] Policy 4340: Bargaining Units
-  [DRAFT] Policy 4357: Employee Safety

-  [DRAFT] Regulation 4357: Employee Safety
-  [DRAFT] Regulation 4357.1: Work-Related Injuries
-  [DRAFT] Policy 5126: Awards For Achievement
-  [DRAFT] Regulation 5126: Awards For Achievement
-  [DRAFT] Policy 5141.21: Administering Medication And Monitoring Health Conditions
-  [DRAFT] Policy 5144: Discipline
-  [DRAFT] Regulation 5144: Discipline
-  [DRAFT] Policy 6115: Ceremonies And Observances
-  [DRAFT] Regulation 6115: Ceremonies And Observances
-  [DRAFT] Policy 6141.2: Recognition Of Religious Beliefs And Customs
-  [DRAFT] Regulation 6141.2: Recognition Of Religious Beliefs And Customs
-  [DRAFT] Policy 6175: Migrant Education Program
-  [DRAFT] Regulation 6175: Migrant Education Program
-  [DRAFT] Bylaw 9320: Meetings And Notices
-  [DRAFT] Bylaw 9323.2: Actions By The Board
-  [DRAFT] Exhibit 9323.2-E(1): Actions By The Board

**Policy 0450: Comprehensive Safety Plan**

**Status:** DRAFT

**Original Adopted Date:** 02/21/2019 | **Last Revised Date:** 11/09/2023

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

**OPTION 1: (Districts with more than 2,500 ADA, and districts with 2,500 or less ADA that choose to develop school site plans)**

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a comprehensive safety plan within one year of initiating operations. (Education Code 32281, 32286)

The comprehensive school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

**OPTION 1 ENDS HERE**

**OPTION 2: (Districts with 2,500 or less ADA that choose to develop a districtwide plan)**

The Superintendent or designee shall oversee the development of a districtwide comprehensive safety plan that is applicable to each school site. (Education Code 32281)

**OPTION 2 ENDS HERE**

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education (CDE) of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

**Tactical Response Plan**

Notwithstanding the process described above, any portion of a comprehensive safety plan that addresses tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to safeguard students and staff, secure affected school premises, and apprehend criminal perpetrator(s), shall be developed by the Superintendent or designee in accordance with Education Code 32281. In developing such strategies, the Superintendent or designee shall consult with law enforcement officials and with representative(s) of employee bargaining unit(s), if they choose to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials and approve the tactical response plan, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

**Safety Plan(s) Access and Reporting**

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents need not be publicly disclosed.

The Superintendent or designee shall share the comprehensive safety plans and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)

The Superintendent or designee shall also provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools in accordance with Education Code 32289.5. (Education Code 32289.5)

**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.

### State References

5 CCR 11987-11987.7

### Description

[School Community Violence Prevention Program requirements](#)

5 CCR 11992-11993

[Persistently dangerous schools; definition](#)

CA Constitution Article 1, Section 28

[Right to Safe Schools](#)

Ed. Code 200-270

[Prohibition of discrimination](#)

Ed. Code 32260-32262

[Interagency School Safety Demonstration Act of 1985](#)

Ed. Code 32270

[School safety cadre](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 32290

[Safety devices](#)

Ed. Code 35147

[School site councils and advisory committees](#)

Ed. Code 35183

[School dress code; uniforms](#)

Ed. Code 35266

[Reporting of cyber attacks](#)

Ed. Code 35291

[Rules](#)

Ed. Code 35291.5

[School-adopted discipline rules](#)

Ed. Code 41020

[Requirement for annual audit](#)

Ed. Code 48900-48927

[Suspension and expulsion](#)

Ed. Code 48950

[Speech and other communication](#)

Ed. Code 48980

[Parent/Guardian notifications](#)

Ed. Code 49079

[Notification to teacher; student act constituting grounds for suspension or expulsion](#)

Ed. Code 49390-49395

[Homicide threats](#)

Ed. Code 67381

[Availability of information regarding crimes](#)

Gov. Code 11549.3

[Independent security assessment](#)

Gov. Code 54957

[Closed session meetings for threats to security](#)

Gov. Code 8586.5

[California Cybersecurity Integration Center](#)

Pen. Code 11164-11174.3

[Child Abuse and Neglect Reporting Act](#)

Pen. Code 422.55

[Definition of hate crime](#)

Pen. Code 626.8

[Disruptions](#)

### Federal References

20 USC 1400-1482

### Description

[Individuals with Disabilities Education Act](#)

20 USC 7111-7122

Student support and academic enrichment grants



**Cross References****Description**

0420	<a href="#">School Plans/Site Councils</a>
0420	<a href="#">School Plans/Site Councils</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0500	<a href="#">Accountability</a>
0510	<a href="#">School Accountability Report Card</a>
1100	<a href="#">Communication With The Public</a>
1112	<a href="#">Media Relations</a>
1113	<a href="#">District And School Websites</a>
1113	<a href="#">District And School Websites</a>
1113-E PDF(1)	<a href="#">District And School Websites</a>
1113-E(1)	<a href="#">District And School Websites</a>
1113-E(2)	<a href="#">District And School Websites</a>
1113-E(3)	<a href="#">District And School Websites</a>
1220	<a href="#">Citizen Advisory Committees</a>
1220	<a href="#">Citizen Advisory Committees</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(2)	<a href="#">Uniform Complaint Procedures</a>
1313	<a href="#">Civility</a>
1330	<a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a>
1330-E PDF(1)	<a href="#">Use Of School Facilities</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
2210	<a href="#">Administrative Discretion Regarding Board Policy</a>
3510	<a href="#">Green School Operations</a>
3511	<a href="#">Energy And Water Management</a>
3511	<a href="#">Energy And Water Management</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3514	<a href="#">Environmental Safety</a>
3514	<a href="#">Environmental Safety</a>
3514.1	<a href="#">Hazardous Substances</a>
3514.1	<a href="#">Hazardous Substances</a>
3514.2	<a href="#">Integrated Pest Management</a>
3515	<a href="#">Campus Security</a>
3515	<a href="#">Campus Security</a>

**Cross References****Description**

3515.2	<a href="#">Disruptions</a>
3515.2	<a href="#">Disruptions</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.31	<a href="#">School Resource Officers</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3515.5	<a href="#">Sex Offender Notification</a>
3515.5	<a href="#">Sex Offender Notification</a>
3515.7	<a href="#">Firearms On School Grounds</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516.1	<a href="#">Fire Drills And Fires</a>
3516.2	<a href="#">Bomb Threats</a>
3516.3	<a href="#">Earthquake Emergency Procedure System</a>
3516.5	<a href="#">Emergency Schedules</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
3543	<a href="#">Transportation Safety And Emergencies</a>
4119.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4119.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4131	<a href="#">Staff Development</a>
4140	<a href="#">Bargaining Units</a>
4141.6	<a href="#">Concerted Action/Work Stoppage</a>
4141.6	<a href="#">Concerted Action/Work Stoppage</a>
4157	<a href="#">Employee Safety</a>
4157	<a href="#">Employee Safety</a>
4158	<a href="#">Employee Security</a>
4158	<a href="#">Employee Security</a>
4219.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4219.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4231	<a href="#">Staff Development</a>
4240	<a href="#">Bargaining Units</a>
4241.6	<a href="#">Concerted Action/Work Stoppage</a>
4241.6	<a href="#">Concerted Action/Work Stoppage</a>
4257	<a href="#">Employee Safety</a>
4257	<a href="#">Employee Safety</a>
4258	<a href="#">Employee Security</a>

**Cross References**

4258  
4319.11  
4319.11  
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4319.21-E PDF(1)  
4319.23  
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**Description**

[Employee Security](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Professional Standards](#)  
[Professional Standards](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Staff Development](#)  
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[Employee Safety](#)  
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[Employee Security](#)  
[Parent Rights And Responsibilities](#)  
[Parent Rights And Responsibilities](#)  
[Open/Closed Campus](#)  
[Absences And Excuses](#)  
[Absences And Excuses](#)  
[Chronic Absence And Truancy](#)  
[Chronic Absence And Truancy](#)  
[Conduct](#)  
[Bullying](#)  
[Bullying](#)  
[Student Disturbances](#)  
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[Dress And Grooming](#)  
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**Cross References****Description**

5136	<a href="#">Gangs</a>
5137	<a href="#">Positive School Climate</a>
5138	<a href="#">Conflict Resolution/Peer Mediation</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
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5141.52	<a href="#">Suicide Prevention</a>
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5142	<a href="#">Safety</a>
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5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
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**Regulation 0450: Comprehensive Safety Plan**

**Status:** DRAFT

**Original Adopted Date:** 02/21/2019 | **Last Revised Date:** 11/09/2023

**Development and Review of Comprehensive School Safety Plan**

The school site council shall consult with local law enforcement, the local fire department, and other first responders in the writing and development of the comprehensive school safety plan. When practical, the school site council shall also consult with other school site councils and safety planning committees. (Education Code 32281, 32282)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

Before adopting the comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting, if available: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent/guardian organization at the school, including the parent teacher association and parent teacher clubs
4. A representative of each teacher organization at the school
5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

After the first evaluation or review is conducted, and after each annual evaluation or review, a school employee, a student's parent/guardian or educational rights holder, or a student may bring concerns about an individual student's ability to access disaster safety procedures described in the comprehensive school safety plan to the principal. (Education Code 32282)

If the principal determines there is merit to a concern, the principal shall direct the school site council or school safety planning committee, to make appropriate modifications to the comprehensive school safety plan during the

evaluation of the comprehensive safety plan. The principal may direct the school site council or the school safety planning committee to make such modifications before the evaluation, as appropriate. (Education Code 32282)

### **Content of the Comprehensive Safety Plan**

Each comprehensive safety plan shall include an assessment of the current status of any crime committed on campus and at school-related functions. (Education Code 32282)

The assessment may include, but not be limited to, reports of crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

The plan shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164-11174.3
2. Routine and emergency disaster procedures including, but not limited to:
  - a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973
  - b. An earthquake emergency procedure system in accordance with Education Code 32282
  - c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations
4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079
5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4
6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"
7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school
8. A safe and orderly school environment conducive to learning
9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5
10. Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on campus and at school-related functions
11. Procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school.
12. For schools that serve students in any of grades 7-12, a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose

Among the strategies for providing a safe environment, the comprehensive safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution
2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations
3. Strategies aimed at preventing potential incidents involving crime and violence on school campuses, including vandalism, drug and alcohol abuse, gang membership and violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including sexual harassment
4. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education and literacy, character/values education, social and emotional learning, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence
5. Parent/guardian involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus
6. Provision of safety materials and emergency communications in language(s) understandable to parents/guardians
7. Annual notification to parents/guardians related to the safe storage of firearms
8. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students
9. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction
10. District policy prohibiting the possession of firearms and ammunition on school grounds
11. Measures to prevent or minimize the influence of gangs on campus
12. Procedures for receiving verification from law enforcement when a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime
13. Procedures for the early identification and threat assessment of, and appropriate response to, suspicious and/or threatening digital media content
14. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus
15. Independent security assessment of the school's network infrastructure and selected web applications to identify vulnerabilities and provide recommendations to improve cybersecurity
16. Guidelines for the roles and responsibilities of mental health professionals, athletic coaches, community intervention professionals, school counselors, school resource officers, and police officers on school campuses. Guidelines may include, but are not limited to, the following:
  - a. Strategies to create and maintain a positive school climate, promote school safety, and increase student achievement
  - b. Strategies to prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support
  - c. Protocols to address the mental health care of students who have witnessed a violent act at any time, including, but not limited to, while on school grounds, while coming or going from school, during a lunch

period whether on or off campus, or during or while going to or coming from a school-sponsored activity

17. Strategies for suicide prevention and intervention
18. District policy and/or plan related to pandemics
19. Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff
20. Crisis prevention and intervention strategies, which may include the following:
  - a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate
  - b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
  - c. Assignment of staff members responsible for each identified task and procedure
  - d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan
  - e. Coordination of communication to schools, Governing Board members, parents/guardians, and the media
  - f. Communication with parents/guardians of reunification plans and the necessity of cooperating with first responders
  - g. Development of a method for the reporting of violent incidents
  - h. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling
21. Training on assessment and reporting of potential threats, violence prevention, and intervention techniques. Such training shall include preparation to implement the elements of the comprehensive safety plan
22. Environmental safety strategies, including, but not limited to, procedures for preventing and mitigating exposure to toxic pesticides, lead, asbestos, vehicle emissions, and other hazardous substances and contaminants
23. Continuity of operations procedures to ensure that the district's essential functions are not disrupted during an emergency, to the extent possible

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

**State References**

**Description**

5 CCR 11987-11987.7	<a href="#">School Community Violence Prevention Program requirements</a>
5 CCR 11992-11993	<a href="#">Persistently dangerous schools; definition</a>
CA Constitution Article 1, Section 28	<a href="#">Right to Safe Schools</a>
Ed. Code 200-270	<a href="#">Prohibition of discrimination</a>
Ed. Code 32260-32262	<a href="#">Interagency School Safety Demonstration Act of 1985</a>
Ed. Code 32270	<a href="#">School safety cadre</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 32290	<a href="#">Safety devices</a>

**State References**

Ed. Code 35147  
 Ed. Code 35183  
 Ed. Code 35266  
 Ed. Code 35291  
 Ed. Code 35291.5  
 Ed. Code 41020  
 Ed. Code 48900-48927  
 Ed. Code 48950  
 Ed. Code 48980  
 Ed. Code 49079  
 Ed. Code 49390-49395  
 Ed. Code 67381  
 Gov. Code 11549.3  
 Gov. Code 54957  
 Gov. Code 8586.5  
 Pen. Code 11164-11174.3  
 Pen. Code 422.55  
 Pen. Code 626.8

**Federal References**

20 USC 1400-1482  
 20 USC 7111-7122  
 20 USC 7912  
 29 USC 794  
 42 USC 12101-12213  
 6 USC 665k

**Management Resources References**

CSBA Publication  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication  
 Federal Bureau of Investigation Publication  
 U.S. Department of Education Publication

**Description**

[School site councils and advisory committees](#)  
[School dress code; uniforms](#)  
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[Rules](#)  
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[Availability of information regarding crimes](#)  
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[Closed session meetings for threats to security](#)  
[California Cybersecurity Integration Center](#)  
[Child Abuse and Neglect Reporting Act](#)  
[Definition of hate crime](#)  
[Disruptions](#)

**Description**

[Individuals with Disabilities Education Act](#)  
 Student support and academic enrichment grants  
[Transfers from persistently dangerous schools](#)  
[Rehabilitation Act of 1973; Section 504](#)  
[Americans with Disabilities Act](#)  
[Federal Clearinghouse on School Safety Evidence-Based Practices](#)

**Description**

[School Safety: Firearm Safety and Storage, May 2023](#)  
 Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010  
 Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010  
[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)  
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)  
[Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022](#)  
 Uniform Crime Reporting Handbook, 2004  
 Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007





**Cross References**

1312.3  
1312.3-E PDF(1)  
1312.3-E PDF(2)  
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[Tobacco-Free Schools](#)  
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[Absences And Excuses](#)  
[Absences And Excuses](#)

**Cross References****Description**

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**Cross References****Description**

5144.2	<a href="#">Suspension And Expulsion/Due Process (Students With Disabilities)</a>
5145.12	<a href="#">Search And Seizure</a>
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**Regulation 1312.3: Uniform Complaint Procedures**

**Status:** DRAFT

**Original Adopted Date:** 05/20/2019 | **Last Revised Date:** 04/11/2024 | **Last Reviewed Date:** 04/11/2024

Except as may otherwise be specifically provided in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

### **Compliance Officers**

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in Administrative Regulation 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment.

Superintendent/Principal  
1935 Bohemian Hwy  
Occidental, Ca 95465  
707-874-1205  
morgan@harmonyusd.org

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

### **Notifications**

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the district, students who are migratory, and students participating in a newcomer program as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.6 shall be posted on the district and district school websites and may be provided through district-supported social media, if available.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all

relevant UCP information for parents/guardians with limited English proficiency.

### **Filing of Complaints**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

### **Mediation**

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation

would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

### **Investigation of Complaint**

The compliance officer shall begin an investigation into the complaint within 10 business days of receiving the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

### **Timeline for Investigation Report**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

### **Investigation Report**



For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination

### **Corrective Actions**

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling

2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

#### **Appeals to the California Department of Education**

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law
3. The material findings of fact in the district's investigation report are not supported by substantial evidence
4. The legal conclusion in the district's investigation report is inconsistent with the law
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

### **Health and Safety Complaints in License-Exempt Preschool Programs**

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE website. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)

**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.

<b>State References</b>	<b>Description</b>
2 CCR 11023	<a href="#">Harassment and discrimination prevention and correction</a>
5 CCR 15580-15584	<a href="#">Child nutrition programs complaint procedures</a>
5 CCR 3200-3205	<a href="#">Special education compliance complaints</a>
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	<a href="#">Williams uniform complaint procedures</a>
5 CCR 4690-4694	<a href="#">Complaints regarding health and safety issues in license-exempt preschool programs</a>
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	<a href="#">School libraries</a>
Ed. Code 200-270	<a href="#">Prohibition of discrimination</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 35186	<a href="#">Williams uniform complaint procedures</a>
Ed. Code 46015	<a href="#">Parental leave for students</a>
Ed. Code 48645.7	<a href="#">Juvenile court schools</a>
Ed. Code 48853-48853.5	<a href="#">Foster youth</a>

**State References**

Ed. Code 48900.5  
Ed. Code 48985  
Ed. Code 49010-49013  
Ed. Code 49060-49079  
Ed. Code 49069.5  
Ed. Code 49490-49590  
Ed. Code 49701  
Ed. Code 51204.5  
Ed. Code 51210  
Ed. Code 51222  
Ed. Code 51223  
Ed. Code 51225.1-51225.2  
Ed. Code 51226-51226.1  
Ed. Code 51228.1-51228.3  
Ed. Code 51501  
Ed. Code 52059.5  
Ed. Code 52059.5-52077  
Ed. Code 52075  
Ed. Code 52300-52462  
Ed. Code 52500-52617  
Ed. Code 54400-54425  
Ed. Code 54440-54445  
Ed. Code 54460-54529  
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Ed. Code 60040-60052  
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Ed. Code 65000-65001  
Ed. Code 8200-8488  
Ed. Code 8500-8538  
Gov. Code 11135  
Gov. Code 12900-12996  
H&S Code 1596.792  
H&S Code 1596.7925  
Pen. Code 422.55  
Pen. Code 422.6

**Federal References**

20 USC 1221

**Description**

[Suspension; other means of correction](#)  
[Notices to parents in language other than English](#)  
[Student fees](#)  
[Student records](#)  
[Records of foster youth](#)  
[Child nutrition programs](#)  
[Provisions of the Interstate Compact on Educational Opportunities for Military Children](#)  
[Social sciences instruction; contributions of specified groups](#)  
[Course of study for grades 1-6](#)  
[Physical education](#)  
[Physical education; elementary schools](#)  
[Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements](#)  
[Career technical education](#)  
[Course periods without educational content](#)  
[Nondiscriminatory subject matter](#)  
[Statewide system of support](#)  
[Local control and accountability plan](#)  
[Complaint for lack of compliance with local control and accountability plan requirements](#)  
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[Compensatory education programs](#)  
[Special schools and centers](#)  
[Instructional materials; definition](#)  
[Requirements for instructional materials](#)  
[Consolidated application process; school plan for student achievement](#)  
[School site councils](#)  
[Child care and development programs](#)  
[Adult basic education](#)  
[Prohibition of discrimination](#)  
[Fair Employment and Housing Act](#)  
[California Child Day Care Act; general provisions and definitions](#)  
[California Child Day Care Act; health and safety regulations](#)  
[Definition of hate crime](#)  
[Crimes; harassment](#)

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**Federal References**

20 USC 1232g  
 20 USC 1681-1688  
 20 USC 6301-6576  
 20 USC 6801-7014  
 28 CFR 35.107  
 29 USC 794  
 34 CFR 100.3  
 34 CFR 104.7  
 34 CFR 106.1-106.82  
 34 CFR 106.30  
 34 CFR 106.44  
 34 CFR 106.45  
 34 CFR 106.8  
 34 CFR 110.25  
 34 CFR 99.1-99.67  
 42 USC 11431-11435  
 42 USC 12101-12213  
 42 USC 2000d-2000d-7  
 42 USC 2000h-2-2000h-6  
 42 USC 6101-6107

**Description**

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)  
 Title IX of the Education Amendments of 1972; discrimination based on sex  
 Title I Improving the Academic Achievement of the Disadvantaged  
 Title III language instruction for limited English proficient and immigrant students  
[Nondiscrimination on basis of disability; complaints](#)  
[Rehabilitation Act of 1973; Section 504](#)  
[Prohibition of discrimination on basis of race, color or national origin](#)  
[Section 504; Designation of responsible employee and adoption of grievance procedures](#)  
[Nondiscrimination on the basis of sex in education programs](#)  
 Discrimination on the basis of sex in education programs and activities; definitions  
[Recipient's response to sexual harassment](#)  
[Grievance process for formal complaints of sexual harassment](#)  
[Designation of coordinator; dissemination of policy, and adoption of grievance procedures](#)  
[Notification of nondiscrimination on the basis of age](#)  
[Family Educational Rights and Privacy](#)  
 McKinney-Vento Homeless Assistance Act  
[Americans with Disabilities Act](#)  
 Title VI, Civil Rights Act of 1964  
 Title IX of the Civil Rights Act of 1964  
[Age Discrimination Act of 1975](#)

**Management Resources References**

California Department of Education Publication  
 California Department of Education Publication  
 California Department of Justice Publication  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication  
 Federal Register  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOJ Publication  
 Website

**Description**

Uniform Complaint Procedure 2021-22 Program Instrument  
 Sample UCP Board Policies and Procedures  
[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024](#)  
[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)  
[Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024](#)  
[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024](#)  
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)  
 Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014  
 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007  
[CSBA District and County Office of Education Legal Services](#)

**Management Resources References**

Website  
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**Description**

[Student Privacy Policy Office](#)  
[U.S. Department of Agriculture](#)  
[California Department of Social Services](#)  
[U.S. Department of Justice](#)  
[California Civil Rights Department](#)  
[California Department of Education](#)  
[CSBA](#)  
[U.S. Department of Education, Office for Civil Rights](#)

**Cross References**

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[Complaints Concerning Instructional Materials](#)  
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**Description**[Closed Session](#)[Closed Session](#)[Closed Session](#)[Agenda/Meeting Materials](#)

**Policy 3516: Emergencies And Disaster Preparedness Plan**

**Status:** DRAFT

**Original Adopted Date:** 08/23/2018

The Governing Board recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The district shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on district students, staff, and schools.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973. Such procedures shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

In developing the disaster preparedness plan, the Superintendent or designee shall involve district staff at all levels, including administrators, district police or security officers, facilities managers, transportation managers, food services personnel, school psychologists, counselors, school nurses, teachers, classified employees, and public information officers. As appropriate, the Superintendent shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

The plan shall comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and exercises to test and refine staff's responsiveness in the event of an emergency.

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services the district may deem necessary to meet the community's needs. (Education Code 32282)

District employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

**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.

**State References**

**Description**

19 CCR 2400-2450	Standardized Emergency Management System
5 CCR 550	<a href="#">Fire drills</a>
5 CCR 560	<a href="#">Civil defense and disaster preparedness plans</a>
CA Constitution Article 20, Section 3	<a href="#">Oath or affirmation</a>
Civ. Code 1714.5	<a href="#">Release from liability for disaster service workers and shelters</a>
Ed. Code 32001	<a href="#">Fire alarms and drills</a>
Ed. Code 32040	<a href="#">Duty to equip school with first aid kit</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 32290	<a href="#">Safety devices</a>
Ed. Code 39834	<a href="#">Operating overloaded bus</a>



**Cross References****Description**

0400	<a href="#">Comprehensive Plans</a>
0420	<a href="#">School Plans/Site Councils</a>
0420	<a href="#">School Plans/Site Councils</a>
0450	<a href="#">Comprehensive Safety Plan</a>
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1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
3000	<a href="#">Concepts And Roles</a>
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3513.3	<a href="#">Tobacco-Free Schools</a>
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3515	<a href="#">Campus Security</a>
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3515.2	<a href="#">Disruptions</a>
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3515.7	<a href="#">Firearms On School Grounds</a>
3516.1	<a href="#">Fire Drills And Fires</a>
3516.2	<a href="#">Bomb Threats</a>
3516.3	<a href="#">Earthquake Emergency Procedure System</a>

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3517	<a href="#">Facilities Inspection</a>
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3530	<a href="#">Risk Management/Insurance</a>
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5141	<a href="#">Health Care And Emergencies</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5142	<a href="#">Safety</a>
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**Cross References**

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**Description**[Comprehensive Health Education](#)[Comprehensive Health Education](#)[School-Sponsored Trips](#)[School-Sponsored Trips](#)[School-Sponsored Trips](#)[Guidance/Counseling Services](#)[Evaluating Existing Buildings](#)[Meetings And Notices](#)[Closed Session](#)[Closed Session](#)[Closed Session](#)

**Regulation 3516: Emergencies And Disaster Preparedness Plan**

**Status:** DRAFT

**Original Adopted Date:** 08/23/2018

The Superintendent or designee shall ensure that district and/or school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff
2. Earthquake, flood, or other natural disasters
3. Environmental hazards, such as leakages or spills of hazardous materials
4. Attack or disturbance, or threat of attack or disturbance, by an individual or group
5. Bomb threat or actual detonation
6. Biological, radiological, chemical, and other activities, or heightened warning of such activities
7. Medical emergencies and quarantines, such as a pandemic influenza outbreak
8. Attack or threat of attack to the district's digital network and technology infrastructure

The Superintendent or designee shall ensure that the district's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Regular inspection of school facilities and equipment, identification of risks, and implementation of strategies and measures to increase the safety and security of school facilities
2. Routine monitoring of the security of the district's digital network and technology infrastructure
3. Instruction for district staff and students regarding emergency plans, including:
  - a. Training of staff in first aid and cardiopulmonary resuscitation
  - b. Regular practice of emergency procedures by students and staff
4. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:
  - a. The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site
  - b. Individuals responsible for specific duties
  - c. Designation of the principal for the overall control and supervision of activities at each school during an emergency, including authorization to use discretion in situations which do not permit execution of prearranged plans
  - d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
  - e. Assignment of responsibility for identification of injured persons and administration of first aid
5. Personal safety and security, including:
  - a. Identification of areas of responsibility for the supervision of students
  - b. Procedures for the evacuation of students and staff, including posting of evacuation routes

- c. Procedures for the release of students, including a procedure to release students when reference to the emergency card is not feasible
  - d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety
  - e. Provision of a first aid kit to each classroom
  - f. Arrangements for students and staff with special needs
  - g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease
6. Closure of schools, including an analysis of:
- a. The impact on student learning and methods to ensure continuity of instruction
  - b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians
7. Communication among staff, parents/guardians, the Governing Board, other governmental agencies, and the media during an emergency, including:
- a. Identification of spokesperson(s)
  - b. Development and testing of communication platforms, such as hotlines, automatic dialing devices, telephone trees, websites, social media, and electronic notifications
  - c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
  - d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians
8. Cooperation with other state and local agencies, including:
- a. Development of guidelines for law enforcement involvement and intervention
  - b. Collaboration with the local health department, including development of a tracking system to alert the local health department of a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease
9. Steps to be taken after the disaster or emergency, including:
- a. Inspection of school facilities
  - b. Provision of mental health services for students and staff, as needed

The Superintendent or designee shall assemble critical information that would be needed in an emergency. Such information may include, but is not limited to, a list of individuals and organizations who should be contacted for assistance in an emergency, current layouts and blueprints of school buildings, aerial photos of the campus, maps of evacuation routes and alternate routes, a roster of employees with their work locations, student photographs and their emergency contact information, a clearly labeled set of keys, location of first aid supplies, procedures and locations for turning off fire alarms, sprinklers, utilities, and other systems, information to access the district's technology infrastructure, and insurance information. Such information shall be stored in a box in a secure, easily accessible location, with a duplicate kept at another location in case the primary location is inaccessible.

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**State References**

19 CCR 2400-2450  
 5 CCR 550  
 5 CCR 560  
 CA Constitution Article 20, Section 3  
 Civ. Code 1714.5  
 Ed. Code 32001  
 Ed. Code 32040  
 Ed. Code 32280-32289.5  
 Ed. Code 32290  
 Ed. Code 39834  
 Ed. Code 46390-46392  
 Ed. Code 49505  
 Gov. Code 11549  
 Gov. Code 11549.3  
 Gov. Code 3100-3109  
 Gov. Code 8586.5  
 Gov. Code 8607  
 Public Utilities Code 2872

**Federal References**

20 USC 1400-1482  
 29 USC 794  
 42 USC 12101-12213

**Management Resources References**

Cal OES Publication  
 Cal OES Publication  
 Cal OES Publication  
 Cal OES Publication  
 California Department of Education Publication  
 Federal Emergency Management Agency Publication  
 U.S. Department of Education Publication  
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**Description**

Standardized Emergency Management System  
[Fire drills](#)  
[Civil defense and disaster preparedness plans](#)  
[Oath or affirmation](#)  
[Release from liability for disaster service workers and shelters](#)  
[Fire alarms and drills](#)  
[Duty to equip school with first aid kit](#)  
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[Natural disaster; meals for homeless students; reimbursement](#)  
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[Office of information security](#)  
[Oath or affirmation of allegiance](#)  
[California Cybersecurity Integration Center](#)  
[Standardized Emergency Management System](#)  
[Automatic dialing](#)

**Description**

[Individuals with Disabilities Education Act](#)  
[Rehabilitation Act of 1973; Section 504](#)  
[Americans with Disabilities Act](#)

**Description**

California Emergency Management for Schools: A Guide for Districts and Sites  
 School Emergency Response: Using SEMS at Districts and Sites, June 1998  
 State of California Emergency Plan, 2017  
 Active Shooter Awareness Guidance, February 2018  
 Crisis Response Box, 2000  
 National Incident Management System, 3rd ed., October 2017  
 Guide for Developing High-Quality School Emergency Operations Plans, 2013  
[California Public Utilities Commission](#)  
[California Office of Emergency Services: School Emergency Planning & Safety](#)  
[California Department of Education, Comprehensive School Safety Plans](#)  
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[CSBA District and County Office of Education Legal Services](#)  
[California Department of Education, Crisis Preparedness](#)

**Management Resources References**

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**Description**

[Centers for Disease Control and Prevention](#)  
[U.S. Department of Education, Emergency Planning](#)  
[U.S. Department of Homeland Security](#)  
[Federal Emergency Management Agency](#)  
[California Governor's Office of Emergency Services](#)  
[California Seismic Safety Commission](#)  
[American Red Cross](#)  
[California Attorney General's Office](#)  
[CSBA](#)

**Cross References**

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[Tobacco-Free Schools](#)

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4319.41	<a href="#">Employees With Infectious Disease</a>
4331	<a href="#">Staff Development</a>
4357	<a href="#">Employee Safety</a>
4357	<a href="#">Employee Safety</a>
5113	<a href="#">Absences And Excuses</a>

**Cross References**

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**Description**

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[Student Disturbances](#)  
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[Health Care And Emergencies](#)  
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[Administering Medication And Monitoring Health Conditions](#)  
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**Policy 3550: Food Service/Child Nutrition Program**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016 | **Last Revised Date:** 12/09/2022

The Governing Board recognizes that adequate, nourishing food is essential to student health and well-being, development, and ability to learn. The Superintendent or designee shall develop strategies to increase students' access to and participation in the district's food service programs and maintain fiscal integrity of the programs in accordance with law.

Each school day, a nutritionally adequate breakfast and lunch shall be made available at no cost to any student who requests a meal, including a student enrolled in an independent study program on any school day in which the student is scheduled for in-person educational activities of two or more hours. A nutritionally adequate breakfast or lunch is one that qualifies for reimbursement under the most current meal pattern for the federal School Breakfast Program or National School Lunch Program.

After a student has been provided a school meal at no cost, the district may sell the student the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service. (Education Code 49431)

Foods and beverages available through the district's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
2. Meet or exceed nutrition standards specified in law
3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits
4. Be served in age-appropriate portions

At the beginning of each school year, the Superintendent or designee shall communicate information related to the district's food service programs to the public through available means, including, but not limited to, the district's website, social media, flyers, and school publications.

The district's food service program shall give priority to serving freshly prepared onsite meals, using whole or minimally processed sustainable foods which are locally grown or produced, including fresh fruits and vegetables, and providing plant-based or restricted diet food options for students.

District schools are encouraged to establish school gardens and/or farm-to-school projects to increase the availability of safe, fresh, seasonal fruits and vegetables for school meals, positively impact students' knowledge related to food and nutrition, support the district's nutrition education program, and increase students' consumption of these foods and participation in school meals.

To the extent possible, the school meal program shall be coordinated with the nutrition education program, instructional program for teachers, parents/guardians and food service employees, available community resources, and other related district programs.

To encourage student participation in school meal programs, schools may offer multiple choices of food items within a meal service, provided all food items meet nutrition standards and all students are given an opportunity to select any food item.

The Superintendent or designee may invite students and parents/guardians to participate in the selection of foods of good nutritional quality for school menus.



Students shall be allowed adequate time and space to eat meals. (Education Code 49501.5)

To the extent possible, school, recess, and transportation schedules shall be designed to promote participation in school meal programs.

The Superintendent or designee shall periodically review the adequacy of school cafeterias and facilities for food preparation and consumption.

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation and service process.

The Superintendent or designee shall annually report to the Board on student participation in the district's nutrition programs and the extent to which the district's food service program meets state and federal nutrition standards for foods and beverages. In addition, the Superintendent or designee shall provide all necessary and available documentation required for the Administrative Review conducted by the California Department of Education (CDE) to ensure the food service program's compliance with federal requirements related to nutrition standards, meal patterns, provision of drinking water, school meal environment, food safety, and other areas as required by CDE.

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

#### **State References**

	<b>Description</b>
5 CCR 15510	<a href="#">Mandatory meals for needy students</a>
5 CCR 15530-15535	<a href="#">Nutrition education</a>
5 CCR 15550-15565	<a href="#">School lunch and breakfast programs</a>
5 CCR 15575-15578	<a href="#">Requirements for foods and beverages outside the federal meals program</a>
Ed. Code 35182.5	<a href="#">Contracts for advertising</a>
Ed. Code 38080-38103	<a href="#">Cafeteria; establishment and use</a>
Ed. Code 45103.5	<a href="#">Contracts for management consulting services; restrictions</a>
Ed. Code 48432.3	<a href="#">Voluntary enrollment in continuation education</a>
Ed. Code 49430-49434	<a href="#">Pupil Nutrition, Health, and Achievement Act of 2001</a>
Ed. Code 49490-49494	<a href="#">School breakfast and lunch programs</a>
Ed. Code 49501.5-49506	<a href="#">School meals</a>
Ed. Code 49510-49520	<a href="#">Nutrition</a>
Ed. Code 49530-49536	<a href="#">Child Nutrition Act</a>
Ed. Code 49540-49546	<a href="#">Child care food program</a>
Ed. Code 49547-49548.3	<a href="#">Comprehensive nutrition services</a>
Ed. Code 49550.3-49562	Meals for needy students
Ed. Code 49570	<a href="#">National School Lunch Act</a>
Ed. Code 51795-51798	<a href="#">School instructional gardens</a>
H&S Code 113700-114437	<a href="#">California Retail Food Code; sanitation and safety requirements</a>

#### **Federal References**

	<b>Description</b>
42 USC 1751-1769j	<a href="#">School Lunch Program</a>
42 USC 1758b	<a href="#">Local wellness policy</a>
42 USC 1761	<a href="#">Summer Food Service Program and Seamless Summer Feeding Option</a>

**Federal References**

42 USC 1769a  
 42 USC 1771-1793  
 42 USC 1772  
 42 USC 1773  
 7 CFR 210.1-210.33  
 7 CFR 215.1-215.18  
 7 CFR 220.2-220.22  
 7 CFR 245.1-245.13

**Description**

[Fresh Fruit and Vegetable Program](#)  
[Child Nutrition Act](#)  
[Special Milk Program](#)  
[School Breakfast Program](#)  
[National School Lunch Program](#)  
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 National School Breakfast Program  
 Eligibility for free and reduced-price meals and free milk

**Management Resources References**

California Department of Education Publication  
 California Department of Education Publication  
 California Department of Food and Agriculture Pub  
 California Project Lean Publication  
 CSBA Publication  
 CSBA Publication  
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 U.S. Department of Agriculture Publication  
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**Description**

[Professional Standards in the School Nutrition Programs, Management Bulletin SNP-13-2020, Updated January 2022](#)  
[Healthy Children Ready to Learn, 2006](#)  
[Planting the Seed: Farm to School Roadmap for Success, February 2022](#)  
[Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006](#)  
[Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012](#)  
[Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2008](#)  
[Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, October 2007](#)  
[Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009](#)  
[Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006](#)  
[School Breakfast Toolkit](#)  
[Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005](#)  
[Dietary Guidelines for Americans, 2020](#)  
[Food Buying Guide for Child Nutrition Programs, May 2022](#)  
[Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010](#)  
[Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005](#)  
[California Department of Food and Agriculture, Office of Farm to Fork](#)  
[CSBA District and County Office of Education Legal Services](#)  
[U.S. Department of Agriculture, Food and Nutrition Service](#)  
[California Farm Bureau Federation](#)  
[Nourish California](#)  
[California Project LEAN \(Leaders Encouraging Activity and Nutrition\)](#)  
[Centers for Disease Control and Prevention](#)  
[California School Nutrition Association](#)  
[California Department of Education, School Nutrition](#)

**Management Resources References**

Website  
 Website  
 Website  
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[National Alliance for Nutrition and Activity](#)  
[California Department of Public Health](#)  
[California Healthy Kids Resource Center](#)  
[CSBA](#)

**Cross References**

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[Concerted Action/Work Stoppage](#)

**Cross References**

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[Education For Homeless Children](#)  
[Weekend/Saturday Classes](#)  
[Facilities Master Plan](#)

**Regulation 3550: Food Service/Child Nutrition Program**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016 | **Last Revised Date:** 12/09/2022

### **Nutrition Standards for School Meals**

Meals, food items, and beverages provided through the district's food services program shall: (Education Code 49501.5, 49553; 42 USC 1758, 1773)

1. Comply with National School Lunch and/or Breakfast Program standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10 or 220.8 as applicable
2. Not be deep fried, par fried, or flash fried, as defined in Education Code 49430 and 49430.7

### **Drinking Water**

The district shall provide access to free, fresh drinking water during meal times in food service areas at all district schools, including, but not limited to, areas where reimbursable meals under the National School Lunch or Breakfast Program are served or consumed. (Education Code 38086; 42 USC 1758)

### **Special Milk Program**

Any school that does not participate in the National School Lunch or Breakfast Program may participate in the Special Milk Program to provide all enrolled students with reasonably priced milk. (7 CFR 215.7)

### **Food Safety**

The Superintendent or designee shall ensure that the district's food service program meets the applicable sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a written food safety program for the storage, preparation, and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) system. The district's HACCP plan shall include, but is not limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall ensure that food service directors, managers, and staff complete an annual continuing education or training as required by law. Each new employee, including a substitute, or volunteer shall complete initial food safety training prior to handling food. For each employee, the Superintendent or designee shall document the date, trainer, and subject of each training.

The Superintendent or designee shall assign staff to maintain records and logs documenting food safety activities, including, but not limited to, records of food deliveries, time and temperature monitoring during food production, equipment temperature (freezer, cooler, thermometer calibration), corrective actions, verification or review of safety efforts, and staff training.

### **Inspection of Food Facilities**

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and applicable county regulations.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall retain records from the most recent food safety inspection. All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (Health and Safety Code 113725.1; 42 USC 1758; 7 CFR 210.13, 210.15, 220.7)

**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.

**State References**

	<b>Description</b>
5 CCR 15510	<a href="#">Mandatory meals for needy students</a>
5 CCR 15530-15535	<a href="#">Nutrition education</a>
5 CCR 15550-15565	<a href="#">School lunch and breakfast programs</a>
5 CCR 15575-15578	<a href="#">Requirements for foods and beverages outside the federal meals program</a>
Ed. Code 35182.5	<a href="#">Contracts for advertising</a>
Ed. Code 38080-38103	<a href="#">Cafeteria; establishment and use</a>
Ed. Code 45103.5	<a href="#">Contracts for management consulting services; restrictions</a>
Ed. Code 48432.3	<a href="#">Voluntary enrollment in continuation education</a>
Ed. Code 49430-49434	<a href="#">Pupil Nutrition, Health, and Achievement Act of 2001</a>
Ed. Code 49490-49494	<a href="#">School breakfast and lunch programs</a>
Ed. Code 49501.5-49506	<a href="#">School meals</a>
Ed. Code 49510-49520	<a href="#">Nutrition</a>
Ed. Code 49530-49536	<a href="#">Child Nutrition Act</a>
Ed. Code 49540-49546	<a href="#">Child care food program</a>
Ed. Code 49547-49548.3	<a href="#">Comprehensive nutrition services</a>
Ed. Code 49550.3-49562	Meals for needy students
Ed. Code 49570	<a href="#">National School Lunch Act</a>
Ed. Code 51795-51798	<a href="#">School instructional gardens</a>
H&S Code 113700-114437	<a href="#">California Retail Food Code; sanitation and safety requirements</a>

**Federal References**

	<b>Description</b>
42 USC 1751-1769j	<a href="#">School Lunch Program</a>
42 USC 1758b	<a href="#">Local wellness policy</a>
42 USC 1761	<a href="#">Summer Food Service Program and Seamless Summer Feeding Option</a>
42 USC 1769a	<a href="#">Fresh Fruit and Vegetable Program</a>
42 USC 1771-1793	<a href="#">Child Nutrition Act</a>
42 USC 1772	<a href="#">Special Milk Program</a>
42 USC 1773	<a href="#">School Breakfast Program</a>
7 CFR 210.1-210.33	<a href="#">National School Lunch Program</a>
7 CFR 215.1-215.18	<a href="#">Special Milk Program</a>
7 CFR 220.2-220.22	National School Breakfast Program
7 CFR 245.1-245.13	Eligibility for free and reduced-price meals and free milk

**Management Resources References****Description**

California Department of Education Publication	<a href="#">Professional Standards in the School Nutrition Programs, Management Bulletin SNP-13-2020, Updated January 2022</a>
California Department of Education Publication	<a href="#">Healthy Children Ready to Learn, 2006</a>
California Department of Food and Agriculture Pub	<a href="#">Planting the Seed: Farm to School Roadmap for Success, February 2022</a>
California Project Lean Publication	<a href="#">Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006</a>
CSBA Publication	<a href="#">Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012</a>
CSBA Publication	<a href="#">Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2008</a>
CSBA Publication	<a href="#">Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, October 2007</a>
CSBA Publication	<a href="#">Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009</a>
CSBA Publication	<a href="#">Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006</a>
U.S. Department of Agriculture Publication	<a href="#">School Breakfast Toolkit</a>
U.S. Department of Agriculture Publication	<a href="#">Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005</a>
U.S. Department of Agriculture Publication	<a href="#">Dietary Guidelines for Americans, 2020</a>
U.S. Department of Agriculture Publication	<a href="#">Food Buying Guide for Child Nutrition Programs, May 2022</a>
U.S. Department of Agriculture Publication	<a href="#">Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010</a>
U.S. Department of Agriculture Publication	<a href="#">Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005</a>
Website	<a href="#">California Department of Food and Agriculture, Office of Farm to Fork</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Agriculture, Food and Nutrition Service</a>
Website	<a href="#">California Farm Bureau Federation</a>
Website	<a href="#">Nourish California</a>
Website	<a href="#">California Project LEAN (Leaders Encouraging Activity and Nutrition)</a>
Website	<a href="#">Centers for Disease Control and Prevention</a>
Website	<a href="#">California School Nutrition Association</a>
Website	<a href="#">California Department of Education, School Nutrition</a>
Website	<a href="#">National Alliance for Nutrition and Activity</a>
Website	<a href="#">California Department of Public Health</a>
Website	<a href="#">California Healthy Kids Resource Center</a>
Website	<a href="#">CSBA</a>

**Cross References****Description**

0500	<a href="#">Accountability</a>
1312.4	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E PDF(1)	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E(1)	<a href="#">Williams Uniform Complaint Procedures</a>

**Cross References**

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**Description**[Williams Uniform Complaint Procedures](#)[Williams Uniform Complaint Procedures](#)[Advertising And Promotion](#)[Access To District Records](#)[Access To District Records](#)[Concepts And Roles](#)[Fees And Charges](#)[Fees And Charges](#)[Green School Operations](#)[Environmental Safety](#)[Environmental Safety](#)[Facilities Inspection](#)[Facilities Inspection](#)[Food Service Operations/Cafeteria Fund](#)[Food Service Operations/Cafeteria Fund](#)[Free And Reduced Price Meals](#)[Free And Reduced Price Meals](#)[Other Food Sales](#)[Other Food Sales](#)[Other Food Sales](#)[Nutrition Program Compliance](#)[Nutrition Program Compliance](#)[District Records](#)[District Records](#)[Staff Development](#)[Concerted Action/Work Stoppage](#)[Concerted Action/Work Stoppage](#)[Staff Development](#)[Concerted Action/Work Stoppage](#)[Concerted Action/Work Stoppage](#)[Student Wellness](#)[Food Allergies/Special Dietary Needs](#)[Food Allergies/Special Dietary Needs](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Child Care And Development](#)[Child Care And Development](#)



**Cross References**

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**Description**[Before/After School Programs](#)[Before/After School Programs](#)[Preschool/Early Childhood Education](#)[Preschool/Early Childhood Education](#)[Comprehensive Health Education](#)[Comprehensive Health Education](#)[Education For Homeless Children](#)[Education For Homeless Children](#)[Education For Homeless Children](#)[Education For Homeless Children](#)[Weekend/Saturday Classes](#)[Facilities Master Plan](#)

**Policy 3551: Food Service Operations/Cafeteria Fund**

**Status:** DRAFT

**Original Adopted Date:** 05/17/2018 | **Last Revised Date:** 12/09/2022

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

At the Board's discretion, district funds other than the cafeteria fund may be used for the purchase of school meals.

The Superintendent or designee shall ensure that food service director(s) possess the qualifications required by 7 CFR 210.30 and California Department of Education (CDE) standards.

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by CDE. (42 USC 1776)

### **Meal Sales**

Each school day, a nutritionally adequate breakfast and lunch shall be made available at no cost to any student who requests a meal, including a student enrolled in an independent study program on any school day in which the student is scheduled for in-person educational activities of two or more hours. After such school meals have been made available to a student, the district may sell the student the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service. (Education Code 49431, 49501.5)

As permitted by law, adult meals and other nonprogram foods, such as smart snack compliant food and beverages sold in vending machines, may be sold to students. (Education Code 38082, 49431, 49501.5)

Meals may be sold to district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

In addition, meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are authorized by the Superintendent or designee to be on campus. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments. Such procedures shall conform with 2 CFR 200.426 and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.

### **Cafeteria Fund and Account**

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and for reasonable and necessary indirect program costs as allowed by law.

**OPTION 1: (Food service employees paid from general fund)**

The wages, salaries, and benefits of food service employees shall be paid from the district's general fund. At any time, the Board may order reimbursement from the district's cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)

**OPTION 1 ENDS HERE**

**OPTION 2: (Food service employees paid from cafeteria fund)**

The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

**OPTION 2 ENDS HERE**

**Contracts with Outside Services**

With Board approval, the district may enter into a contract for food service consulting services or management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

**Procurement of Foods, Equipment, and Supplies**

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. Domestic commodity or product means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

The district's food service program shall give priority to serving freshly prepared onsite meals, using whole or minimally processed sustainable foods which are locally grown or produced, including fresh fruits and vegetables, and to providing plant-based or restricted diet food options for students.

When soliciting for bids and contracts for the purchase of an agricultural food product, the district shall specify in the solicitation that only the purchase of agricultural food products grown, packed, or processed domestically is authorized, unless a specific exception applies. A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality, the quality of the domestic product is inferior to the quality of the nondomestic product, or the bid or price of the nondomestic product is more than 25 percent lower than the bid or price of the domestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception for three years from the date of purchase. (Food and Agriculture Code 58596.3)

Furthermore, the district shall accept a bid or price for an agricultural food product grown in California before accepting a bid or price for a domestic agricultural food product that is grown outside the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price for domestic product produced outside the state. (Food and Agriculture Code 58595)

Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code 2000, shall be consistent with the federal procurement standards in 2 CFR 200.318-200.326. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code 20111)

**Program Monitoring and Evaluation**

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and

expenditures related to the food service program.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by CDE to ensure compliance of the district's food service program with federal requirements.

**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.

#### State References

12 CCR 18928-18998.4  
5 CCR 15550-15565  
Ed. Code 38080-38086  
Ed. Code 38090-38095  
Ed. Code 38100-38103  
Ed. Code 42646  
Ed. Code 45103.5  
Ed. Code 49010  
Ed. Code 49431  
Ed. Code 49490-49494  
Ed. Code 49501.5-49506  
Ed. Code 49550.3-49562  
Ed. Code 49554  
Ed. Code 49580-49581  
F&A Code 58595  
F&A Code 58596.1-58596.5  
H&S Code 113700-114437  
Pub. Cont. Code 2000-2002  
Pub. Cont. Code 20111  
Pub. Cont. Code 3410

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[Educational activity; definition](#)  
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Meals for needy students  
[Contract for services](#)  
[Food recovery program](#)  
[Preference for California-grown agricultural products](#)  
[Buy American Food Act; purchase of nondomestic agricultural food products](#)  
[California Retail Food Code; sanitation and safety requirements](#)  
[Responsive bidders](#)  
[Contracts over \\$50,000; contracts for construction; award to lowest responsible bidder](#)  
[U.S. produce and processed foods](#)

#### Federal References

2 CFR 200  
2 CFR 200.318-200.326  
2 CFR 200.400-200.475  
2 CFR 200.56  
42 USC 1751-1769j  
42 USC 1771-1793  
42 USC 1773  
7 CFR 210.1-210.33  
7 CFR 245.8  
7 CFR 250.1-250.70

#### Description

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[Child Nutrition Act](#)  
[School Breakfast Program](#)  
[National School Lunch Program](#)  
[Nondiscrimination practices for students eligible for free and reduced price meal and free milk](#)  
USDA foods

**Management Resources References****Description**

CA Dept of Social Services Publication	<a href="#">Food Distribution Program Administrative Manual</a>
California Department of Education Publication	<a href="#">Professional Standards in the SNPs, NSD Management Bulletin, SNP-13-2020, rev. January 2022</a>
California Department of Education Publication	<a href="#">Food Service Management Company Contract Preapproval, NSD Management Bulletin, SNP-05-2023, March 2023</a>
California Department of Education Publication	<a href="#">Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-04-2023, July 2023</a>
California Department of Education Publication	<a href="#">Excess Net Cash Resources – Revised to Increase Limitation, NSD Management Bulletin, SNP-04-2022, May 2022</a>
California Department of Education Publication	<a href="#">Pricing of Adult Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, SNP-04-2021, August 2021</a>
California Department of Education Publication	<a href="#">Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015, January 2015</a>
California Department of Education Publication	<a href="#">Cafeteria Funds - Allowable Uses, NSD Management Bulletin, SNP-05-2020, February 2020</a>
California Department of Education Publication	<a href="#">Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018</a>
California Department of Education Publication	<a href="#">California School Accounting Manual</a>
U.S. Department of Agriculture Publication	<a href="#">Buy American and the Agriculture Improvement Act of 2018, SP-32-2019, August 2019</a>
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U.S. Department of Agriculture Publication	<a href="#">Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016</a>
U.S. Department of Agriculture Publication	<a href="#">Indirect Costs: Guidance for State Agencies and School Food Authorities, SP 60-2016, September 2016</a>
U.S. Department of Agriculture Publication	<a href="#">Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP-38-2017, June 2017</a>
U.S. Department of Agriculture Publication	<a href="#">Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014</a>
U.S. Dept of Agriculture Publication	<a href="#">School Meals - FAQs</a>
Website	<a href="#">CalRecycle, Resources for Local Education Agencies: K-12 Public Schools and School Districts</a>
Website	<a href="#">California Department of Education, Accounting</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Agriculture, Food and Nutrition Service</a>
Website	<a href="#">California Department of Social Services</a>
Website	<a href="#">California Department of Education, School Nutrition</a>
Website	<a href="#">California School Nutrition Association</a>

**Cross References****Description**

0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
1113	<a href="#">District And School Websites</a>
1113	<a href="#">District And School Websites</a>
1113-E PDF(1)	<a href="#">District And School Websites</a>
1113-E(1)	<a href="#">District And School Websites</a>
1113-E(2)	<a href="#">District And School Websites</a>

**Cross References****Description**

1113-E(3)	<a href="#">District And School Websites</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3110	<a href="#">Transfer Of Funds</a>
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3230	<a href="#">Federal Grant Funds</a>
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3260	<a href="#">Fees And Charges</a>
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3311	<a href="#">Bids</a>
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3314.2	<a href="#">Revolving Funds</a>
3400	<a href="#">Management Of District Assets/Accounts</a>
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3460	<a href="#">Financial Reports And Accountability</a>
3460	<a href="#">Financial Reports And Accountability</a>
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3511	<a href="#">Energy And Water Management</a>
3511	<a href="#">Energy And Water Management</a>
3512	<a href="#">Equipment</a>
3512-E PDF(1)	<a href="#">Equipment</a>
3515.6	<a href="#">Criminal Background Checks For Contractors</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3553	<a href="#">Free And Reduced Price Meals</a>
3553	<a href="#">Free And Reduced Price Meals</a>
3554	<a href="#">Other Food Sales</a>
3554	<a href="#">Other Food Sales</a>
3554-E PDF(1)	<a href="#">Other Food Sales</a>
3555	<a href="#">Nutrition Program Compliance</a>
3555-E PDF(1)	<a href="#">Nutrition Program Compliance</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
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4212	<a href="#">Appointment And Conditions Of Employment</a>
4212.4	<a href="#">Health Examinations</a>
4231	<a href="#">Staff Development</a>

**Cross References**

4312.4

4331

5030

5145.6

5145.6-E PDF(1)

5145.6-E PDF(2)

5145.6-E PDF(3)

5145.6-E(1)

**Description**[Health Examinations](#)[Staff Development](#)[Student Wellness](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)

**Regulation 3551: Food Service Operations/Cafeteria Fund**

**Status:** DRAFT

**Original Adopted Date:** 05/17/2018 | **Last Revised Date:** 12/09/2022

### **Payments for Meals**

The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

At the beginning of the school year, the Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of eligibility forms at the start of the school year
4. Posting the policy on the district's website

### **Reimbursement Claims**

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free and reduced-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

### **Minimizing Food Waste and Reducing Food Insecurity**

The District shall take steps to minimize food waste and reduce food insecurity in district schools. (Health and Safety Code 114079)

The Superintendent or designee shall arrange to recover the maximum amount of edible food that would otherwise be disposed for donation to a local food recovery organization. (14 CCR 18991.3)

The district may also provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce that complies with Health and Safety Code 113992, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

The Superintendent or designee shall maintain records related to edible food recovery including a list of each food recovery service or organization that collects or receives the district's edible food, contact information for the service or organization, the types of food, frequency, and quantity that will be collected or hauled by the district, and a copy of contracts or written agreements between the district and food recovery services or organizations. (14 CCR 18991.4)

### **Cafeteria Fund and Account**



All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. (Education Code 38090, 38093)

The cafeteria fund shall be used only for those expenditures authorized by the Governing Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

The district may use cafeteria funds to supplement the provision of a nutritionally adequate breakfast and/or lunch to district students when permitted by law.

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the purpose of and basis for the expenditure. (Education Code 38101)

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate as approved by CDE or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

Net cash resources in the nonprofit school food service shall not exceed six months' average expenditures. (7 CFR 210.14, 220.7)

#### **U.S. Department of Agriculture Foods**

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

#### **Contracts with Outside Services**

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

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### State References

12 CCR 18928-18998.4  
5 CCR 15550-15565  
Ed. Code 38080-38086  
Ed. Code 38090-38095  
Ed. Code 38100-38103  
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Ed. Code 45103.5  
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Ed. Code 49490-49494  
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Ed. Code 49550.3-49562  
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F&A Code 58595  
F&A Code 58596.1-58596.5  
H&S Code 113700-114437  
Pub. Cont. Code 2000-2002  
Pub. Cont. Code 20111  
Pub. Cont. Code 3410

### Federal References

2 CFR 200  
2 CFR 200.318-200.326  
2 CFR 200.400-200.475  
2 CFR 200.56  
42 USC 1751-1769j  
42 USC 1771-1793  
42 USC 1773  
7 CFR 210.1-210.33  
7 CFR 245.8  
7 CFR 250.1-250.70

### Management Resources References

CA Dept of Social Services Publication  
California Department of Education Publication  
California Department of Education Publication

### Description

Short-lived climate pollutants  
[School lunch and breakfast programs](#)  
[School meals](#)  
[Cafeterias; funds and accounts](#)  
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[Educational activity; definition](#)  
[The Pupil Nutrition, Health, and Achievement Act of 2001](#)  
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[Nondiscrimination practices for students eligible for free and reduced price meal and free milk](#)  
USDA foods

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[Professional Standards in the SNPs, NSD Management Bulletin, SNP-13-2020, rev. January 2022](#)  
[Food Service Management Company Contract Preapproval, NSD Management Bulletin, SNP-05-2023, March 2023](#)

**Management Resources References****Description**

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U.S. Department of Agriculture Publication	<a href="#">Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP-38-2017, June 2017</a>
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Website	<a href="#">U.S. Department of Agriculture, Food and Nutrition Service</a>
Website	<a href="#">California Department of Social Services</a>
Website	<a href="#">California Department of Education, School Nutrition</a>
Website	<a href="#">California School Nutrition Association</a>

**Cross References****Description**

0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
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1113	<a href="#">District And School Websites</a>
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1113-E(1)	<a href="#">District And School Websites</a>
1113-E(2)	<a href="#">District And School Websites</a>
1113-E(3)	<a href="#">District And School Websites</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
3100	<a href="#">Budget</a>

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3100	<a href="#">Budget</a>
3110	<a href="#">Transfer Of Funds</a>
3230	<a href="#">Federal Grant Funds</a>
3230	<a href="#">Federal Grant Funds</a>
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3512	<a href="#">Equipment</a>
3512-E PDF(1)	<a href="#">Equipment</a>
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4331	<a href="#">Staff Development</a>
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5145.6	<a href="#">Parent/Guardian Notifications</a>

**Cross References**

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5145.6-E PDF(2)

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**Policy 3553: Free And Reduced Price Meals**

**Status:** DRAFT

**Original Adopted Date:** 05/17/2018 | **Last Revised Date:** 12/09/2022

The Governing Board recognizes that adequate nutrition is essential to the development, health and well-being, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of all students in the district's food service program.

Each school day, the district shall make available, free of charge, one nutritionally adequate breakfast and one nutritionally adequate lunch for any student who requests a meal. (Education Code 49501.5)

After a student has been provided a school meal at no cost, the district may sell the student the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service. (Education Code 49431)

To provide optimal nutrition and ensure that schools receive maximum federal meal reimbursement, the Superintendent or designee shall assess the eligibility of district schools to operate a federal universal meal service provision, such as Provision 2 or the Community Eligibility Provision, pursuant to 42 USC 1759a. The Superintendent or designee shall submit an application to operate a federal universal meal provision to the California Department of Education (CDE) on behalf of any district school that meets the definition of a "high poverty school." (Education Code 49564.3)

The Superintendent or designee shall ensure that meals served under the school nutrition program meet applicable state and/or federal nutritional standards, as specified in law and district-adopted guidelines.

The Board shall approve, and shall submit to CDE for approval, a plan that ensures that students eligible to receive free or reduced-price meals are not treated differently from other students and that meets other requirements specified in Education Code 49557.

**Confidentiality/Release of Records**

All applications and records related to eligibility for the free and reduced-price meal program shall be confidential and may not be disclosed except as provided by law and authorized by the Board or pursuant to a court order. (Education Code 49558)

The Board authorizes designated employees to use records pertaining to an individual student's eligibility for the free and reduced-price meal program for the following purposes: (Education Code 49558)

1. Disaggregation of academic achievement data
2. Identification of students eligible for services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576
3. Facilitation of targeted educational services and supports to individual students based on the local control accountability plan

If a student transfers from the district to another district, charter school, county office of education program, or private school, the Superintendent or designee may share the student's meal eligibility information to the other educational agency to assist that other educational agency in ensuring that the student continues to receive school meals.

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another school district, charter school, or county office of education that is serving a student living in the same household for purposes related to program eligibility and data used in local control funding

formula (LCFF) calculations. (Education Code 49558)

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining allocations under the LCFF and for assessing accountability of that funding. (Education Code 49558)

The Superintendent or designee may release information on the school lunch program application to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals or, if included in the agreement with the local agency, for reduced-price meals. The Superintendent or designee also may release information on the school lunch application to the local agency that determines eligibility for CalFresh or another nutrition assistance program authorized under 7 CFR 210.1 if the student has been approved for free or reduced-price meals. Information may be released for these purposes only if the student's parent/guardian consents to the sharing of information and the district has entered into a memorandum of understanding with the local agency which, at a minimum, includes the roles and responsibilities of the district and local agency and the process for sharing the information. After sharing information with the local agency for purposes of determining eligibility for that program, no further information shall be shared unless otherwise authorized by law. (Education Code 49557.2, 49557.3, 49558)

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#### **State References**

5 CCR 15510

#### **Description**

[Mandatory meals for needy students](#)

5 CCR 15530-15535

[Nutrition education](#)

5 CCR 15550-15565

[School lunch and breakfast programs](#)

Ed. Code 48980

[Parent/Guardian notifications](#)

Ed. Code 49430-49434

[Pupil Nutrition, Health, and Achievement Act of 2001](#)

Ed. Code 49490-49494

[School breakfast and lunch programs](#)

Ed. Code 49501.5-49506

[School meals](#)

Ed. Code 49510-49520

[Nutrition](#)

Ed. Code 49530-49536

[Child Nutrition Act](#)

Ed. Code 49547-49548.3

[Comprehensive nutrition services](#)

Ed. Code 49550.3-49562

Meals for needy students

Ed. Code 49564.3

[High-poverty schools; universal meal service](#)

#### **Federal References**

#### **Description**

20 USC 1232g

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

20 USC 6301-6576

Title I Improving the Academic Achievement of the Disadvantaged

42 USC 1751-1769j

[School Lunch Program](#)

42 USC 1771-1791

Child nutrition

42 USC 1773

[School Breakfast Program](#)

7 CFR 210.1-210.33

[National School Lunch Program](#)

7 CFR 220.10-220.21

National School Breakfast Program

7 CFR 245.1-245.13

Eligibility for free and reduced-price meals and free milk

#### **Management Resources References**

#### **Description**

California Department of Education Publication

[Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, Management Bulletin SNP-12-2015, July 2015](#)

**Management Resources References**

California Department of Education Publication

CSBA Publication

CSBA Publication

U.S. Department of Agriculture Publication

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**Description**[Clarification on the Sharing of Individual Student Eligibility Information for Local Control and Accountability Plan Purposes, Management Bulletin SNP-02-2018, May 2018](#)[Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012](#)[Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006](#)[Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002](#)[Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2017](#)[CSBA District and County Office of Education Legal Services](#)[U.S. Department of Agriculture, Food and Nutrition Service](#)[Nourish California](#)[California Project LEAN \(Leaders Encouraging Activity and Nutrition\)](#)[California Department of Education, School Nutrition](#)[CSBA](#)**Cross References**

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**Description**[Goals For The School District](#)[Nondiscrimination In District Programs And Activities](#)[Local Control And Accountability Plan](#)[Local Control And Accountability Plan](#)[Access To District Records](#)[Access To District Records](#)[Relations Between Other Governmental Agencies And The Schools](#)[Budget](#)[Budget](#)[Transportation Fees](#)[Transportation Fees](#)[Fees And Charges](#)[Fees And Charges](#)[Food Service/Child Nutrition Program](#)[Food Service/Child Nutrition Program](#)[Food Service Operations/Cafeteria Fund](#)[Food Service Operations/Cafeteria Fund](#)[Other Food Sales](#)[Other Food Sales](#)[Other Food Sales](#)[Nutrition Program Compliance](#)[Nutrition Program Compliance](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Unauthorized Release Of Confidential/Privileged Information](#)



**Cross References****Description**

4319.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
5030	<a href="#">Student Wellness</a>
5117	<a href="#">Interdistrict Attendance</a>
5117	<a href="#">Interdistrict Attendance</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5141.6	<a href="#">School Health Services</a>
5141.6	<a href="#">School Health Services</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
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5145.6-E PDF(2)	<a href="#">Parent/Guardian Notifications</a>
5145.6-E PDF(3)	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.2	<a href="#">Before/After School Programs</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6171	<a href="#">Title I Programs</a>
6171	<a href="#">Title I Programs</a>
6173	<a href="#">Education For Homeless Children</a>
6173	<a href="#">Education For Homeless Children</a>
6173-E PDF(1)	<a href="#">Education For Homeless Children</a>
6173-E PDF(2)	<a href="#">Education For Homeless Children</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>
6175	<a href="#">Migrant Education Program</a>
6175	<a href="#">Migrant Education Program</a>
6176	<a href="#">Weekend/Saturday Classes</a>
6177	<a href="#">Summer Learning Programs</a>

**Regulation 3553: Free And Reduced Price Meals**

**Status:** DRAFT

**Original Adopted Date:** 05/17/2018 | **Last Revised Date:** 12/09/2022

### Applications

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. The district's application packet shall include the notifications and information listed in Education Code 49557.2.

The application form and related information shall be distributed in paper form to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520, 49557; 42 USC 1758; 7 CFR 245.5)

In addition, the district application form for free and reduced price meals shall be available online. The online application form shall require completion of only those questions necessary for determining eligibility, contain clear instructions for families that are experiencing homelessness or who are migratory and comply with other requirements specified in Education Code 49557.

An application form and related information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

### Eligibility

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meal program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

Participants in the CalFresh, California Work Opportunity and Responsibility to Kids (CalWORKS), and Medi-Cal programs shall be directly certified for enrollment in the free and reduced-price meal program without further application. Participants in other state or federal programs may be directly certified when authorized by law. (Education Code 49561, 49562; 42 USC 1758; 7 CFR 245.6)

### Verification of Eligibility

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a.

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If, as a result of verification activities, the eligibility of a household that is receiving free or reduced-price benefits cannot be confirmed, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for the household's ineligibility. At least 10 days prior to the actual reduction or termination, the Superintendent or designee shall send a notice of adverse action to the household. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

### **Confidentiality/Release of Records**

The Superintendent designates the following district employee(s) to disclose a student's name and eligibility status from individual meal records only for the purpose of disaggregation of academic achievement data and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576.

\_\_\_\_\_  
(title or position)

In permitting the disclosure of student records for such purposes, the Superintendent or designee shall ensure that: (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meal program are maintained in the permanent records of any student if not otherwise allowed by law
2. Information regarding individual student participation in the free and reduced-price meal program is not publicly released
3. All other confidentiality provisions required by law are met
4. Information collected regarding individual students certified to participate in the free and reduced-price meal program is destroyed when no longer needed for its intended purpose

### **Nondiscrimination Plan**

In implementing the district's food service programs for students who are eligible to receive free or reduced-price meals, the district shall ensure the following: (Education Code 49557; 42 USC 1758)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means
3. The students shall not be required to work for their meals
4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals at a different time

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

**State References**

5 CCR 15510  
 5 CCR 15530-15535  
 5 CCR 15550-15565  
 Ed. Code 48980  
 Ed. Code 49430-49434  
 Ed. Code 49490-49494  
 Ed. Code 49501.5-49506  
 Ed. Code 49510-49520  
 Ed. Code 49530-49536  
 Ed. Code 49547-49548.3  
 Ed. Code 49550.3-49562  
 Ed. Code 49564.3

**Federal References**

20 USC 1232g  
 20 USC 6301-6576  
 42 USC 1751-1769j  
 42 USC 1771-1791  
 42 USC 1773  
 7 CFR 210.1-210.33  
 7 CFR 220.10-220.21  
 7 CFR 245.1-245.13

**Management Resources References**

California Department of Education Publication  
 California Department of Education Publication  
 CSBA Publication  
 CSBA Publication  
 U.S. Department of Agriculture Publication  
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**Description**

[Mandatory meals for needy students](#)  
[Nutrition education](#)  
[School lunch and breakfast programs](#)  
[Parent/Guardian notifications](#)  
[Pupil Nutrition, Health, and Achievement Act of 2001](#)  
[School breakfast and lunch programs](#)  
[School meals](#)  
[Nutrition](#)  
[Child Nutrition Act](#)  
[Comprehensive nutrition services](#)  
 Meals for needy students  
[High-poverty schools; universal meal service](#)

**Description**

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)  
 Title I Improving the Academic Achievement of the Disadvantaged  
[School Lunch Program](#)  
 Child nutrition  
[School Breakfast Program](#)  
[National School Lunch Program](#)  
 National School Breakfast Program  
 Eligibility for free and reduced-price meals and free milk

**Description**

[Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, Management Bulletin SNP-12-2015, July 2015](#)  
[Clarification on the Sharing of Individual Student Eligibility Information for Local Control and Accountability Plan Purposes, Management Bulletin SNP-02-2018, May 2018](#)  
[Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012](#)  
[Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006](#)  
[Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002](#)  
[Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2017](#)  
[CSBA District and County Office of Education Legal Services](#)  
[U.S. Department of Agriculture, Food and Nutrition Service](#)  
[Nourish California](#)  
[California Project LEAN \(Leaders Encouraging Activity and Nutrition\)](#)  
[California Department of Education, School Nutrition](#)  
[CSBA](#)

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**Description**[Goals For The School District](#)[Nondiscrimination In District Programs And Activities](#)[Local Control And Accountability Plan](#)[Local Control And Accountability Plan](#)[Access To District Records](#)[Access To District Records](#)[Relations Between Other Governmental Agencies And The Schools](#)[Budget](#)[Budget](#)[Transportation Fees](#)[Transportation Fees](#)[Fees And Charges](#)[Fees And Charges](#)[Food Service/Child Nutrition Program](#)[Food Service/Child Nutrition Program](#)[Food Service Operations/Cafeteria Fund](#)[Food Service Operations/Cafeteria Fund](#)[Other Food Sales](#)[Other Food Sales](#)[Other Food Sales](#)[Nutrition Program Compliance](#)[Nutrition Program Compliance](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Student Wellness](#)[Interdistrict Attendance](#)[Interdistrict Attendance](#)[Student Records](#)[Student Records](#)[School Health Services](#)[School Health Services](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Child Care And Development](#)

**Cross References**

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**Description**[Child Care And Development](#)[Before/After School Programs](#)[Before/After School Programs](#)[State Academic Achievement Tests](#)[State Academic Achievement Tests](#)[Title I Programs](#)[Title I Programs](#)[Education For Homeless Children](#)[Education For Homeless Children](#)[Education For Homeless Children](#)[Education For Homeless Children](#)[Education For Foster Youth](#)[Education For Foster Youth](#)[Migrant Education Program](#)[Migrant Education Program](#)[Weekend/Saturday Classes](#)[Summer Learning Programs](#)

**Policy 4111: Recruitment And Selection**

**Status:** DRAFT

**Original Adopted Date:** 05/17/2018

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected for employment in the district based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.

When a vacancy occurs, the Superintendent or designee shall review, as appropriate, the job description for the position to ensure that it accurately describes the major functions and duties of the position. The Superintendent or designee shall also disseminate job announcements to ensure a wide range of candidates.

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

### **Incentives**

With Board approval and in accordance with district needs and any applicable collective bargaining agreements, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.

**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.

**State References**

	<b>Description</b>
Ed. Code 200-270	<a href="#">Prohibition of discrimination</a>
Ed. Code 35035	<a href="#">Powers and duties of the superintendent; transfer authority</a>
Ed. Code 44066	<a href="#">Limitations on certification requirements</a>
Ed. Code 44259	<a href="#">Teaching credential, exception; designated subjects; minimum requirements</a>
Ed. Code 44750	<a href="#">Teacher recruitment resource center</a>
Ed. Code 44830-44831	<a href="#">Employment of certificated persons</a>
Ed. Code 44858	<a href="#">Age or marital status in certificated positions</a>
Ed. Code 44859	<a href="#">Prohibition against certain rules and regulations regarding residency</a>
Ed. Code 45103-45139	<a href="#">Employment; classified employees</a>
Ed. Code 49406	<a href="#">TB risk assessment</a>
Gov. Code 12900-12996	<a href="#">Fair Employment and Housing Act</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Gov. Code 815.2	<a href="#">Liability of public entities and public employees</a>
H&S Code 53570-53574	<a href="#">Teacher Housing Act of 2016</a>
Lab. Code 432.3	<a href="#">Salary information</a>

**Federal References**

	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 12101-12213	<a href="#">Americans with Disabilities Act</a>
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	<a href="#">Freedom of Information Act</a>
8 USC 1324a	<a href="#">Unlawful employment of aliens</a>
8 USC 1324b	<a href="#">Unfair immigration related employment practices</a>

**Management Resources References**

	<b>Description</b>
CA Commission on Teacher Credentialing Publication	<a href="#">Strategic Plan: Ensuring Educator Excellence, 2023</a>
California County Superintendents Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
California Department of Education Publication	<a href="#">How to Increase the Diversity of California's Educator Workforce, April 2022</a>
Court Decision	C.A. v William S. Hart Union High School District et al. (2012) 138 Cal.Rptr.3d 1
Ctr for Cities + Schools, cityLAB & Terner Ctr Pub	<a href="#">Education Workforce Housing in California: Developing the 21st Century Campus, 2021</a>
Ctr for Cities + Schools, cityLAB & Terner Ctr Pub Website	<a href="#">Education Workforce Housing in California: The Handbook University of California Los Angeles, cityLAB</a>



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**Description**

[University of California Berkeley, Turner Center for Housing Innovation](#)  
[University of California Berkeley, Center for Cities + Schools](#)  
[CSBA District and County Office of Education Legal Services](#)  
[Commission on Teacher Credentialing](#)  
[Education Job Opportunities Information Network](#)  
[Teach USA](#)  
[California County Superintendents](#)  
[California Civil Rights Department](#)  
[U.S. Department of Education](#)  
[Equal Employment Opportunity Commission](#)  
[California Department of Education](#)

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**Description**[Legal Status Requirement](#)[Legal Status Requirement](#)[Appointment And Conditions Of Employment](#)[Employment References](#)[Employment References](#)[Employment Of Relatives](#)[Administrative And Supervisory Personnel](#)[Administrative And Supervisory Personnel](#)[Legal Status Requirement](#)[Legal Status Requirement](#)[Contracts](#)[Employment References](#)[Employment References](#)[Employment Of Relatives](#)[Postretirement Employment](#)[Staff Development](#)[Title I Programs](#)[Title I Programs](#)[Role Of The Board](#)

**Regulation 4112.5: Criminal Record Check**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment solely on the basis that the person has been: (Education Code 44830.1, 44836, 45122.1, 45123)

1. Convicted of a violent or serious felony, controlled substance offense, or sex offense, and the conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor
2. Convicted of a violent or serious felony and has obtained a certificate of rehabilitation or a pardon
3. Convicted of a serious felony, that is not also a violent felony, and has proven to the sentencing court that rehabilitation for purposes of school employment has been attained for at least one year
4. Convicted of a controlled substance offense and is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing
5. Convicted of a controlled substance offense and is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

**Pre-Employment Record Check**

The Superintendent or designee shall require each person to be employed by the district to submit fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

**Subsequent Arrest Notification**

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

#### **Notification of Applicant/Employee**

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

#### **Maintenance of Records**

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

#### **Interagency Agreement**

Subject to an interagency agreement with other school districts, the district shall submit and receive CORI on behalf of all participating districts. (Education Code 44830.2, 45125.01)

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, the district shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible

for employment. (Education Code 44830.2, 45125.01)

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the district shall give notice to the superintendent of any participating district, or the person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or the authorized designee. The report shall be made available at the district office for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The district shall not release a copy of that information to any participating district or any other person. In addition, the district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

The district shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ. (Education Code 44830.2, 45125.01)

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

#### State References

11 CCR 701-708

11 CCR 720-724

11 CCR 994-994.15

Ed. Code 44010

Ed. Code 44011

Ed. Code 44332-44332.6

Ed. Code 44346.1

Ed. Code 44830.1

Ed. Code 44830.2

Ed. Code 44836

Ed. Code 44932

Ed. Code 45122.1

Ed. Code 45125

Ed. Code 45125.01

Ed. Code 45125.5

Ed. Code 45126

Ed. Code 49024

Gov. Code 12954

H&S Code 11350

H&S Code 11377

Pen. Code 11075-11081

Pen. Code 11102.2

Pen. Code 11105

Pen. Code 11105.2

Pen. Code 11105.3

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[Criminal offender record information](#)

[Incomplete criminal history information](#)

Certification of individuals who take fingerprint impressions

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[Applicants for credential; conviction of a violent or serious felony](#)

[Criminal record summary; certificated employees](#)

[Certificated employees; interagency agreement for sharing criminal record information](#)

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[Interagency agreements for criminal record information](#)

[Automated records check](#)

[Duty of Department of Justice to furnish information](#)

[Activity Supervisor Clearance Certificate](#)

[Employment discrimination; cannabis use](#)

[Offenses Involving Controlled Substances Formerly Classified as Narcotics](#)

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[Criminal record dissemination](#)

[Maintenance of criminal offender records; custodian of records](#)

[Access to criminal history information](#)

[Subsequent arrest notification](#)

[Record of conviction involving sex crimes, drug crimes or crimes of violence](#)

**State References**

Pen. Code 11140-11144  
 Pen. Code 1192.7  
 Pen. Code 1203.4  
 Pen. Code 1203.425  
 Pen. Code 13300-13305  
 Pen. Code 667.5

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[Plea bargaining limitation](#)  
[Dismissal of conviction](#)  
[Conviction relief](#)  
[Local summary criminal history information](#)  
[Prior prison terms; enhancement of prison terms](#)

**Management Resources References**

Court Decision  
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 Website

**Description**

Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145  
[CSBA District and County Office of Education Legal Services](#)  
[Office of the Attorney General, Department of Justice, Background Checks](#)  
[CSBA](#)

**Cross References**

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[Volunteer Assistance](#)  
[Access To District Records](#)  
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[Superintendent Recruitment And Selection](#)  
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**Description**[Temporary/Substitute Personnel](#)[Temporary/Substitute Personnel](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Classified Personnel](#)[Classified Personnel](#)[Appointment And Conditions Of Employment](#)[Personnel Files](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Dismissal/Suspension/Disciplinary Action](#)[Dismissal/Suspension/Disciplinary Action](#)[Dismissal/Suspension/Disciplinary Action \(Merit System\)](#)[Dismissal/Suspension/Disciplinary Action \(Merit System\)](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Personnel Files](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Child Care And Development](#)[Child Care And Development](#)[Before/After School Programs](#)[Before/After School Programs](#)[Preschool/Early Childhood Education](#)[Preschool/Early Childhood Education](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)[Disclosure Of Confidential/Privileged Information](#)

**Exhibit 4112.5-E(1): Criminal Record Check**

Status: DRAFT

Original Adopted Date: Pending

**SAMPLE EMPLOYEE STATEMENT FORM  
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of \_\_\_\_\_ School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

**"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."**

Civil Code 1798.53, Invasion of Privacy, states:

**"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."**

**CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:**

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Name of District \_\_\_\_\_

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

**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.

**State References**

11 CCR 701-708

11 CCR 720-724

**Description**

[Criminal offender record information](#)

[Incomplete criminal history information](#)



**State References**

11 CCR 994-994.15  
 Ed. Code 44010  
 Ed. Code 44011  
 Ed. Code 44332-44332.6  
 Ed. Code 44346.1  
 Ed. Code 44830.1  
 Ed. Code 44830.2  
 Ed. Code 44836  
 Ed. Code 44932  
 Ed. Code 45122.1  
 Ed. Code 45125  
 Ed. Code 45125.01  
 Ed. Code 45125.5  
 Ed. Code 45126  
 Ed. Code 49024  
 Gov. Code 12954  
 H&S Code 11350  
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 Pen. Code 11075-11081  
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 Pen. Code 11105  
 Pen. Code 11105.2  
 Pen. Code 11105.3  
 Pen. Code 11140-11144  
 Pen. Code 1192.7  
 Pen. Code 1203.4  
 Pen. Code 1203.425  
 Pen. Code 13300-13305  
 Pen. Code 667.5

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Certification of individuals who take fingerprint impressions  
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[Criminal record summary; certificated employees](#)  
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[Classified employees; conviction of a violent or serious felony](#)  
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[Interagency agreements for criminal record information](#)  
[Automated records check](#)  
[Duty of Department of Justice to furnish information](#)  
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[Employment discrimination; cannabis use](#)  
[Offenses Involving Controlled Substances Formerly Classified as Narcotics](#)  
[Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs](#)  
[Criminal record dissemination](#)  
[Maintenance of criminal offender records; custodian of records](#)  
[Access to criminal history information](#)  
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[Local summary criminal history information](#)  
[Prior prison terms; enhancement of prison terms](#)

**Management Resources References**

Court Decision  
 Website  
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 Website

**Description**

Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145  
[CSBA District and County Office of Education Legal Services](#)  
[Office of the Attorney General, Department of Justice, Background Checks](#)  
[CSBA](#)

**Cross References**

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**Description**

[Volunteer Assistance](#)

**Cross References****Description**

1240	<a href="#">Volunteer Assistance</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
2120	<a href="#">Superintendent Recruitment And Selection</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
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**Cross References**

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**Description**[Dismissal/Suspension/Disciplinary Action \(Merit System\)](#)[Dismissal/Suspension/Disciplinary Action \(Merit System\)](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Personnel Files](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Child Care And Development](#)[Child Care And Development](#)[Before/After School Programs](#)[Before/After School Programs](#)[Preschool/Early Childhood Education](#)[Preschool/Early Childhood Education](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)[Disclosure Of Confidential/Privileged Information](#)

**Policy 4118: Dismissal/Suspension/Disciplinary Action**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016 | **Last Revised Date:** 03/09/2023

The Governing Board expects all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, or administrative regulation.

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance.

The Superintendent or designee shall ensure that disciplinary actions are appropriately documented and taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, suspension or leave without pay, or dismissal.

#### **Suspension/Dismissal Procedures**

The Superintendent shall notify the Board whenever there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

Based on the written statement of charges, the Board may, upon majority vote, give notice to the employee of the Board's intention to suspend or dismiss the employee at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)

Prior to serving a suspension or dismissal notice that includes a charge of unsatisfactory performance, the district shall give the employee written notice of the unsatisfactory performance that specifies the nature of the unsatisfactory performance with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unsatisfactory performance charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unsatisfactory performance shall be provided at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. (Education Code 44938)

Prior to serving a suspension or dismissal notice that includes a charge of unprofessional conduct, the district shall give the employee written notice that describes the nature of the unprofessional conduct with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unprofessional conduct charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice. (Education Code 44938)

Except for notices that only include charges of unsatisfactory performance, the written suspension or dismissal notice may be served at any time of year. Such notice shall be served upon the employee personally if given outside of the instructional year or, if given during the instructional year, may be served personally or by registered mail to the employee's last known address. Notices with a charge of unsatisfactory performance shall be given only during

the instructional year of the school site where the employee is physically employed and may be served personally or by registered mail to the employee's last known address. (Education Code 44936)

If an employee has been served notice and demands a hearing pursuant to Government Code 11505 and 11506, the Board shall either rescind its action or schedule a hearing on the matter. (Education Code 44941, 44941.1, 44943, 44944)

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by district rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from assigned duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1)

When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the Board shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of the district and shall have at least three years' experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code 44944. (Education Code 44944)

### Compulsory Leave of Absence

Upon being informed that a certificated employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5)

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

#### State References

#### Description

5 CCR 80303	<a href="#">Reports of change in employment status; alleged misconduct</a>
5 CCR 80304	<a href="#">Notice of sexual misconduct</a>
CA Constitution Article 1, Section 1	<a href="#">Inalienable rights</a>
Ed. Code 44008	<a href="#">Effect of termination of probation</a>
Ed. Code 44009	<a href="#">Conviction of specified crimes</a>
Ed. Code 44010	<a href="#">Sex offense; definitions</a>
Ed. Code 44011	<a href="#">Controlled substance offense</a>
Ed. Code 44242.5	<a href="#">Reports and review of alleged misconduct</a>
Ed. Code 44425	<a href="#">Conviction of a sex or narcotic offense</a>
Ed. Code 44660-44665	<a href="#">Evaluation and assessment of performance of certificated employees</a>
Ed. Code 44830.1	<a href="#">Criminal record summary; certificated employees</a>
Ed. Code 44929.21	<a href="#">Notice of reelection decision; districts with 250 ADA or more</a>
Ed. Code 44929.23	<a href="#">Districts with less than 250 ADA</a>
Ed. Code 44930-44988	<a href="#">Resignations, dismissals and leaves of absence</a>
Ed. Code 45055	<a href="#">Drawing of warrants for teachers</a>
Ed. Code 48907	<a href="#">Exercise of free expression; time, place, and manner rules and regulations</a>
Ed. Code 48950	<a href="#">Speech and other communication</a>
Ed. Code 51530	<a href="#">Advocacy or teaching of communism</a>

**State References**

Gov. Code 1028  
 Gov. Code 11505-11506  
 Gov. Code 12954  
 Gov. Code 3543.2  
 H&S Code 11054  
 H&S Code 11055  
 H&S Code 11056  
 H&S Code 11357-11361  
 H&S Code 11363  
 H&S Code 11364  
 H&S Code 11370.1  
 Pen. Code 11165.2-11165.6  
 Pen. Code 1192.7  
 Pen. Code 187  
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**Federal References**

U.S. Constitution, First Amendment

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[Free exercise, free speech, and establishment clauses](#)

**Management Resources References**

Commission on Teacher Credentialing Publication  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 U.S. Department of Education Publication  
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**Description**

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007  
 Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844  
 Kennedy v. Bremerton (2022) 142 S.Ct. 2407  
 Crowl v. Commission on Professional Competence (1990) 225 Cal. App. 3d 334  
 Morrison v. State Board of Education (1969) 1 Cal.3d 214  
[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)  
[Office of the Attorney General](#)  
[Office of Administrative Hearings](#)  
[Department of General Services, About Teacher Dismissal Case Type](#)  
[CSBA District and County Office of Education Legal Services](#)  
[Commission on Teacher Credentialing](#)  
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**Cross References**

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**Description**

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**Regulation 4118: Dismissal/Suspension/Disciplinary Action**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016 | **Last Revised Date:** 02/16/2023

### Causes for Suspension or Dismissal

A certificated employee with permanent status may be suspended without pay or dismissed only for one or more of the following causes: (Education Code 44932)

1. Immoral conduct including, but not limited to, egregious misconduct that is the basis for a sex offense or controlled substance offense described in Education Code 44010 or 44011 or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Unprofessional conduct
3. Commission, aiding, or advocating the commission of acts of criminal syndicalism
4. Dishonesty
5. Unsatisfactory performance
6. Evident unfitness for service
7. Physical or mental condition unfitting the employee to instruct or associate with children
8. Persistent violation of or refusal to obey the school laws or reasonable regulations of the state or district
9. Conviction of a felony or of any crime involving moral turpitude
10. Violation of Education Code 51530 or Government Code 1028 prohibiting the advocacy or teaching of communism
11. Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children

An employee may be suspended or dismissed on grounds of unprofessional conduct consisting of acts or omissions not listed above if the charge specifies instances of behavior deemed to constitute unprofessional conduct. (Education Code 44933)

### Suspension/Dismissal of Permanent Employees

When a permanent certificated employee is charged with one or more of the offenses specified in the section "Causes for Suspension or Dismissal" above, the following procedures shall apply:

1. The person preparing a written statement of charges that there is cause to suspend or dismiss an employee shall submit the signed statement to the Governing Board, or a written statement of charges shall be formulated by the Board that cause to suspend or dismiss the permanent employee exists. (Education Code 44934, 44934.1)
2. The employee, upon receiving notice of the Board's intent to suspend or dismiss, may request a hearing on the matter. The hearing shall be conducted by the Commission on Professional Competence, except that any case involving only egregious misconduct shall be heard instead by an administrative law judge and, in any other case, the hearing may be conducted by an administrative law judge when both the district and the employee so stipulate. (Education Code 44943, 44944, 44944.05, 44944.1, 44944.3)
3. Except when the employee is charged solely with egregious misconduct, the district may amend the charges less than 90 days before the hearing only upon showing of good cause and upon approval of the administrative law judge. (Education Code 44934)

4. The employee shall be suspended or dismissed when the Commission on Professional Competence or administrative law judge has issued its decision upholding suspension or dismissal or, if the employee did not request a hearing, at the expiration of 30 days after service of the notice of intent to suspend or dismiss. (Education Code 44941, 44943, 44944)

The Superintendent or designee shall notify the Commission on Teacher Credentialing when the employment status of a certificated employee has been changed as a result of alleged misconduct or while an allegation of misconduct is pending. (Education Code 44030.5, 44242.5, 44940; 5 CCR 80303)

### **Suspension/Dismissal of Probationary Employees**

The district may choose not to rehire probationary employees for the following school year without giving a statement of reasons if proper notice is provided by March 15 of the employee's second, complete, consecutive year of employment. (Education Code 44929.21, 44929.23)

**OPTION 1: (Districts with ADA of 250 or more, or districts with less than 250 ADA that have elected to use the dismissal procedures in Education Code 44948.3)**

During the school year, a probationary employee who is in the first or second year of service may be dismissed only for one or more of the causes listed in Items #1-11 in the section "Causes for Suspension or Dismissal" above or for unsatisfactory performance determined pursuant to Education Code 44660-44665. (Education Code 44948.2, 44948.3)

Whenever a first- or second-year probationary employee is so charged, the following procedures shall apply for dismissing the employee during the school year: (Education Code 44948.3)

1. The Superintendent or designee shall give 30 days' prior written notice of dismissal, not later than March 15 in the case of second-year probationary employees. The notice shall include a statement of the reasons for the dismissal, notice of the opportunity to appeal, and, if the cause is unsatisfactory performance, a copy of the evaluation conducted pursuant to Education Code 44664.
2. Upon receipt of the notice of dismissal, the employee may be dismissed if no request for a hearing is submitted to the Board within 15 days.
3. If a hearing is requested, the district may arrange for the appointment of an administrative law judge to conduct the hearing and to recommend a decision to the Board.

A probationary employee may be suspended without pay for a specified period of time as an alternative to dismissal. (Education Code 44948.3)

**OPTION 1 ENDS HERE**

**OPTION 2: (Districts with less than 250 ADA that do not grant permanent status after two years and do not elect to use the procedures in Education Code 44948.3)**

During the school year, probationary employees may be dismissed only for one or more of the causes listed in Items #1-11 in the section "Causes for Suspension or Dismissal" above. (Education Code 44948)

Whenever a probationary employee is so charged, dismissal procedures shall be those set forth in Education Code 44934 and 44934.1 as described in the section "Suspension/Dismissal of Permanent Employees" above.

**OPTION 2 ENDS HERE**

### **Compulsory Leave of Absence**

Upon being informed that a certificated employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44830.1, 44940)

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187, prohibiting murder or attempted murder
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a certificated employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1, except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinol. (Education Code 44940)

If an employee is charged with an offense that falls into both the mandatory and optional leave of absence definitions, the offense shall be treated as a mandatory leave of absence offense. (Education Code 44940)

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless a hearing is demanded. (Education Code 44940, 44940.5)

During the period of compulsory leave, the employee shall be compensated in accordance with Education Code 44940.5.

Upon receipt of telephone or electronic notification from the Department of Justice that a current temporary, substitute, or probationary employee serving before March 15 of the second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place the employee on leave without pay. Upon receipt of electronic notification of the conviction from the Department of Justice, such employee shall be automatically terminated and without regard to any other termination procedure. (Education Code 44830.1)

**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.

#### State References

#### Description

5 CCR 80303	<a href="#">Reports of change in employment status; alleged misconduct</a>
5 CCR 80304	<a href="#">Notice of sexual misconduct</a>
CA Constitution Article 1, Section 1	<a href="#">Inalienable rights</a>
Ed. Code 44008	<a href="#">Effect of termination of probation</a>
Ed. Code 44009	<a href="#">Conviction of specified crimes</a>
Ed. Code 44010	<a href="#">Sex offense; definitions</a>
Ed. Code 44011	<a href="#">Controlled substance offense</a>
Ed. Code 44242.5	<a href="#">Reports and review of alleged misconduct</a>
Ed. Code 44425	<a href="#">Conviction of a sex or narcotic offense</a>
Ed. Code 44660-44665	<a href="#">Evaluation and assessment of performance of certificated employees</a>
Ed. Code 44830.1	<a href="#">Criminal record summary; certificated employees</a>
Ed. Code 44929.21	<a href="#">Notice of reelection decision; districts with 250 ADA or more</a>
Ed. Code 44929.23	<a href="#">Districts with less than 250 ADA</a>
Ed. Code 44930-44988	<a href="#">Resignations, dismissals and leaves of absence</a>
Ed. Code 45055	<a href="#">Drawing of warrants for teachers</a>
Ed. Code 48907	<a href="#">Exercise of free expression; time, place, and manner rules and regulations</a>

**State References**

Ed. Code 48950  
 Ed. Code 51530  
 Gov. Code 1028  
 Gov. Code 11505-11506  
 Gov. Code 12954  
 Gov. Code 3543.2  
 H&S Code 11054  
 H&S Code 11055  
 H&S Code 11056  
 H&S Code 11357-11361  
 H&S Code 11363  
 H&S Code 11364  
 H&S Code 11370.1  
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 Pen. Code 187  
 Pen. Code 291  
 Pen. Code 667.5

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**Federal References**

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[Free exercise, free speech, and establishment clauses](#)

**Management Resources References**

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California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007  
 Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844  
 Kennedy v. Bremerton (2022) 142 S.Ct. 2407  
 Crowl v. Commission on Professional Competence (1990) 225 Cal. App. 3d 334  
 Morrison v. State Board of Education (1969) 1 Cal.3d 214  
[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)  
[Office of the Attorney General](#)  
[Office of Administrative Hearings](#)  
[Department of General Services, About Teacher Dismissal Case Type](#)  
[CSBA District and County Office of Education Legal Services](#)  
[Commission on Teacher Credentialing](#)  
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**Cross References**

**Description**

**Policy 4140: Bargaining Units**

**Status:** DRAFT

**Original Adopted Date:** 10/18/2018 | **Last Revised Date:** 12/13/2023

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative for the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons, insignia, or other pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

**Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Education Code 45100.5, Government Code 3543.4)

*Management employee* means an employee in a position having significant responsibilities for formulating district policies or administering district programs. (Government Code 3540.1)

*Confidential employee* means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

**Membership**

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

**District Communications to Employees**

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

### **Access to New Employee Orientations**

The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the district's operations that was not reasonably foreseeable. (Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

### **Access to Employee Contact Information**

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all

new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6205-6210, 6215-6216, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, home telephone number, and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

### **Communications with Employees by Employee Organizations**

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

### **Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount that has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of the written authorization to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the

information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

**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.

**State References**

	<b>Description</b>
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	<a href="#">Severance of established unit</a>
Ed. Code 45060-45061.5	<a href="#">Deduction of fees from salary or wage payment; certificated employees</a>
Ed. Code 45100.5	<a href="#">Senior classified management positions</a>
Ed. Code 45104.5	<a href="#">Abolishment of senior classified management positions</a>
Ed. Code 45108.5	<a href="#">Definition of senior classified management employees</a>
Ed. Code 45108.7	<a href="#">Waiver of provisions of Education Code 45108.5</a>
Ed. Code 45168	<a href="#">Deduction of fees from salary or wage payment; classified employees</a>
Ed. Code 45220-45320	<a href="#">Merit system; classified employees</a>
Gov. Code 3500-3511	<a href="#">Local public employee organizations</a>
Gov. Code 3507.7	<a href="#">Representation of temporary employees</a>
Gov. Code 3540-3549.3	<a href="#">Educational Employment Relations Act</a>
Gov. Code 3540.1	<a href="#">Public employment; definitions</a>
Gov. Code 3543.4	<a href="#">Management and confidential positions; representation</a>
Gov. Code 3545	<a href="#">Appropriateness of unit; basis</a>
Gov. Code 3550-3552	<a href="#">Prohibition on public employers deterring or discouraging union membership</a>
Gov. Code 3555-3559	<a href="#">Public employee communication, information and orientation</a>
Gov. Code 53260-53264	<a href="#">Employment contracts</a>
Gov. Code 6205-6210	<a href="#">Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction</a>
Gov. Code 6215-6216	<a href="#">Address confidentiality for individuals who face threats or violence because of work for a public entity</a>
Gov. Code 6503.5	<a href="#">Joint powers agencies; agreement</a>
Gov. Code 7928.300	<a href="#">Disclosure of employee contact information to employee organization</a>

**Management Resources References**

	<b>Description</b>
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	Regents of the University of California (2004) PERB Dec. No. 1700-H.
Public Employment Relations Board Ruling	Desert Community College District (2007) PERB Dec. No. 1921

**Management Resources References**

Public Employment Relations Board Ruling  
Public Employment Relations Board Ruling  
Website  
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**Description**

East Whittier School District (2004) PERB Dec. No. 1727  
City of Sacramento (2019) PERB Dec. No. 2702  
[CSBA District and County Office of Education Legal Services](#)  
[California Federation of Teachers](#)  
[California Public Employment Relations Board](#)  
[California School Employees Association](#)  
[California Teachers Association](#)  
[Association of California School Administrators](#)  
[CSBA](#)

**Cross References**

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**Cross References**

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**Policy 4157: Employee Safety**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016 | **Last Revised Date:** 02/18/2021

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

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

**State References**

**Description**

17 CCR 2508	<a href="#">Reporting of communicable diseases</a>
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	<a href="#">Injury and illness prevention program</a>
8 CCR 3204	<a href="#">Access to employee exposure and medical records</a>
8 CCR 3400	<a href="#">Medical services and first aid</a>
8 CCR 5095-5100	<a href="#">Control of noise exposure</a>
8 CCR 5193	<a href="#">Bloodborne pathogens</a>
Ed. Code 32030-32034	<a href="#">Eye safety</a>

**State References**

Ed. Code 32225-32226  
 Ed. Code 32280-32289.5  
 Ed. Code 44984  
 Gov. Code 3543.2  
 Lab. Code 1139  
 Lab. Code 132a  
 Lab. Code 3300  
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**Federal References**

17 CFR 2508  
 29 CFR 1910.1030  
 29 CFR 1910.95  
 29 CFR 651-678  
 8 CFR 14000-14316  
 8 CFR 3204  
 8 CFR 5193

**Description**

Reporting of communicable diseases  
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 Occupational safety and health  
 Occupational injury or illness reports and records  
 Access to employee exposure and medical records  
 Bloodborne pathogens

**Management Resources References**

CA Department of Industrial Relations Publication  
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**Description**

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005  
[CSBA District and County Office of Education Legal Services](#)  
[National Institute for Occupational Safety and Health](#)  
[U.S. Department of Labor, Occupational Safety and Health Administration](#)  
[California Department of Industrial Relations, Occupational Safety and Health](#)  
[National Hearing Conservation Association](#)  
[Centers for Disease Control and Prevention](#)  
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**Regulation 4157: Employee Safety**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016 | **Last Revised Date:** 02/18/2021

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

If the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of an imminent hazard, including a machine, device, apparatus, or equipment that is in a dangerous condition or is dangerously placed, the Superintendent or designee shall post a notice of the hazard provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the workplace, operation, or process is made safe, and the required safeguards, safety appliances, or devices are provided. (Labor Code 6325)

**Injury and Illness Prevention Program**

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not limited to:
  - a. Recognition of employees who follow safe and healthful work practices
  - b. Training and retraining programs
  - c. Disciplinary actions
3. A system for communicating with employees in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but is not limited to:
  - a. Meetings
  - b. Training programs
  - c. Posting
  - d. Written communications
  - e. A system of anonymous notification by employees about hazards
  - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
  - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
  - b. Whenever the district is made aware of a new or previously unrecognized hazard

5. A procedure for investigating occupational injury or illness
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered

When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:
  - a. To all new employees
  - b. To all employees given new job assignments for which training has not previously been received
  - c. Whenever new substances, processes, procedures, or equipment are introduced into the workplace and represent a new hazard
  - d. Whenever the district is made aware of a new or previously unrecognized hazard
  - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed
8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language. (Labor Code 6401.9)

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee.

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or website that allows an employee to review, print, and email the current version of the district's injury and illness prevention program.

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

**Labor/Management Safety and Health Committee**

The district's labor/management safety and health committee shall: (8 CCR 3203)

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by Cal/OSHA upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.
7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

#### **Hearing Protection**

Whenever employee noise exposure equals or exceeds the standards specified by law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

#### **Eye Safety Devices**

Employees shall wear eye safety devices whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury. (Education Code 32030-32034)

#### **First Aid and Medical Services**

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness



3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate

### Protection from Communicable Diseases and Infections

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

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

State References	Description
17 CCR 2508	<a href="#">Reporting of communicable diseases</a>
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	<a href="#">Injury and illness prevention program</a>
8 CCR 3204	<a href="#">Access to employee exposure and medical records</a>
8 CCR 3400	<a href="#">Medical services and first aid</a>
8 CCR 5095-5100	<a href="#">Control of noise exposure</a>
8 CCR 5193	<a href="#">Bloodborne pathogens</a>
Ed. Code 32030-32034	<a href="#">Eye safety</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 44984	<a href="#">Required rules for industrial accident and illness leave</a>
Gov. Code 3543.2	<a href="#">Scope of representation</a>
Lab. Code 1139	<a href="#">Worker's rights in emergencies</a>
Lab. Code 132a	<a href="#">Workers' compensation; nondiscrimination</a>
Lab. Code 3300	<a href="#">Definition of employer</a>
Lab. Code 6305	<a href="#">Occupational safety and health standards; special order</a>
Lab. Code 6310	<a href="#">Retaliation for filing complaint prohibited</a>
Lab. Code 6325	<a href="#">Prohibition of entry into place of employment</a>
Lab. Code 6400-6413.5	<a href="#">Responsibilities and duties of employers and employees</a>
Lab. Code 6401.7	<a href="#">Injury and illness prevention program</a>
Lab. Code 6401.9	<a href="#">Workplace violence prevention plans</a>

**Federal References**

17 CFR 2508  
 29 CFR 1910.1030  
 29 CFR 1910.95  
 29 CFR 651-678  
 8 CFR 14000-14316  
 8 CFR 3204  
 8 CFR 5193

**Description**

Reporting of communicable diseases  
[Bloodborne pathogens](#)  
[Noise standards](#)  
 Occupational safety and health  
 Occupational injury or illness reports and records  
 Access to employee exposure and medical records  
 Bloodborne pathogens

**Management Resources References**

CA Department of Industrial Relations Publication  
 Website  
 Website  
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**Description**

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005  
[CSBA District and County Office of Education Legal Services](#)  
[National Institute for Occupational Safety and Health](#)  
[U.S. Department of Labor, Occupational Safety and Health Administration](#)  
[California Department of Industrial Relations, Occupational Safety and Health](#)  
[National Hearing Conservation Association](#)  
[Centers for Disease Control and Prevention](#)  
[CSBA](#)

**Cross References**

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**Description**

[Comprehensive Safety Plan](#)  
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[Dismissal/Suspension/Disciplinary Action](#)  
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[Employees With Infectious Disease](#)  
[Exposure Control Plan For Bloodborne Pathogens](#)

**Cross References**

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**Description**

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[Exposure Control Plan For Bloodborne Pathogens](#)  
[Universal Precautions](#)  
[Universal Precautions](#)  
[Staff Development](#)  
[Awards And Recognition](#)  
[Work-Related Injuries](#)  
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**Description**[Exposure Control Plan For Bloodborne Pathogens](#)[Universal Precautions](#)[Universal Precautions](#)[Staff Development](#)[Awards And Recognition](#)[Work-Related Injuries](#)[Ergonomics](#)[Employee Security](#)[Employee Security](#)[Industrial Accident/Illness Leave](#)[Infectious Diseases](#)[Infectious Diseases](#)[School Health Services](#)[School Health Services](#)[Science Instruction](#)

**Regulation 4157.1: Work-Related Injuries**

Status: DRAFT

**Original Adopted Date:** Pending

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

**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.

**State References**

8 CCR 15596

**Description**

[Notice of employee rights to workers' compensation benefits](#)

**State References**

Ed. Code 44984  
 Ed. Code 45192  
 Lab. Code 3200-4856  
 Lab. Code 3550-3553  
 Lab. Code 3600-3605  
 Lab. Code 3760  
 Lab. Code 4600  
 Lab. Code 4906  
 Lab. Code 5400-5413  
 Lab. Code 6302  
 Lab. Code 6409.1

**Description**

[Required rules for industrial accident and illness leave](#)  
[Industrial accident and illness leave for classified employees](#)  
[Workers' compensation](#)  
[Notifications: Workers' compensation benefits](#)  
[Conditions of liability](#)  
[Report of injury to insurer](#)  
[Provision of medical and hospital treatment by employer](#)  
[Disclosures and statements](#)  
[Notice of injury or death](#)  
[Definition of serious injury or illness](#)  
[Reports](#)

**Management Resources References**

CA Department of Industrial Relations Publication  
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**Description**

Workers' Compensation in California: A Guidebook for Injured Workers, 2016  
 Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility  
 Notice to Employees - Injuries Caused by Work  
 Time of Hire Pamphlet  
[CSBA District and County Office of Education Legal Services](#)  
[California Department of Industrial Relations, Division of Workers Compensation](#)  
[California Department of Industrial Relations, Occupational Safety and Health](#)  
[CSBA](#)  
[California Department of Public Health](#)

**Cross References**

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**Description**

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[Volunteer Assistance](#)  
[Claims And Actions Against The District](#)  
[Claims And Actions Against The District](#)  
[Claims And Actions Against The District](#)  
[Risk Management/Insurance](#)  
[Risk Management/Insurance](#)  
[Reasonable Accommodation](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
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[Employee Notifications](#)  
[Employee Notifications](#)  
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**Cross References****Description**

4113.4	<a href="#">Temporary Modified/Light-Duty Assignment</a>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
4157	<a href="#">Employee Safety</a>
4157	<a href="#">Employee Safety</a>
4157.2	<a href="#">Ergonomics</a>
4161.1	<a href="#">Personal Illness/Injury Leave</a>
4161.11	<a href="#">Industrial Accident/Illness Leave</a>
4161.9	<a href="#">Catastrophic Leave Program</a>
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4213.4	<a href="#">Temporary Modified/Light-Duty Assignment</a>
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4361.9	<a href="#">Catastrophic Leave Program</a>

**Policy 4211: Recruitment And Selection**

**Status:** DRAFT

**Original Adopted Date:** 05/17/2018

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected for employment in the district based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.

When a vacancy occurs, the Superintendent or designee shall review, as appropriate, the job description for the position to ensure that it accurately describes the major functions and duties of the position. The Superintendent or designee shall also disseminate job announcements to ensure a wide range of candidates.

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

### **Incentives**

With Board approval and in accordance with district needs and any applicable collective bargaining agreements, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.



**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.

**State References**

	<b>Description</b>
Ed. Code 200-270	<a href="#">Prohibition of discrimination</a>
Ed. Code 35035	<a href="#">Powers and duties of the superintendent; transfer authority</a>
Ed. Code 44066	<a href="#">Limitations on certification requirements</a>
Ed. Code 44259	<a href="#">Teaching credential, exception; designated subjects; minimum requirements</a>
Ed. Code 44750	<a href="#">Teacher recruitment resource center</a>
Ed. Code 44830-44831	<a href="#">Employment of certificated persons</a>
Ed. Code 44858	<a href="#">Age or marital status in certificated positions</a>
Ed. Code 44859	<a href="#">Prohibition against certain rules and regulations regarding residency</a>
Ed. Code 45103-45139	<a href="#">Employment; classified employees</a>
Ed. Code 49406	<a href="#">TB risk assessment</a>
Gov. Code 12900-12996	<a href="#">Fair Employment and Housing Act</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Gov. Code 815.2	<a href="#">Liability of public entities and public employees</a>
H&S Code 53570-53574	<a href="#">Teacher Housing Act of 2016</a>
Lab. Code 432.3	<a href="#">Salary information</a>

**Federal References**

	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 12101-12213	<a href="#">Americans with Disabilities Act</a>
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	<a href="#">Freedom of Information Act</a>
8 USC 1324a	<a href="#">Unlawful employment of aliens</a>
8 USC 1324b	<a href="#">Unfair immigration related employment practices</a>

**Management Resources References**

	<b>Description</b>
CA Commission on Teacher Credentialing Publication	<a href="#">Strategic Plan: Ensuring Educator Excellence, 2023</a>
California County Superintendents Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
California Department of Education Publication	<a href="#">How to Increase the Diversity of California's Educator Workforce, April 2022</a>
Court Decision	C.A. v William S. Hart Union High School District et al. (2012) 138 Cal.Rptr.3d 1
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub	<a href="#">Education Workforce Housing in California: Developing the 21st Century Campus, 2021</a>
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub Website	<a href="#">Education Workforce Housing in California: The Handbook University of California Los Angeles, cityLAB</a>

**Management Resources References**

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 Website

**Description**

[University of California Berkeley, Turner Center for Housing Innovation](#)  
[University of California Berkeley, Center for Cities + Schools](#)  
[CSBA District and County Office of Education Legal Services](#)  
[Commission on Teacher Credentialing](#)  
[Education Job Opportunities Information Network](#)  
[Teach USA](#)  
[California County Superintendents](#)  
[California Civil Rights Department](#)  
[U.S. Department of Education](#)  
[Equal Employment Opportunity Commission](#)  
[California Department of Education](#)

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[Classified Personnel](#)

**Cross References**

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**Description**[Legal Status Requirement](#)[Legal Status Requirement](#)[Appointment And Conditions Of Employment](#)[Employment References](#)[Employment References](#)[Employment Of Relatives](#)[Administrative And Supervisory Personnel](#)[Administrative And Supervisory Personnel](#)[Legal Status Requirement](#)[Legal Status Requirement](#)[Contracts](#)[Employment References](#)[Employment References](#)[Employment Of Relatives](#)[Postretirement Employment](#)[Staff Development](#)[Title I Programs](#)[Title I Programs](#)[Role Of The Board](#)

**Regulation 4212.5: Criminal Record Check**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment solely on the basis that the person has been: (Education Code 44830.1, 44836, 45122.1, 45123)

1. Convicted of a violent or serious felony, controlled substance offense, or sex offense, and the conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor
2. Convicted of a violent or serious felony and has obtained a certificate of rehabilitation or a pardon
3. Convicted of a serious felony, that is not also a violent felony, and has proven to the sentencing court that rehabilitation for purposes of school employment has been attained for at least one year
4. Convicted of a controlled substance offense and is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing
5. Convicted of a controlled substance offense and is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

**Pre-Employment Record Check**

The Superintendent or designee shall require each person to be employed by the district to submit fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

**Subsequent Arrest Notification**

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

#### **Notification of Applicant/Employee**

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

#### **Maintenance of Records**

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

#### **Interagency Agreement**

Subject to an interagency agreement with other school districts, the district shall submit and receive CORI on behalf of all participating districts. (Education Code 44830.2, 45125.01)

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, the district shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible

for employment. (Education Code 44830.2, 45125.01)

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the district shall give notice to the superintendent of any participating district, or the person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or the authorized designee. The report shall be made available at the district office for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The district shall not release a copy of that information to any participating district or any other person. In addition, the district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

The district shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ. (Education Code 44830.2, 45125.01)

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

#### State References

11 CCR 701-708  
11 CCR 720-724  
11 CCR 994-994.15  
Ed. Code 44010  
Ed. Code 44011  
Ed. Code 44332-44332.6  
Ed. Code 44346.1  
Ed. Code 44830.1  
Ed. Code 44830.2  
  
Ed. Code 44836  
Ed. Code 44932  
Ed. Code 45122.1  
Ed. Code 45125  
Ed. Code 45125.01  
Ed. Code 45125.5  
Ed. Code 45126  
Ed. Code 49024  
Gov. Code 12954  
H&S Code 11350  
H&S Code 11377  
Pen. Code 11075-11081  
Pen. Code 11102.2  
Pen. Code 11105  
Pen. Code 11105.2  
Pen. Code 11105.3

#### Description

[Criminal offender record information](#)  
[Incomplete criminal history information](#)  
Certification of individuals who take fingerprint impressions  
[Sex offense; definitions](#)  
[Controlled substance offense](#)  
[Temporary certificate of clearance](#)  
[Applicants for credential; conviction of a violent or serious felony](#)  
[Criminal record summary; certificated employees](#)  
[Certificated employees; interagency agreement for sharing criminal record information](#)  
[Employment of certificated persons convicted of sex offense or controlled substance offense](#)  
[Grounds for dismissal of permanent employees](#)  
[Classified employees; conviction of a violent or serious felony](#)  
[Use of personal identification cards to ascertain conviction of crime](#)  
[Interagency agreements for criminal record information](#)  
[Automated records check](#)  
[Duty of Department of Justice to furnish information](#)  
[Activity Supervisor Clearance Certificate](#)  
[Employment discrimination; cannabis use](#)  
[Offenses Involving Controlled Substances Formerly Classified as Narcotics](#)  
[Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs](#)  
[Criminal record dissemination](#)  
[Maintenance of criminal offender records; custodian of records](#)  
[Access to criminal history information](#)  
[Subsequent arrest notification](#)  
[Record of conviction involving sex crimes, drug crimes or crimes of violence](#)

**State References**

Pen. Code 11140-11144  
 Pen. Code 1192.7  
 Pen. Code 1203.4  
 Pen. Code 1203.425  
 Pen. Code 13300-13305  
 Pen. Code 667.5

**Description**

[Furnishing of state criminal history information](#)  
[Plea bargaining limitation](#)  
[Dismissal of conviction](#)  
[Conviction relief](#)  
[Local summary criminal history information](#)  
[Prior prison terms; enhancement of prison terms](#)

**Management Resources References**

Court Decision  
 Website  
 Website  
 Website

**Description**

Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145  
[CSBA District and County Office of Education Legal Services](#)  
[Office of the Attorney General, Department of Justice, Background Checks](#)  
[CSBA](#)

**Cross References**

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 1340  
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**Description**

[Volunteer Assistance](#)  
[Volunteer Assistance](#)  
[Access To District Records](#)  
[Access To District Records](#)  
[Superintendent Recruitment And Selection](#)  
[District Police/Security Department](#)  
[District Police/Security Department](#)  
[District Records](#)  
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[Appointment And Conditions Of Employment](#)  
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[Probationary/Permanent Status](#)  
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[Dismissal/Suspension/Disciplinary Action](#)  
[Dismissal/Suspension/Disciplinary Action](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Temporary/Substitute Personnel](#)  
[Temporary/Substitute Personnel](#)

**Cross References**

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4212.9-E PDF(3)

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**Description**[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Classified Personnel](#)[Classified Personnel](#)[Appointment And Conditions Of Employment](#)[Personnel Files](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Dismissal/Suspension/Disciplinary Action](#)[Dismissal/Suspension/Disciplinary Action](#)[Dismissal/Suspension/Disciplinary Action \(Merit System\)](#)[Dismissal/Suspension/Disciplinary Action \(Merit System\)](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Personnel Files](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Child Care And Development](#)[Child Care And Development](#)[Before/After School Programs](#)[Before/After School Programs](#)[Preschool/Early Childhood Education](#)[Preschool/Early Childhood Education](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)[Disclosure Of Confidential/Privileged Information](#)



**Exhibit 4212.5-E(1): Criminal Record Check**

Status: DRAFT

Original Adopted Date: Pending

**SAMPLE EMPLOYEE STATEMENT FORM  
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of \_\_\_\_\_ School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

**"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."**

Civil Code 1798.53, Invasion of Privacy, states:

**"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."**

**CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:**

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Name of District \_\_\_\_\_

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

**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.

**State References**

11 CCR 701-708

11 CCR 720-724

**Description**

[Criminal offender record information](#)

[Incomplete criminal history information](#)

**State References**

11 CCR 994-994.15  
Ed. Code 44010  
Ed. Code 44011  
Ed. Code 44332-44332.6  
Ed. Code 44346.1  
Ed. Code 44830.1  
Ed. Code 44830.2  
  
Ed. Code 44836  
  
Ed. Code 44932  
Ed. Code 45122.1  
Ed. Code 45125  
Ed. Code 45125.01  
Ed. Code 45125.5  
Ed. Code 45126  
Ed. Code 49024  
Gov. Code 12954  
H&S Code 11350  
H&S Code 11377  
  
Pen. Code 11075-11081  
Pen. Code 11102.2  
Pen. Code 11105  
Pen. Code 11105.2  
Pen. Code 11105.3  
Pen. Code 11140-11144  
Pen. Code 1192.7  
Pen. Code 1203.4  
Pen. Code 1203.425  
Pen. Code 13300-13305  
Pen. Code 667.5

**Description**

Certification of individuals who take fingerprint impressions  
[Sex offense; definitions](#)  
[Controlled substance offense](#)  
[Temporary certificate of clearance](#)  
[Applicants for credential; conviction of a violent or serious felony](#)  
[Criminal record summary; certificated employees](#)  
[Certificated employees; interagency agreement for sharing criminal record information](#)  
[Employment of certificated persons convicted of sex offense or controlled substance offense](#)  
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[Use of personal identification cards to ascertain conviction of crime](#)  
[Interagency agreements for criminal record information](#)  
[Automated records check](#)  
[Duty of Department of Justice to furnish information](#)  
[Activity Supervisor Clearance Certificate](#)  
[Employment discrimination; cannabis use](#)  
[Offenses Involving Controlled Substances Formerly Classified as Narcotics](#)  
[Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs](#)  
[Criminal record dissemination](#)  
[Maintenance of criminal offender records; custodian of records](#)  
[Access to criminal history information](#)  
[Subsequent arrest notification](#)  
[Record of conviction involving sex crimes, drug crimes or crimes of violence](#)  
[Furnishing of state criminal history information](#)  
[Plea bargaining limitation](#)  
[Dismissal of conviction](#)  
[Conviction relief](#)  
[Local summary criminal history information](#)  
[Prior prison terms; enhancement of prison terms](#)

**Management Resources References**

Court Decision  
Website  
Website  
Website

**Description**

Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145  
[CSBA District and County Office of Education Legal Services](#)  
[Office of the Attorney General, Department of Justice, Background Checks](#)  
[CSBA](#)

**Cross References**

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**Description**

[Volunteer Assistance](#)

**Cross References****Description**

1240	<a href="#">Volunteer Assistance</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
2120	<a href="#">Superintendent Recruitment And Selection</a>
3515.3	<a href="#">District Police/Security Department</a>
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4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
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4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218.1	<a href="#">Dismissal/Suspension/Disciplinary Action (Merit System)</a>
4218.1	<a href="#">Dismissal/Suspension/Disciplinary Action (Merit System)</a>

**Cross References**

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**Description**[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Personnel Files](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Child Care And Development](#)[Child Care And Development](#)[Before/After School Programs](#)[Before/After School Programs](#)[Preschool/Early Childhood Education](#)[Preschool/Early Childhood Education](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)[Disclosure Of Confidential/Privileged Information](#)

**Policy 4218: Dismissal/Suspension/Disciplinary Action**

Status: DRAFT

Original Adopted Date: 12/05/2019 | Last Revised Date: 02/16/2023

The Governing Board expects all employees to perform their jobs satisfactorily, to exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, or administrative regulation.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension or leave without pay, reduction of wages, or dismissal.

A probationary classified employee may be dismissed without cause anytime before the probationary period expires.

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

**Procedures for Serious Disciplinary Proceedings**

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly review process. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter. (Education Code 45113, 45116)

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board or by a third-party hearing officer, in accordance with law. (Education Code 45113, 45312)

A classified employee who timely requests a hearing may only be suspended, demoted, or dismissed pending the outcome of the hearing in accordance with Education Code 45113 and as specified in the accompanying administrative regulation.

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which disciplinary action was ultimately sustained, and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the recommended disciplinary action. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

Except for an allegation of egregious misconduct in which a minor is involved, the Board may delegate the authority to determine whether sufficient cause exists for disciplinary action to an impartial third-party hearing officer. When a matter is heard by a third-party hearing officer, the Board shall review the determination and adopt or reject the recommended decision. (Education Code 45113)

When any matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

### Compulsory Leave of Absence

Upon being informed that a classified employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5, 45304)

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

#### State References

#### Description

CA Constitution Article 1, Section 1	<a href="#">Inalienable rights</a>
Ed. Code 35161	<a href="#">Board delegation of any powers or duties</a>
Ed. Code 44009	<a href="#">Conviction of specified crimes</a>
Ed. Code 44010	<a href="#">Sex offense; definitions</a>
Ed. Code 44011	<a href="#">Controlled substance offense</a>
Ed. Code 44940	<a href="#">Compulsory leave of absence for certificated persons</a>
Ed. Code 44940.5	<a href="#">Procedures when employees are placed on compulsory leave of absence</a>
Ed. Code 45101	<a href="#">Definitions; disciplinary action and cause</a>

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Ed. Code 45109  
 Ed. Code 45113  
 Ed. Code 45116  
 Ed. Code 45123  
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42 USC 12101-12213  
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**Regulation 4218: Dismissal/Suspension/Disciplinary Action**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016 | **Last Revised Date:** 02/16/2023

**Causes for Disciplinary Action**

A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)
3. Unlawful discrimination, including harassment, against any student or other employee
4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure
5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records
6. Unsatisfactory performance
7. Unprofessional conduct
8. Dishonesty
9. Neglect of duty or absence without leave
10. Insubordination
11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance
12. Destruction or misuse of district property
13. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position
14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law
15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job
16. Violation of Education Code 45303 or Government Code 1028 prohibiting the advocacy or teaching of communism
17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

No disciplinary action shall be taken for any cause that arose before the employee became permanent, nor for any cause that arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district. (Education Code 45113)

## **Initiation and Notification of Charges**

The Superintendent or designee shall provide notice to the employee of a recommendation for discipline, which includes the charges and materials upon which the recommendation is based. The notification shall identify an impartial district official ("Skelly officer") with whom the employee may meet at a specified time and place or to whom the employee may provide a written response to the recommendation of discipline. After meeting with the employee or considering any response from the employee, the Skelly officer shall recommend to the Superintendent or designee whether to proceed with the recommendation for discipline.

The Superintendent or designee shall file any final recommendation for disciplinary action in writing with the Governing Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The notice shall, in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested, which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)

## **Request for Board Hearing**

Within the time specified in the notice of the recommendation of disciplinary action, the employee may request a hearing on the charges by signing and filing the card or paper included with the notice. (Education Code 45113)

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

## **Employment Status Pending a Disciplinary Hearing**

A classified employee against whom a recommendation for disciplinary action has been issued may remain on active duty or may be placed on paid leave pending a hearing on the charges. The employee shall not be suspended without pay, suspended or demoted with a reduction in pay, or dismissed pending the outcome of a timely requested hearing, except as specified below. (Education Code 45113)

However, the disciplinary action may be imposed prior to the decision if the Board, or an impartial third-party hearing officer provided pursuant to a collective bargaining agreement, finds by a preponderance of the evidence that at the time discipline was imposed, the employee (1) engaged in criminal misconduct, (2) engaged in misconduct that presents a risk of harm to students, staff, or property, or (3) committed habitual violations of the district's policies or regulations. Such finding(s) must be made at the conclusion of the Skelly review process. (Education Code 45113)

In such cases where the disciplinary action is imposed prior to the decision, the employee shall be given written notice of the disciplinary action and the findings made at the conclusion of the Skelly review process. Such written notice shall be served upon the employee personally.

In addition, the district may cease paying the employee if a decision has not been rendered by an impartial third-party hearing officer, pursuant to a collective bargaining agreement, or the Board within 30 days of the date the hearing was requested. (Education Code 45113)

## **Compulsory Leave of Absence**

Upon being informed that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44940, 45304)

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187, prohibiting murder or attempted murder
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinol. (Education Code 44940, 44940.5, 45304)

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal. (Education Code 44940, 44940.5)

**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.

#### State References

<b>State References</b>	<b>Description</b>
CA Constitution Article 1, Section 1	<a href="#">Inalienable rights</a>
Ed. Code 35161	<a href="#">Board delegation of any powers or duties</a>
Ed. Code 44009	<a href="#">Conviction of specified crimes</a>
Ed. Code 44010	<a href="#">Sex offense; definitions</a>
Ed. Code 44011	<a href="#">Controlled substance offense</a>
Ed. Code 44940	<a href="#">Compulsory leave of absence for certificated persons</a>
Ed. Code 44940.5	<a href="#">Procedures when employees are placed on compulsory leave of absence</a>
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Ed. Code 45302	<a href="#">Demotion and removal from permanent classified service</a>
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Gov. Code 12954	<a href="#">Employment discrimination; cannabis use</a>
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#### Federal References

<b>Federal References</b>	<b>Description</b>
42 USC 12101-12213	<a href="#">Americans with Disabilities Act</a>
U.S. Constitution, First Amendment	<a href="#">Free exercise, free speech, and establishment clauses</a>

**Management Resources References**

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**Policy 4240: Bargaining Units**

Status: DRAFT

Original Adopted Date: 10/18/2018 | Last Revised Date: 12/13/2023

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative for the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons, insignia, or other pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

**Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Education Code 45100.5, Government Code 3543.4)

*Management employee* means an employee in a position having significant responsibilities for formulating district policies or administering district programs. (Government Code 3540.1)

*Confidential employee* means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

**Membership**

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

**District Communications to Employees**

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

### **Access to New Employee Orientations**

The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the district's operations that was not reasonably foreseeable. (Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

### **Access to Employee Contact Information**

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all

new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6205-6210, 6215-6216, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, home telephone number, and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

### **Communications with Employees by Employee Organizations**

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

### **Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount that has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of the written authorization to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the

information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

**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.

**State References**

	<b>Description</b>
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	<a href="#">Severance of established unit</a>
Ed. Code 45060-45061.5	<a href="#">Deduction of fees from salary or wage payment; certificated employees</a>
Ed. Code 45100.5	<a href="#">Senior classified management positions</a>
Ed. Code 45104.5	<a href="#">Abolishment of senior classified management positions</a>
Ed. Code 45108.5	<a href="#">Definition of senior classified management employees</a>
Ed. Code 45108.7	<a href="#">Waiver of provisions of Education Code 45108.5</a>
Ed. Code 45168	<a href="#">Deduction of fees from salary or wage payment; classified employees</a>
Ed. Code 45220-45320	<a href="#">Merit system; classified employees</a>
Gov. Code 3500-3511	<a href="#">Local public employee organizations</a>
Gov. Code 3507.7	<a href="#">Representation of temporary employees</a>
Gov. Code 3540-3549.3	<a href="#">Educational Employment Relations Act</a>
Gov. Code 3540.1	<a href="#">Public employment; definitions</a>
Gov. Code 3543.4	<a href="#">Management and confidential positions; representation</a>
Gov. Code 3545	<a href="#">Appropriateness of unit; basis</a>
Gov. Code 3550-3552	<a href="#">Prohibition on public employers deterring or discouraging union membership</a>
Gov. Code 3555-3559	<a href="#">Public employee communication, information and orientation</a>
Gov. Code 53260-53264	<a href="#">Employment contracts</a>
Gov. Code 6205-6210	<a href="#">Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction</a>
Gov. Code 6215-6216	<a href="#">Address confidentiality for individuals who face threats or violence because of work for a public entity</a>
Gov. Code 6503.5	<a href="#">Joint powers agencies; agreement</a>
Gov. Code 7928.300	<a href="#">Disclosure of employee contact information to employee organization</a>

**Management Resources References**

	<b>Description</b>
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	Regents of the University of California (2004) PERB Dec. No. 1700-H.
Public Employment Relations Board Ruling	Desert Community College District (2007) PERB Dec. No. 1921

**Management Resources References**

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Website  
Website  
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Website

**Description**

East Whittier School District (2004) PERB Dec. No. 1727  
City of Sacramento (2019) PERB Dec. No. 2702  
[CSBA District and County Office of Education Legal Services](#)  
[California Federation of Teachers](#)  
[California Public Employment Relations Board](#)  
[California School Employees Association](#)  
[California Teachers Association](#)  
[Association of California School Administrators](#)  
[CSBA](#)

**Cross References**

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[Comprehensive Safety Plan](#)  
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**Cross References**

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**Policy 4257: Employee Safety**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

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

**State References**

**Description**

17 CCR 2508	<a href="#">Reporting of communicable diseases</a>
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	<a href="#">Injury and illness prevention program</a>
8 CCR 3204	<a href="#">Access to employee exposure and medical records</a>
8 CCR 3400	<a href="#">Medical services and first aid</a>
8 CCR 5095-5100	<a href="#">Control of noise exposure</a>
8 CCR 5193	<a href="#">Bloodborne pathogens</a>
Ed. Code 32030-32034	<a href="#">Eye safety</a>

**State References**

Ed. Code 32225-32226  
 Ed. Code 32280-32289.5  
 Ed. Code 44984  
 Gov. Code 3543.2  
 Lab. Code 1139  
 Lab. Code 132a  
 Lab. Code 3300  
 Lab. Code 6305  
 Lab. Code 6310  
 Lab. Code 6325  
 Lab. Code 6400-6413.5  
 Lab. Code 6401.7  
 Lab. Code 6401.9

**Description**

[Communications devices in classrooms](#)  
[School safety plans](#)  
[Required rules for industrial accident and illness leave](#)  
[Scope of representation](#)  
[Worker's rights in emergencies](#)  
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[Definition of employer](#)  
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[Retaliation for filing complaint prohibited](#)  
[Prohibition of entry into place of employment](#)  
[Responsibilities and duties of employers and employees](#)  
[Injury and illness prevention program](#)  
[Workplace violence prevention plans](#)

**Federal References**

17 CFR 2508  
 29 CFR 1910.1030  
 29 CFR 1910.95  
 29 CFR 651-678  
 8 CFR 14000-14316  
 8 CFR 3204  
 8 CFR 5193

**Description**

Reporting of communicable diseases  
[Bloodborne pathogens](#)  
[Noise standards](#)  
 Occupational safety and health  
 Occupational injury or illness reports and records  
 Access to employee exposure and medical records  
 Bloodborne pathogens

**Management Resources References**

CA Department of Industrial Relations Publication  
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 Website  
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 Website

**Description**

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005  
[CSBA District and County Office of Education Legal Services](#)  
[National Institute for Occupational Safety and Health](#)  
[U.S. Department of Labor, Occupational Safety and Health Administration](#)  
[California Department of Industrial Relations, Occupational Safety and Health](#)  
[National Hearing Conservation Association](#)  
[Centers for Disease Control and Prevention](#)  
[CSBA](#)

**Cross References**

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**Regulation 4257: Employee Safety**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016 | **Last Revised Date:** 02/18/2021

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

If the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of an imminent hazard, including a machine, device, apparatus, or equipment that is in a dangerous condition or is dangerously placed, the Superintendent or designee shall post a notice of the hazard provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the workplace, operation, or process is made safe, and the required safeguards, safety appliances, or devices are provided. (Labor Code 6325)

**Injury and Illness Prevention Program**

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not limited to:
  - a. Recognition of employees who follow safe and healthful work practices
  - b. Training and retraining programs
  - c. Disciplinary actions
3. A system for communicating with employees in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but is not limited to:
  - a. Meetings
  - b. Training programs
  - c. Posting
  - d. Written communications
  - e. A system of anonymous notification by employees about hazards
  - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
  - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
  - b. Whenever the district is made aware of a new or previously unrecognized hazard

5. A procedure for investigating occupational injury or illness
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered

When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:
  - a. To all new employees
  - b. To all employees given new job assignments for which training has not previously been received
  - c. Whenever new substances, processes, procedures, or equipment are introduced into the workplace and represent a new hazard
  - d. Whenever the district is made aware of a new or previously unrecognized hazard
  - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed
8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language. (Labor Code 6401.9)

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee.

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or website that allows an employee to review, print, and email the current version of the district's injury and illness prevention program.

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

**Labor/Management Safety and Health Committee**

The district's labor/management safety and health committee shall: (8 CCR 3203)

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by Cal/OSHA upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.
7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

#### **Hearing Protection**

Whenever employee noise exposure equals or exceeds the standards specified by law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

#### **Eye Safety Devices**

Employees shall wear eye safety devices whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury. (Education Code 32030-32034)

#### **First Aid and Medical Services**

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness

3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate

### Protection from Communicable Diseases and Infections

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

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

#### State References

#### Description

17 CCR 2508	<a href="#">Reporting of communicable diseases</a>
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	<a href="#">Injury and illness prevention program</a>
8 CCR 3204	<a href="#">Access to employee exposure and medical records</a>
8 CCR 3400	<a href="#">Medical services and first aid</a>
8 CCR 5095-5100	<a href="#">Control of noise exposure</a>
8 CCR 5193	<a href="#">Bloodborne pathogens</a>
Ed. Code 32030-32034	<a href="#">Eye safety</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 44984	<a href="#">Required rules for industrial accident and illness leave</a>
Gov. Code 3543.2	<a href="#">Scope of representation</a>
Lab. Code 1139	<a href="#">Worker's rights in emergencies</a>
Lab. Code 132a	<a href="#">Workers' compensation; nondiscrimination</a>
Lab. Code 3300	<a href="#">Definition of employer</a>
Lab. Code 6305	<a href="#">Occupational safety and health standards; special order</a>
Lab. Code 6310	<a href="#">Retaliation for filing complaint prohibited</a>
Lab. Code 6325	<a href="#">Prohibition of entry into place of employment</a>
Lab. Code 6400-6413.5	<a href="#">Responsibilities and duties of employers and employees</a>
Lab. Code 6401.7	<a href="#">Injury and illness prevention program</a>
Lab. Code 6401.9	<a href="#">Workplace violence prevention plans</a>



**Federal References**

17 CFR 2508  
 29 CFR 1910.1030  
 29 CFR 1910.95  
 29 CFR 651-678  
 8 CFR 14000-14316  
 8 CFR 3204  
 8 CFR 5193

**Description**

Reporting of communicable diseases  
[Bloodborne pathogens](#)  
[Noise standards](#)  
 Occupational safety and health  
 Occupational injury or illness reports and records  
 Access to employee exposure and medical records  
 Bloodborne pathogens

**Management Resources References**

CA Department of Industrial Relations Publication  
 Website  
 Website  
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**Description**

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005  
[CSBA District and County Office of Education Legal Services](#)  
[National Institute for Occupational Safety and Health](#)  
[U.S. Department of Labor, Occupational Safety and Health Administration](#)  
[California Department of Industrial Relations, Occupational Safety and Health](#)  
[National Hearing Conservation Association](#)  
[Centers for Disease Control and Prevention](#)  
[CSBA](#)

**Cross References**

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[Emergencies And Disaster Preparedness Plan](#)  
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[Dismissal/Suspension/Disciplinary Action](#)  
[Dismissal/Suspension/Disciplinary Action](#)  
[Employees With Infectious Disease](#)  
[Exposure Control Plan For Bloodborne Pathogens](#)

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[Exposure Control Plan For Bloodborne Pathogens](#)  
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[Staff Development](#)  
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[Science Instruction](#)

**Regulation 4257.1: Work-Related Injuries**

**Status:** DRAFT

**Original Adopted Date:** 02/18/2021

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

**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.

**State References**

8 CCR 15596

**Description**

[Notice of employee rights to workers' compensation benefits](#)

**State References**

Ed. Code 44984  
 Ed. Code 45192  
 Lab. Code 3200-4856  
 Lab. Code 3550-3553  
 Lab. Code 3600-3605  
 Lab. Code 3760  
 Lab. Code 4600  
 Lab. Code 4906  
 Lab. Code 5400-5413  
 Lab. Code 6302  
 Lab. Code 6409.1

**Description**

[Required rules for industrial accident and illness leave](#)  
[Industrial accident and illness leave for classified employees](#)  
[Workers' compensation](#)  
[Notifications: Workers' compensation benefits](#)  
[Conditions of liability](#)  
[Report of injury to insurer](#)  
[Provision of medical and hospital treatment by employer](#)  
[Disclosures and statements](#)  
[Notice of injury or death](#)  
[Definition of serious injury or illness](#)  
[Reports](#)

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**Description**

Workers' Compensation in California: A Guidebook for Injured Workers, 2016  
 Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility  
 Notice to Employees - Injuries Caused by Work  
 Time of Hire Pamphlet  
[CSBA District and County Office of Education Legal Services](#)  
[California Department of Industrial Relations, Division of Workers Compensation](#)  
[California Department of Industrial Relations, Occupational Safety and Health](#)  
[CSBA](#)  
[California Department of Public Health](#)

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[Claims And Actions Against The District](#)  
[Claims And Actions Against The District](#)  
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[Employee Notifications](#)  
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[Employee Notifications](#)  
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**Cross References****Description**

4113.4	<a href="#">Temporary Modified/Light-Duty Assignment</a>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
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4161.1	<a href="#">Personal Illness/Injury Leave</a>
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4361.9	<a href="#">Catastrophic Leave Program</a>

**Policy 4311: Recruitment And Selection**

**Status:** DRAFT

**Original Adopted Date:** 05/17/2018

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected for employment in the district based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.

When a vacancy occurs, the Superintendent or designee shall review, as appropriate, the job description for the position to ensure that it accurately describes the major functions and duties of the position. The Superintendent or designee shall also disseminate job announcements to ensure a wide range of candidates.

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

### **Incentives**

With Board approval and in accordance with district needs and any applicable collective bargaining agreements, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.

**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.

**State References**

	<b>Description</b>
Ed. Code 200-270	<a href="#">Prohibition of discrimination</a>
Ed. Code 35035	<a href="#">Powers and duties of the superintendent; transfer authority</a>
Ed. Code 44066	<a href="#">Limitations on certification requirements</a>
Ed. Code 44259	<a href="#">Teaching credential, exception; designated subjects; minimum requirements</a>
Ed. Code 44750	<a href="#">Teacher recruitment resource center</a>
Ed. Code 44830-44831	<a href="#">Employment of certificated persons</a>
Ed. Code 44858	<a href="#">Age or marital status in certificated positions</a>
Ed. Code 44859	<a href="#">Prohibition against certain rules and regulations regarding residency</a>
Ed. Code 45103-45139	<a href="#">Employment; classified employees</a>
Ed. Code 49406	<a href="#">TB risk assessment</a>
Gov. Code 12900-12996	<a href="#">Fair Employment and Housing Act</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Gov. Code 815.2	<a href="#">Liability of public entities and public employees</a>
H&S Code 53570-53574	<a href="#">Teacher Housing Act of 2016</a>
Lab. Code 432.3	<a href="#">Salary information</a>

**Federal References**

	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 12101-12213	<a href="#">Americans with Disabilities Act</a>
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	<a href="#">Freedom of Information Act</a>
8 USC 1324a	<a href="#">Unlawful employment of aliens</a>
8 USC 1324b	<a href="#">Unfair immigration related employment practices</a>

**Management Resources References**

	<b>Description</b>
CA Commission on Teacher Credentialing Publication	<a href="#">Strategic Plan: Ensuring Educator Excellence, 2023</a>
California County Superintendents Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
California Department of Education Publication	<a href="#">How to Increase the Diversity of California's Educator Workforce, April 2022</a>
Court Decision	C.A. v William S. Hart Union High School District et al. (2012) 138 Cal.Rptr.3d 1
Ctr for Cities + Schools, cityLAB & Terner Ctr Pub	<a href="#">Education Workforce Housing in California: Developing the 21st Century Campus, 2021</a>
Ctr for Cities + Schools, cityLAB & Terner Ctr Pub Website	<a href="#">Education Workforce Housing in California: The Handbook University of California Los Angeles, cityLAB</a>



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**Description**

[University of California Berkeley, Turner Center for Housing Innovation](#)  
[University of California Berkeley, Center for Cities + Schools](#)  
[CSBA District and County Office of Education Legal Services](#)  
[Commission on Teacher Credentialing](#)  
[Education Job Opportunities Information Network](#)  
[Teach USA](#)  
[California County Superintendents](#)  
[California Civil Rights Department](#)  
[U.S. Department of Education](#)  
[Equal Employment Opportunity Commission](#)  
[California Department of Education](#)

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**Description**[Legal Status Requirement](#)[Legal Status Requirement](#)[Appointment And Conditions Of Employment](#)[Employment References](#)[Employment References](#)[Employment Of Relatives](#)[Administrative And Supervisory Personnel](#)[Administrative And Supervisory Personnel](#)[Legal Status Requirement](#)[Legal Status Requirement](#)[Contracts](#)[Employment References](#)[Employment References](#)[Employment Of Relatives](#)[Postretirement Employment](#)[Staff Development](#)[Title I Programs](#)[Title I Programs](#)[Role Of The Board](#)

**Regulation 4312.5: Criminal Record Check**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment solely on the basis that the person has been: (Education Code 44830.1, 44836, 45122.1, 45123)

1. Convicted of a violent or serious felony, controlled substance offense, or sex offense, and the conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor
2. Convicted of a violent or serious felony and has obtained a certificate of rehabilitation or a pardon
3. Convicted of a serious felony, that is not also a violent felony, and has proven to the sentencing court that rehabilitation for purposes of school employment has been attained for at least one year
4. Convicted of a controlled substance offense and is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing
5. Convicted of a controlled substance offense and is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

**Pre-Employment Record Check**

The Superintendent or designee shall require each person to be employed by the district to submit fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

**Subsequent Arrest Notification**

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

#### **Notification of Applicant/Employee**

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

#### **Maintenance of Records**

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

#### **Interagency Agreement**

Subject to an interagency agreement with other school districts, the district shall submit and receive CORI on behalf of all participating districts. (Education Code 44830.2, 45125.01)

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, the district shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible

for employment. (Education Code 44830.2, 45125.01)

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the district shall give notice to the superintendent of any participating district, or the person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or the authorized designee. The report shall be made available at the district office for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The district shall not release a copy of that information to any participating district or any other person. In addition, the district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

The district shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ. (Education Code 44830.2, 45125.01)

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

#### State References

11 CCR 701-708

11 CCR 720-724

11 CCR 994-994.15

Ed. Code 44010

Ed. Code 44011

Ed. Code 44332-44332.6

Ed. Code 44346.1

Ed. Code 44830.1

Ed. Code 44830.2

Ed. Code 44836

Ed. Code 44932

Ed. Code 45122.1

Ed. Code 45125

Ed. Code 45125.01

Ed. Code 45125.5

Ed. Code 45126

Ed. Code 49024

Gov. Code 12954

H&S Code 11350

H&S Code 11377

Pen. Code 11075-11081

Pen. Code 11102.2

Pen. Code 11105

Pen. Code 11105.2

Pen. Code 11105.3

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[Criminal offender record information](#)

[Incomplete criminal history information](#)

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[Criminal record dissemination](#)

[Maintenance of criminal offender records; custodian of records](#)

[Access to criminal history information](#)

[Subsequent arrest notification](#)

[Record of conviction involving sex crimes, drug crimes or crimes of violence](#)

**State References**

Pen. Code 11140-11144  
 Pen. Code 1192.7  
 Pen. Code 1203.4  
 Pen. Code 1203.425  
 Pen. Code 13300-13305  
 Pen. Code 667.5

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[Furnishing of state criminal history information](#)  
[Plea bargaining limitation](#)  
[Dismissal of conviction](#)  
[Conviction relief](#)  
[Local summary criminal history information](#)  
[Prior prison terms; enhancement of prison terms](#)

**Management Resources References**

Court Decision  
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**Description**

Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145  
[CSBA District and County Office of Education Legal Services](#)  
[Office of the Attorney General, Department of Justice, Background Checks](#)  
[CSBA](#)

**Cross References**

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[Volunteer Assistance](#)  
[Access To District Records](#)  
[Access To District Records](#)  
[Superintendent Recruitment And Selection](#)  
[District Police/Security Department](#)  
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**Cross References**

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**Description**[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Classified Personnel](#)[Classified Personnel](#)[Appointment And Conditions Of Employment](#)[Personnel Files](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Dismissal/Suspension/Disciplinary Action](#)[Dismissal/Suspension/Disciplinary Action](#)[Dismissal/Suspension/Disciplinary Action \(Merit System\)](#)[Dismissal/Suspension/Disciplinary Action \(Merit System\)](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Personnel Files](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Child Care And Development](#)[Child Care And Development](#)[Before/After School Programs](#)[Before/After School Programs](#)[Preschool/Early Childhood Education](#)[Preschool/Early Childhood Education](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)[Disclosure Of Confidential/Privileged Information](#)

**Exhibit 4312.5-E(1): Criminal Record Check**

Status: DRAFT

Original Adopted Date: Pending

**SAMPLE EMPLOYEE STATEMENT FORM  
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of \_\_\_\_\_ School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

**"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."**

Civil Code 1798.53, Invasion of Privacy, states:

**"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."**

**CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:**

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Name of District \_\_\_\_\_

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

**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.

**State References**

11 CCR 701-708

11 CCR 720-724

**Description**

[Criminal offender record information](#)

[Incomplete criminal history information](#)



**State References**

11 CCR 994-994.15  
 Ed. Code 44010  
 Ed. Code 44011  
 Ed. Code 44332-44332.6  
 Ed. Code 44346.1  
 Ed. Code 44830.1  
 Ed. Code 44830.2  
 Ed. Code 44836  
 Ed. Code 44932  
 Ed. Code 45122.1  
 Ed. Code 45125  
 Ed. Code 45125.01  
 Ed. Code 45125.5  
 Ed. Code 45126  
 Ed. Code 49024  
 Gov. Code 12954  
 H&S Code 11350  
 H&S Code 11377  
 Pen. Code 11075-11081  
 Pen. Code 11102.2  
 Pen. Code 11105  
 Pen. Code 11105.2  
 Pen. Code 11105.3  
 Pen. Code 11140-11144  
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 Pen. Code 1203.4  
 Pen. Code 1203.425  
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 Pen. Code 667.5

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[Duty of Department of Justice to furnish information](#)  
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[Offenses Involving Controlled Substances Formerly Classified as Narcotics](#)  
[Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs](#)  
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[Prior prison terms; enhancement of prison terms](#)

**Management Resources References**

Court Decision  
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Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145  
[CSBA District and County Office of Education Legal Services](#)  
[Office of the Attorney General, Department of Justice, Background Checks](#)  
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1240	<a href="#">Volunteer Assistance</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
2120	<a href="#">Superintendent Recruitment And Selection</a>
3515.3	<a href="#">District Police/Security Department</a>
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**Description**[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Personnel Files](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Temporary Athletic Team Coaches](#)[Temporary Athletic Team Coaches](#)[Child Care And Development](#)[Child Care And Development](#)[Before/After School Programs](#)[Before/After School Programs](#)[Preschool/Early Childhood Education](#)[Preschool/Early Childhood Education](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)[Disclosure Of Confidential/Privileged Information](#)

**Policy 4340: Bargaining Units**

**Status:** DRAFT

**Original Adopted Date:** 10/18/2018 | **Last Revised Date:** 12/13/2023

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative for the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons, insignia, or other pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

**Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Education Code 45100.5, Government Code 3543.4)

*Management employee* means an employee in a position having significant responsibilities for formulating district policies or administering district programs. (Government Code 3540.1)

*Confidential employee* means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

**Membership**

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

**District Communications to Employees**

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

### **Access to New Employee Orientations**

The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the district's operations that was not reasonably foreseeable. (Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

### **Access to Employee Contact Information**

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all

new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6205-6210, 6215-6216, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, home telephone number, and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

### **Communications with Employees by Employee Organizations**

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

### **Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount that has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of the written authorization to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the

information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

**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.

**State References**

	<b>Description</b>
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	<a href="#">Severance of established unit</a>
Ed. Code 45060-45061.5	<a href="#">Deduction of fees from salary or wage payment; certificated employees</a>
Ed. Code 45100.5	<a href="#">Senior classified management positions</a>
Ed. Code 45104.5	<a href="#">Abolishment of senior classified management positions</a>
Ed. Code 45108.5	<a href="#">Definition of senior classified management employees</a>
Ed. Code 45108.7	<a href="#">Waiver of provisions of Education Code 45108.5</a>
Ed. Code 45168	<a href="#">Deduction of fees from salary or wage payment; classified employees</a>
Ed. Code 45220-45320	<a href="#">Merit system; classified employees</a>
Gov. Code 3500-3511	<a href="#">Local public employee organizations</a>
Gov. Code 3507.7	<a href="#">Representation of temporary employees</a>
Gov. Code 3540-3549.3	<a href="#">Educational Employment Relations Act</a>
Gov. Code 3540.1	<a href="#">Public employment; definitions</a>
Gov. Code 3543.4	<a href="#">Management and confidential positions; representation</a>
Gov. Code 3545	<a href="#">Appropriateness of unit; basis</a>
Gov. Code 3550-3552	<a href="#">Prohibition on public employers deterring or discouraging union membership</a>
Gov. Code 3555-3559	<a href="#">Public employee communication, information and orientation</a>
Gov. Code 53260-53264	<a href="#">Employment contracts</a>
Gov. Code 6205-6210	<a href="#">Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction</a>
Gov. Code 6215-6216	<a href="#">Address confidentiality for individuals who face threats or violence because of work for a public entity</a>
Gov. Code 6503.5	<a href="#">Joint powers agencies; agreement</a>
Gov. Code 7928.300	<a href="#">Disclosure of employee contact information to employee organization</a>

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	<b>Description</b>
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	Regents of the University of California (2004) PERB Dec. No. 1700-H.
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East Whittier School District (2004) PERB Dec. No. 1727  
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[California Federation of Teachers](#)  
[California Public Employment Relations Board](#)  
[California School Employees Association](#)  
[California Teachers Association](#)  
[Association of California School Administrators](#)  
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**Cross References**

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**Description**[Employee Compensation](#)[Health And Welfare Benefits](#)[Health And Welfare Benefits](#)[Personal Leaves](#)[Administrative And Supervisory Personnel](#)[Administrative And Supervisory Personnel](#)[Administrative Staff Organization](#)[Contracts](#)[Evaluation/Supervision](#)[Civil And Legal Rights](#)[Political Activities Of Employees](#)[Political Activities Of Employees](#)[Employee Compensation](#)[Health And Welfare Benefits](#)[Health And Welfare Benefits](#)[Personal Leaves](#)[Role Of The Board](#)[Closed Session](#)[Closed Session](#)[Closed Session](#)

**Policy 4357: Employee Safety**

Status: DRAFT

Original Adopted Date: 10/20/2016 | Last Revised Date: 02/18/2021

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

**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.

**State References**

**Description**

17 CCR 2508	<a href="#">Reporting of communicable diseases</a>
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	<a href="#">Injury and illness prevention program</a>
8 CCR 3204	<a href="#">Access to employee exposure and medical records</a>
8 CCR 3400	<a href="#">Medical services and first aid</a>
8 CCR 5095-5100	<a href="#">Control of noise exposure</a>
8 CCR 5193	<a href="#">Bloodborne pathogens</a>
Ed. Code 32030-32034	<a href="#">Eye safety</a>

**State References**

Ed. Code 32225-32226  
 Ed. Code 32280-32289.5  
 Ed. Code 44984  
 Gov. Code 3543.2  
 Lab. Code 1139  
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[Communications devices in classrooms](#)  
[School safety plans](#)  
[Required rules for industrial accident and illness leave](#)  
[Scope of representation](#)  
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[Injury and illness prevention program](#)  
[Workplace violence prevention plans](#)

**Federal References**

17 CFR 2508  
 29 CFR 1910.1030  
 29 CFR 1910.95  
 29 CFR 651-678  
 8 CFR 14000-14316  
 8 CFR 3204  
 8 CFR 5193

**Description**

Reporting of communicable diseases  
[Bloodborne pathogens](#)  
[Noise standards](#)  
 Occupational safety and health  
 Occupational injury or illness reports and records  
 Access to employee exposure and medical records  
 Bloodborne pathogens

**Management Resources References**

CA Department of Industrial Relations Publication  
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**Description**

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005  
[CSBA District and County Office of Education Legal Services](#)  
[National Institute for Occupational Safety and Health](#)  
[U.S. Department of Labor, Occupational Safety and Health Administration](#)  
[California Department of Industrial Relations, Occupational Safety and Health](#)  
[National Hearing Conservation Association](#)  
[Centers for Disease Control and Prevention](#)  
[CSBA](#)

**Cross References**

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**Description**

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**Regulation 4357: Employee Safety**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

If the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of an imminent hazard, including a machine, device, apparatus, or equipment that is in a dangerous condition or is dangerously placed, the Superintendent or designee shall post a notice of the hazard provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the workplace, operation, or process is made safe, and the required safeguards, safety appliances, or devices are provided. (Labor Code 6325)

**Injury and Illness Prevention Program**

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not limited to:
  - a. Recognition of employees who follow safe and healthful work practices
  - b. Training and retraining programs
  - c. Disciplinary actions
3. A system for communicating with employees in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but is not limited to:
  - a. Meetings
  - b. Training programs
  - c. Posting
  - d. Written communications
  - e. A system of anonymous notification by employees about hazards
  - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
  - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
  - b. Whenever the district is made aware of a new or previously unrecognized hazard

5. A procedure for investigating occupational injury or illness
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered

When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:
  - a. To all new employees
  - b. To all employees given new job assignments for which training has not previously been received
  - c. Whenever new substances, processes, procedures, or equipment are introduced into the workplace and represent a new hazard
  - d. Whenever the district is made aware of a new or previously unrecognized hazard
  - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed
8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language. (Labor Code 6401.9)

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee.

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or website that allows an employee to review, print, and email the current version of the district's injury and illness prevention program.

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

**Labor/Management Safety and Health Committee**

The district's labor/management safety and health committee shall: (8 CCR 3203)

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by Cal/OSHA upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.
7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

#### **Hearing Protection**

Whenever employee noise exposure equals or exceeds the standards specified by law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

#### **Eye Safety Devices**

Employees shall wear eye safety devices whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury. (Education Code 32030-32034)

#### **First Aid and Medical Services**

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness



3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate

### Protection from Communicable Diseases and Infections

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

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

#### State References

#### Description

17 CCR 2508	<a href="#">Reporting of communicable diseases</a>
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	<a href="#">Injury and illness prevention program</a>
8 CCR 3204	<a href="#">Access to employee exposure and medical records</a>
8 CCR 3400	<a href="#">Medical services and first aid</a>
8 CCR 5095-5100	<a href="#">Control of noise exposure</a>
8 CCR 5193	<a href="#">Bloodborne pathogens</a>
Ed. Code 32030-32034	<a href="#">Eye safety</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 44984	<a href="#">Required rules for industrial accident and illness leave</a>
Gov. Code 3543.2	<a href="#">Scope of representation</a>
Lab. Code 1139	<a href="#">Worker's rights in emergencies</a>
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Lab. Code 3300	<a href="#">Definition of employer</a>
Lab. Code 6305	<a href="#">Occupational safety and health standards; special order</a>
Lab. Code 6310	<a href="#">Retaliation for filing complaint prohibited</a>
Lab. Code 6325	<a href="#">Prohibition of entry into place of employment</a>
Lab. Code 6400-6413.5	<a href="#">Responsibilities and duties of employers and employees</a>
Lab. Code 6401.7	<a href="#">Injury and illness prevention program</a>
Lab. Code 6401.9	<a href="#">Workplace violence prevention plans</a>

**Federal References**

17 CFR 2508  
 29 CFR 1910.1030  
 29 CFR 1910.95  
 29 CFR 651-678  
 8 CFR 14000-14316  
 8 CFR 3204  
 8 CFR 5193

**Description**

Reporting of communicable diseases  
[Bloodborne pathogens](#)  
[Noise standards](#)  
 Occupational safety and health  
 Occupational injury or illness reports and records  
 Access to employee exposure and medical records  
 Bloodborne pathogens

**Management Resources References**

CA Department of Industrial Relations Publication  
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**Description**

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005  
[CSBA District and County Office of Education Legal Services](#)  
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[Exposure Control Plan For Bloodborne Pathogens](#)

**Cross References**

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**Description**

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**Cross References**

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**Description**[Exposure Control Plan For Bloodborne Pathogens](#)[Universal Precautions](#)[Universal Precautions](#)[Staff Development](#)[Awards And Recognition](#)[Work-Related Injuries](#)[Ergonomics](#)[Employee Security](#)[Employee Security](#)[Industrial Accident/Illness Leave](#)[Infectious Diseases](#)[Infectious Diseases](#)[School Health Services](#)[School Health Services](#)[Science Instruction](#)

**Regulation 4357.1: Work-Related Injuries**

**Status:** DRAFT

**Original Adopted Date:** Pending

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

**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.

**State References**

8 CCR 15596

**Description**

[Notice of employee rights to workers' compensation benefits](#)

**State References**

Ed. Code 44984  
 Ed. Code 45192  
 Lab. Code 3200-4856  
 Lab. Code 3550-3553  
 Lab. Code 3600-3605  
 Lab. Code 3760  
 Lab. Code 4600  
 Lab. Code 4906  
 Lab. Code 5400-5413  
 Lab. Code 6302  
 Lab. Code 6409.1

**Description**

[Required rules for industrial accident and illness leave](#)  
[Industrial accident and illness leave for classified employees](#)  
[Workers' compensation](#)  
[Notifications: Workers' compensation benefits](#)  
[Conditions of liability](#)  
[Report of injury to insurer](#)  
[Provision of medical and hospital treatment by employer](#)  
[Disclosures and statements](#)  
[Notice of injury or death](#)  
[Definition of serious injury or illness](#)  
[Reports](#)

**Management Resources References**

CA Department of Industrial Relations Publication  
 CA Department of Industrial Relations Publication  
 CA Department of Industrial Relations Publication  
 CA Department of Industrial Relations Publication  
 Website  
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 Website

**Description**

Workers' Compensation in California: A Guidebook for Injured Workers, 2016  
 Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility  
 Notice to Employees - Injuries Caused by Work  
 Time of Hire Pamphlet  
[CSBA District and County Office of Education Legal Services](#)  
[California Department of Industrial Relations, Division of Workers Compensation](#)  
[California Department of Industrial Relations, Occupational Safety and Health](#)  
[CSBA](#)  
[California Department of Public Health](#)

**Cross References**

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**Description**

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[Risk Management/Insurance](#)  
[Reasonable Accommodation](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Employee Notifications](#)

**Cross References****Description**

4113.4	<a href="#">Temporary Modified/Light-Duty Assignment</a>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
4157	<a href="#">Employee Safety</a>
4157	<a href="#">Employee Safety</a>
4157.2	<a href="#">Ergonomics</a>
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4161.9	<a href="#">Catastrophic Leave Program</a>
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4213.4	<a href="#">Temporary Modified/Light-Duty Assignment</a>
4254	<a href="#">Health And Welfare Benefits</a>
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4361.9	<a href="#">Catastrophic Leave Program</a>

**Policy 5126: Awards For Achievement**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016 | **Last Revised Date:** 03/11/2021

The Governing Board encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievement in academic, artistic, extracurricular, athletic, and community service activities.

No fee or other cost shall be charged to any student in relation to any requirements in qualifying for or receiving any district achievement awards.

**District/School Awards**

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, public ceremony, trophy, gift, plaque, or monetary gift. The Board shall establish a budget for this purpose. (Education Code 44015)

The Superintendent or designee shall develop criteria for the selection of student award recipients.

**Golden State Seal Merit Diploma**

At graduation from high school, students whose academic achievements in core curriculum areas have been outstanding shall receive special recognition.

The Superintendent or designee shall identify graduating high school students who have demonstrated mastery of the high school curriculum qualifying them for the Golden State Seal Merit Diploma. (Education Code 51454)

**State Seal of Biliteracy**

The district shall present the State Seal of Biliteracy to each graduating high school student who has attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English, as specified in the accompanying administrative regulation. (Education Code 51460-51464).

**District Awards for Biliteracy**

In order to affirm the value of bilingualism and encourage students' enrollment in world language programs, the Superintendent or designee may present awards at appropriate grade levels to recognize the pursuit and/or attainment of grade-level proficiency in one or more languages in addition to English. The Superintendent or designee may also present awards to English learners who are reclassified as fluent English proficient to recognize proficiency in both English and the student's native language.

**State Seal of Civic Engagement**

The Superintendent or designee shall present the State Seal of Civic Engagement to each 11th or 12th grade student who demonstrates excellence in civics education and participation and has demonstrated an understanding of the U.S. Constitution, the California Constitution, and the democratic system of government. (Education Code 51470-51475)

All district students shall be afforded the opportunity to earn the State Seal of Civic Engagement, regardless of their background, communities, or experiences. No student shall be denied such opportunity based on academic ability, alternative school setting, or unique or unconventional expression of civic engagement.

**Scholarship and Loan Fund**

The Board shall establish and maintain a scholarship and loan fund which shall be used to provide interest-free loans



for educational advancement, scholarship, and/or grants-in-aid to bona fide organizations, students, or graduates of district schools. (Education Code 35310, 35315)

The district's scholarship and loan fund shall be administered by a district committee composed of Board members, the Superintendent, and such other community, staff, administrative, and/or student representatives as determined by the Board. (Education Code 35310)

The Board shall select its own representatives to the committee. Staff, community, and/or student representatives shall be selected by the Superintendent. Members of this committee shall serve two-year terms.

The committee may accept gifts, donations, and bequests made for the purposes of the fund and may prescribe conditions or restrictions on these gifts and bequests. If the donor imposes any conditions, the committee shall review the conditions and make a recommendation to the Board as to the compatibility of such conditions with the intent and purpose of the fund. The Board may prohibit the committee from accepting any donation under conditions it finds incompatible with the fund's intents and purposes as specified in Board Policy 3290 - Gifts, Grants and Requests. (Education Code 35313)

The Superintendent or designee shall report to the Board at least annually regarding the status and activity of the fund. (Education Code 35319)

**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.

**State References**

	<b>Description</b>
5 CCR 11517.6-11519.5	English Language Proficiency Assessments for California
5 CCR 1632	<a href="#">Alternative credits toward graduation for foreign language instruction in private school</a>
5 CCR 876	<a href="#">Golden State Seal Merit Diploma</a>
Ed. Code 220	<a href="#">Prohibition of discrimination</a>
Ed. Code 35160	<a href="#">Authority of governing boards</a>
Ed. Code 35310-35319	<a href="#">Scholarship and loan funds</a>
Ed. Code 44015	<a href="#">Awards to employees and students</a>
Ed. Code 51007	<a href="#">Equitable access to programs designed to strengthen technological skills</a>
Ed. Code 51243-51245	<a href="#">Credit for private school foreign language instruction</a>
Ed. Code 51450-51455	<a href="#">Golden State Seal Merit Diploma</a>
Ed. Code 51460-51464	<a href="#">State Seal of Biliteracy</a>
Ed. Code 51470-51475	<a href="#">State Seal of Civic Engagement</a>
Ed. Code 52164.1	<a href="#">Assessment of English language skills of English learners</a>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>

**Management Resources References**

	<b>Description</b>
California Department of Education Publication	State Seal of Biliteracy FAQs
California Department of Education Publication	SSCE Implementation Guidance
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Californians Together</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>

**Cross References****Description**

0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0415	<a href="#">Equity</a>
1150	<a href="#">Commendations And Awards</a>
1150	<a href="#">Commendations And Awards</a>
1220	<a href="#">Citizen Advisory Committees</a>
1220	<a href="#">Citizen Advisory Committees</a>
1260	<a href="#">Educational Foundation</a>
3290	<a href="#">Gifts, Grants And Bequests</a>
3400	<a href="#">Management Of District Assets/Accounts</a>
3400	<a href="#">Management Of District Assets/Accounts</a>
3460	<a href="#">Financial Reports And Accountability</a>
3460	<a href="#">Financial Reports And Accountability</a>
4156.2	<a href="#">Awards And Recognition</a>
4256.2	<a href="#">Awards And Recognition</a>
4356.2	<a href="#">Awards And Recognition</a>
5022	<a href="#">Student And Family Privacy Rights</a>
5022	<a href="#">Student And Family Privacy Rights</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.11	<a href="#">Attendance Supervision</a>
5121	<a href="#">Grades/Evaluation Of Student Achievement</a>
5121	<a href="#">Grades/Evaluation Of Student Achievement</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5127	<a href="#">Graduation Ceremonies And Activities</a>
5137	<a href="#">Positive School Climate</a>
6142.2	<a href="#">World Language Instruction</a>
6142.2	<a href="#">World Language Instruction</a>
6142.4	<a href="#">Service Learning/Community Service Classes</a>
6143	<a href="#">Courses Of Study</a>
6143	<a href="#">Courses Of Study</a>
6146.1	<a href="#">High School Graduation Requirements</a>
6158	<a href="#">Independent Study</a>
6158	<a href="#">Independent Study</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6172	<a href="#">Gifted And Talented Student Program</a>
6172	<a href="#">Gifted And Talented Student Program</a>

**Cross References**

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**Description**[Education For English Learners](#)[Education For English Learners](#)[Education For English Learners - Education For English Language Learners](#)[Alternative Schools/Programs Of Choice](#)[Alternative Schools/Programs Of Choice](#)[Home And Hospital Instruction](#)[Continuation Education](#)[Continuation Education](#)[Board Representatives](#)

**Regulation 5126: Awards For Achievement**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016

The Superintendent or designee may appoint an awards committee at each school which may consist of school administrators, staff members, parents/guardians, community members, and student representatives. The committee shall submit recommendations for student awards to the Superintendent or designee for approval.

Individual awards in excess of \$200 must be expressly approved by the Governing Board. (Education Code 44015)

**Golden State Seal Merit Diploma**

To be eligible to receive the Golden State Seal Merit Diploma upon graduation from high school, a student shall complete all requirements for a high school diploma and shall demonstrate mastery of the curriculum in mathematics, English language arts, science, U.S. history, and two other subject matter areas selected by the student by meeting at least one of the following criteria for each subject: (Education Code 51451, 51452; 5 CCR 876)

1. Mathematics and English language arts
  - a. A grade of at least B+ or the numerical equivalent in a single course each semester completed in grade 9, 10, or 11
  - b. An achievement level of "Standard Met" or above for the high school Smarter Balanced Summative Assessment
2. Science
  - a. A grade of at least B+ or the numerical equivalent in a single course each semester completed in grade 9, 10, or 11
  - b. An achievement level of "Standard Met" or above for the high school California Science Test taken in grade 10 or 11
3. U.S. history
  - a. A grade of at least B or the numerical equivalent in the required U.S. history course each semester
  - b. A qualifying score that demonstrates mastery of the subject as determined by the district for an exam produced by a private provider or the district
4. Two additional subject areas of the student's choosing
  - a. Any additional qualifying grade or score listed above, earned for the subject of English language arts, mathematics, science, or U.S. history not already used to meet eligibility
  - b. A grade of at least B or the numerical equivalent upon completion of high school courses in other subjects
  - c. A qualifying score that demonstrates mastery of other subjects, as determined by the district, for an exam produced by a private provider or the district

The Superintendent or designee shall maintain appropriate records to identify students who have earned the Golden State Seal Merit Diploma and shall affix an insignia to the high school diploma and transcript of each such student. (Education Code 51454)

The Superintendent or designee shall submit an insignia request form to the California Department of Education in sufficient time to allow for processing of the request prior to the high school graduation ceremony.

## State Seal of Biliteracy

To be eligible to receive the State Seal of Biliteracy upon graduation, a student shall demonstrate a high level of proficiency in English and at least one other language, which may include American Sign Language. (Education Code 51461)

Proficiency in English shall be demonstrated by meeting one of the following state-established criteria: (Education Code 51461)

1. Completion of all English language arts requirements for graduation with an overall grade point average of at least 3.0 in those classes or completion of one or more English language arts courses at a public higher education institution or an independent institution of higher education, as described in Education Code 66010, with a grade equivalent to a grade point average of 3.0 or above
2. Passage of the California Assessment of Student Performance and Progress for English language arts, or any successor test, administered in grade 11, at or above the "Standard Met" achievement level
3. Passage of an English Advanced Placement (AP) exam with a score of 3 or higher or an English International Baccalaureate (IB) exam with a score of 4 or higher
4. Achievement of a score of 480 or higher on the Evidence-Based Reading and Writing section of the Scholastic Aptitude Test (SAT)

Proficiency in one or more languages other than English shall be demonstrated through one of the following requirements: (Education Code 51461)

1. Passage of a world language AP exam with a score of 3 or higher, a world language IB exam with a score of 4 or higher, or a world language American Council on the Teaching of Foreign Languages (ACTFL) Writing Proficiency Test (WPT) and an Oral Proficiency Interview (OPI) with scores of Intermediate Mid or higher
2. Successful completion of a four-year course of study of content in a world language at a high school or higher level, attaining an overall grade point average of at least 3.0 in that course of study, and oral proficiency in the language comparable to that required in Item #1 above, successful completion of high school level courses completed in another country in a language other than English with the equivalent of an overall grade point average of 3.0 or above, as verified through a transcript, or completion of one or more world language courses at a public higher education institution or an independent institution of higher education as described in Education Code 66010, with a grade equivalent to a grade point average of at least 3.0 and oral proficiency in the language comparable to that specified in Item #1 above, as verified through a transcript
3. If no AP exam or off-the-shelf language test exists, passage of a district language exam that can be certified to meet the rigor of a four-year high school course of study in a given language, and that, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher
4. If a language is not characterized by listening, speaking, or reading, or for which there is no written system, passage of an assessment on the modalities that characterize communication in that language at the proficient level or higher

To be eligible to receive the State Seal of Biliteracy, a student who is an English learner shall, in addition to demonstrating proficiency in English and one or more languages other than English through one of the accomplishments specified above, attain an Oral Language composite score of level 4 on the English Language Proficiency Assessments for California, or any successor English oral language proficiency assessment. (Education Code 51461)

The Superintendent or designee shall maintain appropriate records to identify high school students who have earned the State Seal of Biliteracy and shall affix the insignia to the high school diploma or transcript of each such student. (Education Code 51463)

## State Seal of Civic Engagement

To be eligible to receive the State Seal of Civic Engagement, a student shall meet district requirements for all of the following state-established criteria:

1. Be engaged in academic work in a productive way
2. Demonstrate a competent understanding of U.S. and California Constitutions, functions and governance of local governments, tribal government structures and organizations, the role of the citizen in a constitutional democracy, and democratic principles, concepts, and processes
3. Participate in one or more informed civic engagement project(s) that address real-world problems and require students to identify and inquire into civic needs or problems, consider varied responses, take action, and reflect on efforts
4. Demonstrate civic knowledge, skills, and dispositions through self-reflection
5. Exhibit character traits that reflect civic-mindedness and a commitment to positively impact the classroom, school, community and/or society

The Superintendent or designee shall maintain appropriate records to identify students who have earned the State Seal of Civic Engagement and shall affix the insignia to the high school diploma or transcript of each such student. (Education Code 51473)

### Scholarship and Loan Fund

The Superintendent shall serve as chief executive officer of the scholarship and loan fund and as chairperson of the district committee established to administer the fund. The committee shall meet at least once each fiscal year and at other such times as it may be called into session by the Superintendent. (Education Code 35311, 35312)

Scholarship and loan funds shall be deposited, administered, and audited in accordance with Education Code 35314 and 35318.

The Superintendent or designee shall establish criteria, procedures, and deadlines for student applications for scholarships and/or loans from the fund. As applicable, the Superintendent or designee may require the student to submit letters of recommendation or other supplementary materials providing evidence of the student's accomplishments and/or need.

### Notifications

The Superintendent or designee shall annually distribute information about eligibility requirements for the Golden State Seal Merit Diploma, State Seal of Biliteracy, State Seal of Civic Engagement, and/or any district awards programs to students at the applicable grade levels.

**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.

### State References

5 CCR 11517.6-11519.5

### Description

English Language Proficiency Assessments for California

5 CCR 1632

[Alternative credits toward graduation for foreign language instruction in private school](#)

5 CCR 876

[Golden State Seal Merit Diploma](#)

Ed. Code 220

[Prohibition of discrimination](#)

Ed. Code 35160

[Authority of governing boards](#)

Ed. Code 35310-35319

[Scholarship and loan funds](#)

**State References**

Ed. Code 44015  
 Ed. Code 51007  
 Ed. Code 51243-51245  
 Ed. Code 51450-51455  
 Ed. Code 51460-51464  
 Ed. Code 51470-51475  
 Ed. Code 52164.1  
 Gov. Code 54950-54963

**Description**

[Awards to employees and students](#)  
[Equitable access to programs designed to strengthen technological skills](#)  
[Credit for private school foreign language instruction](#)  
[Golden State Seal Merit Diploma](#)  
[State Seal of Biliteracy](#)  
[State Seal of Civic Engagement](#)  
[Assessment of English language skills of English learners](#)  
[The Ralph M. Brown Act](#)

**Management Resources References**

California Department of Education Publication  
 California Department of Education Publication  
 Website  
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**Description**

[State Seal of Biliteracy FAQs](#)  
[SSCE Implementation Guidance](#)  
[CSBA District and County Office of Education Legal Services](#)  
[Californians Together](#)  
[CSBA](#)  
[California Department of Education](#)

**Cross References**

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**Description**

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[Chronic Absence And Truancy](#)  
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[Grades/Evaluation Of Student Achievement](#)  
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**Cross References**

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**Description**[Student Records](#)[Graduation Ceremonies And Activities](#)[Positive School Climate](#)[World Language Instruction](#)[World Language Instruction](#)[Service Learning/Community Service Classes](#)[Courses Of Study](#)[Courses Of Study](#)[High School Graduation Requirements](#)[Independent Study](#)[Independent Study](#)[Individualized Education Program](#)[Individualized Education Program](#)[State Academic Achievement Tests](#)[State Academic Achievement Tests](#)[Gifted And Talented Student Program](#)[Gifted And Talented Student Program](#)[Education For English Learners](#)[Education For English Learners](#)[Education For English Learners - Education For English Language Learners](#)[Alternative Schools/Programs Of Choice](#)[Alternative Schools/Programs Of Choice](#)[Home And Hospital Instruction](#)[Continuation Education](#)[Continuation Education](#)[Board Representatives](#)



**Policy 5141.21: Administering Medication And Monitoring Health Conditions**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should be able to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the district's permission for the student to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

In accordance with law, the Superintendent or designee may make naloxone hydrochloride or another opioid antagonist and stock albuterol inhalers available at each school for providing emergency medical aid to any person suffering or reasonably believed to be suffering from opioid overdose or respiratory distress. (Education Code 49414.3, 49414.7)

**OPTION 1:** The parent/guardian of a student who is a qualified patient pursuant to Health and Safety Code 11362.7-11362.85 may administer medicinal cannabis, excluding medicinal cannabis or cannabis products in a smokeable or vapeable form, to the student at a school site. School personnel are not authorized to administer medicinal cannabis to a student. (Education Code 49414.1)

Before administering medicinal cannabis at a school site, the parent/guardian shall provide to the principal or designee a valid written medical recommendation for the student to be given medicinal cannabis, which shall be kept on file at the school. The parent/guardian shall sign in at the school site before administering the medication, and shall not administer the medication in a manner that disrupts the educational environment or exposes other students. After the parent/guardian administers the medication, the parent/guardian shall remove any remaining medicinal cannabis from the school site. (Education Code 49414.1)

**END OF OPTION 1**

**OPTION 2:** Because of the conflict between state and federal law regarding the legality of medicinal cannabis, the Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.

**END OF OPTION 2**

The Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

**Administration of Medication by School Personnel**

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

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

**State References**

5 CCR 600-611  
 Bus. Code 2700-2837  
 Bus. Code 3500-3546  
 Bus. Code 4119.2  
 Bus. Code 4119.8  
 Ed. Code 48980  
 Ed. Code 49407  
 Ed. Code 49408  
 Ed. Code 49414  
 Ed. Code 49414.3  
 Ed. Code 49414.4  
 Ed. Code 49414.5  
 Ed. Code 49414.7  
 Ed. Code 49414.8  
 Ed. Code 49422-49427  
 Ed. Code 49423  
 Ed. Code 49423.1  
 Ed. Code 49426.5  
 Ed. Code 49468-49468.5  
 Ed. Code 49480  
 H&S 1799.113  
 H&S Code 11362.7-11362.85

**Description**

[Administering medication to students](#)  
[Nursing](#)  
[Physician assistants](#)  
[Acquisition of epinephrine auto-injectors](#)  
[Acquisition of naloxone hydrochloride or another opioid antagonist](#)  
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[Opioid Misuse](#)  
[Providing school personnel with voluntary emergency training](#)  
[Administration of albuterol inhalers](#)  
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[Administration of prescribed medication for student](#)  
[Inhaled asthma medication](#)  
[Licensed vocational nurses](#)  
[The Seizure Safe Schools Act](#)  
[Continuing medication regimen; notice](#)  
[Opioid overdose treatment](#)  
[Medicinal cannabis](#)

**Federal References**

20 USC 1232g  
 20 USC 1400-1482

**Description**

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)  
[Individuals with Disabilities Education Act](#)

**Federal References**

21 USC 812

21 USC 844

29 USC 794

34 CFR 99.30

**Description**[Schedule of controlled substances](#)[Penalties for possession of controlled substance](#)[Rehabilitation Act of 1973; Section 504](#)[Conditions under which prior written consent is required to disclose information](#)**Management Resources References**

American Diabetes Association Publication

American Diabetes Association Publication

American Diabetes Association Publication

Court Decision

National Diabetes Education Program Publication

Website

Website

Website

Website

Website

Website

Website

**Description**

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

Program Advisory on Medication Administration, 2005

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

American Nurses Association v. Torlakson (2013) 57 Cal.4th 570

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

[CSBA District and County Office of Education Legal Services](#)[National Diabetes Education Program](#)[U.S. Department of Health and Human Services, National Heart, Lung, and Blood Institute](#)[American Diabetes Association](#)[California Department of Education, Health Services and School Nursing](#)[CSBA](#)[California Department of Public Health](#)**Cross References**

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**Description**[Emergencies And Disaster Preparedness Plan](#)[Emergencies And Disaster Preparedness Plan](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Universal Precautions](#)[Universal Precautions](#)[Staff Development](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Universal Precautions](#)[Universal Precautions](#)

**Cross References**

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**Description**

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[Asthma Management](#)  
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[Specialized Health Care Services](#)  
[Food Allergies/Special Dietary Needs](#)  
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[School Health Services](#)  
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[Parent/Guardian Notifications](#)  
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[Before/After School Programs](#)  
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[Comprehensive Health Education](#)  
[Comprehensive Health Education](#)  
[Athletic Competition](#)  
[Athletic Competition](#)

**Cross References**

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**Description**

[Animals At School](#)

[Animals At School](#)

[Identification And Education Under Section 504](#)

[Identification And Education Under Section 504](#)

**Policy 5144: Discipline**

**Status:** DRAFT

**Original Adopted Date:** 02/21/2019

The Governing Board is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and achievement and desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent/guardian involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

The Superintendent or designee shall develop effective, age-appropriate strategies for maintaining a positive school climate and responding appropriately to student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

In addition, the Superintendent or designee's strategies for responding to student misconduct shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. (Education Code 49557.5)

A student shall not be denied recess unless the student's participation poses an immediate threat to the physical safety of the student or to the physical safety of one or more of the student's peers. If, due to such immediate threat, a student is denied recess, staff shall make all reasonable efforts to resolve the threat and minimize the student's exclusion from recess, to the greatest extent practicable. (Education Code 49056)

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to Education Code 49005.4 and in accordance with district regulations. (Education Code 49005.2)

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

The principal or designee at each school may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and administrative regulations. The Board, at an open meeting, may review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 32282, 35291.5)

At all times, the safety of students and staff, providing interventions and supports to students, as well as the maintenance of an orderly school environment, shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate support and/or discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively and equitably implement the disciplinary strategies adopted for district schools, including,

but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, and the tools to form strong, cooperative relationships with parents/guardians.

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety and connectedness to the school community, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

At the beginning of each school year, the Superintendent or designee may report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning.

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

**State References**

	<b>Description</b>
5 CCR 307	<a href="#">Participation in school activities until departure of bus</a>
5 CCR 353	<a href="#">Detention after school</a>
Civ. Code 1714.1	<a href="#">Liability of parent or guardian for act of willful misconduct by a minor</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 35146	<a href="#">Closed sessions</a>
Ed. Code 35291-35291.5	<a href="#">Rules</a>
Ed. Code 35291.5	<a href="#">School-adopted discipline rules</a>
Ed. Code 37223	<a href="#">Weekend classes</a>
Ed. Code 48900-48926	<a href="#">Suspension and expulsion</a>
Ed. Code 48980-48985	<a href="#">Parent/Guardian notifications</a>
Ed. Code 49005-49006.4	<a href="#">Seclusion and restraint</a>
Ed. Code 49055	<a href="#">Restorative justice practices</a>
Ed. Code 49056	<a href="#">Prohibition of denial of recess</a>
Ed. Code 49330-49335	<a href="#">Injurious objects</a>
Ed. Code 49414.4	<a href="#">Opioid misuse; alternative to referral to law enforcement</a>
Ed. Code 49550-49564.5	<a href="#">Meals for needy students</a>
Ed. Code 52059.5-52077	<a href="#">Local control and accountability plan</a>

**Federal References**

	<b>Description</b>
20 USC 1400-1482	<a href="#">Individuals with Disabilities Education Act</a>
29 USC 794	<a href="#">Rehabilitation Act of 1973; Section 504</a>
42 USC 1751-1769j	<a href="#">School Lunch Program</a>
42 USC 1773	<a href="#">School Breakfast Program</a>

**Management Resources References**

	<b>Description</b>
California Dept of Education Program Advisories	Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000
CSBA Publication	The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014
CSBA Publication	Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015
CSBA Publication	<a href="#">Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</a>

**Management Resources References**

CSBA Publication  
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 Fix School Discipline Project  
 U.S. DOE, Office for Civil Rights Publication  
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 Website  
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**Description**

[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)  
 Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009  
[Sample alternative discipline policy](#)  
 Resource on Confronting Racial Discrimination in Student Discipline  
[Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973](#)  
 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014  
[CSBA District and County Office of Education Legal Services](#)  
[Public Counsel](#)  
[U.S. Department of Education, Office for Civil Rights](#)  
[California Department of Education](#)  
[CSBA](#)

**Cross References**

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**Description**

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[Comprehensive Safety Plan](#)  
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[Local Control And Accountability Plan](#)  
[District-Sponsored Social Media](#)  
[District-Sponsored Social Media](#)  
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[Tobacco-Free Schools](#)  
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[Campus Security](#)  
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[Unmanned Aircraft Systems \(Drones\)](#)  
[District Police/Security Department](#)  
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[Recovery For Property Loss Or Damage](#)  
[Recovery For Property Loss Or Damage](#)  
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**Cross References****Description**

4131	<a href="#">Staff Development</a>
4158	<a href="#">Employee Security</a>
4158	<a href="#">Employee Security</a>
4258	<a href="#">Employee Security</a>
4258	<a href="#">Employee Security</a>
4358	<a href="#">Employee Security</a>
4358	<a href="#">Employee Security</a>
5000	<a href="#">Concepts And Roles</a>
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5020	<a href="#">Parent Rights And Responsibilities</a>
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5112.1	<a href="#">Exemptions From Attendance</a>
5112.5	<a href="#">Open/Closed Campus</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5116.2	<a href="#">Involuntary Student Transfers</a>
5125	<a href="#">Student Records</a>
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5131.41	<a href="#">Use Of Seclusion And Restraint</a>
5131.5	<a href="#">Vandalism And Graffiti</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
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5131.63	<a href="#">Steroids</a>
5131.63	<a href="#">Steroids</a>
5131.63-E PDF(1)	<a href="#">Steroids</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.9	<a href="#">Academic Honesty</a>
5132	<a href="#">Dress And Grooming</a>

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5132	<a href="#">Dress And Grooming</a>
5137	<a href="#">Positive School Climate</a>
5138	<a href="#">Conflict Resolution/Peer Mediation</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5142	<a href="#">Safety</a>
5142	<a href="#">Safety</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.2	<a href="#">Suspension And Expulsion/Due Process (Students With Disabilities)</a>
5144.4	<a href="#">Required Parental Attendance</a>
5144.4	<a href="#">Required Parental Attendance</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
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5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.71	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.71-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.2	<a href="#">Before/After School Programs</a>
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6145.2	<a href="#">Athletic Competition</a>
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6145.8	<a href="#">Assemblies And Special Events</a>
6153	<a href="#">School-Sponsored Trips</a>
6153	<a href="#">School-Sponsored Trips</a>
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6159.4	<a href="#">Behavioral Interventions For Special Education Students</a>
6162.54	<a href="#">Test Integrity/Test Preparation</a>
6163.4	<a href="#">Student Use Of Technology</a>

**Cross References**

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**Description**[Student Use Of Technology](#)[Student Use Of Technology](#)[Guidance/Counseling Services](#)[Student Success Teams](#)[Student Success Teams](#)[Continuation Education](#)[Continuation Education](#)[Closed Session](#)[Closed Session](#)[Closed Session](#)

**Regulation 5144: Discipline**

**Status:** DRAFT

**Original Adopted Date:** 02/21/2019

**Site-Level Rules**

Site-level rules shall be consistent with state law and Board policies and administrative regulations. In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any
5. Students in grades seven through twelve

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in state law, district discipline policies and regulations, and/or goals for school safety and climate as specified in the district's local control and accountability plan. A copy of the rules shall be filed with the Superintendent or designee for inclusion in the comprehensive safety plan.

School rules shall be communicated to students clearly and in an age-appropriate manner.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291.5)

**Disciplinary Strategies**

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when students' presence causes a danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension, supervised suspension, or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff, the student, and the student's parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and the student's parents/guardians
4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program (IEP) or a Section 504 plan
5. Enrollment in a program for teaching prosocial behavior or anger management
6. Participation in a restorative justice program
7. A positive behavior support approach with tiered interventions that occur during the school day on campus
8. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably

9. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
10. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
11. Detention after school hours as provided in the section below entitled "Detention After School"
12. Community service as provided in the section below entitled "Community Service"
13. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
14. Reassignment to an alternative educational environment
15. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. (Education Code 48900.5)

When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

When disciplining a student who has been identified for special education and related services, the procedures specified in Administrative Regulation 5144.2 - Suspension And Expulsion/Due Process (Students With Disabilities) shall be applied. If a student has not been identified as a student with a disability and the district suspects the behavior that resulted in discipline may be based in an unidentified disability, the district shall conduct an evaluation to determine if the student has a disability which requires an IEP or 504 plan. (U.S.C. 1412(a)(3))

### **Detention After School**

Students may be detained for disciplinary reasons for up to one hour after the close of the maximum school day, or until the departure of the school bus to which they have been assigned if applicable. (5 CCR 307, 353)

The student shall not be detained unless the principal or designee notifies the parent/guardian.

Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

### **Community Service**

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may require a student to perform community service during nonschool hours on school grounds or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then the student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

### Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291, 48980)

The Superintendent or designee shall also provide written notice of disciplinary rules to parents/guardians of transfer students at the time of their enrollment in the district.

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

#### State References

5 CCR 307

#### Description

[Participation in school activities until departure of bus](#)

5 CCR 353

[Detention after school](#)

Civ. Code 1714.1

[Liability of parent or guardian for act of willful misconduct by a minor](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 35146

[Closed sessions](#)

Ed. Code 35291-35291.5

[Rules](#)

Ed. Code 35291.5

[School-adopted discipline rules](#)

Ed. Code 37223

[Weekend classes](#)

Ed. Code 48900-48926

[Suspension and expulsion](#)

Ed. Code 48980-48985

[Parent/Guardian notifications](#)

Ed. Code 49005-49006.4

[Seclusion and restraint](#)

Ed. Code 49055

[Restorative justice practices](#)

Ed. Code 49056

[Prohibition of denial of recess](#)

Ed. Code 49330-49335

[Injurious objects](#)

Ed. Code 49414.4

[Opioid misuse; alternative to referral to law enforcement](#)

Ed. Code 49550-49564.5

[Meals for needy students](#)

Ed. Code 52059.5-52077

[Local control and accountability plan](#)

#### Federal References

20 USC 1400-1482

#### Description

[Individuals with Disabilities Education Act](#)

29 USC 794

[Rehabilitation Act of 1973; Section 504](#)

42 USC 1751-1769j

[School Lunch Program](#)

42 USC 1773

[School Breakfast Program](#)

#### Management Resources References

#### Description

California Dept of Education Program Advisories

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

CSBA Publication

The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014

**Management Resources References**

CSBA Publication

**Description**

Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015

CSBA Publication

[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)

CSBA Publication

[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)

CSBA Publication

Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009

Fix School Discipline Project

[Sample alternative discipline policy](#)

U.S. DOE, Office for Civil Rights Publication

Resource on Confronting Racial Discrimination in Student Discipline

U.S. DOE, Office for Civil Rights Publication

[Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973](#)

U.S. DOE, Office for Civil Rights Publication

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[Public Counsel](#)

Website

[U.S. Department of Education, Office for Civil Rights](#)

Website

[California Department of Education](#)

Website

[CSBA](#)**Cross References****Description**

0450

[Comprehensive Safety Plan](#)

0450

[Comprehensive Safety Plan](#)

0460

[Local Control And Accountability Plan](#)

0460

[Local Control And Accountability Plan](#)

1114

[District-Sponsored Social Media](#)

1114

[District-Sponsored Social Media](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3-E PDF(1)

[Uniform Complaint Procedures](#)

1312.3-E PDF(2)

[Uniform Complaint Procedures](#)

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[Civility](#)

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[Equipment](#)

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[Equipment](#)

3513.3

[Tobacco-Free Schools](#)

3513.3

[Tobacco-Free Schools](#)

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[Campus Security](#)

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[Campus Security](#)

3515.21

[Unmanned Aircraft Systems \(Drones\)](#)

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[District Police/Security Department](#)

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[School Resource Officers](#)

3515.4

[Recovery For Property Loss Or Damage](#)

**Cross References**

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**Description**

[Recovery For Property Loss Or Damage](#)  
[Transportation Safety And Emergencies](#)  
[Staff Development](#)  
[Employee Security](#)  
[Employee Security](#)  
[Employee Security](#)  
[Employee Security](#)  
[Employee Security](#)  
[Employee Security](#)  
[Concepts And Roles](#)  
[Parent Rights And Responsibilities](#)  
[Parent Rights And Responsibilities](#)  
[Student Wellness](#)  
[Exemptions From Attendance](#)  
[Exemptions From Attendance](#)  
[Open/Closed Campus](#)  
[Chronic Absence And Truancy](#)  
[Chronic Absence And Truancy](#)  
[Involuntary Student Transfers](#)  
[Student Records](#)  
[Student Records](#)  
[Graduation Ceremonies And Activities](#)  
[Conduct](#)  
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[Bullying](#)  
[Bullying](#)  
[Student Disturbances](#)  
[Student Disturbances](#)  
[Use Of Seclusion And Restraint](#)  
[Vandalism And Graffiti](#)  
[Alcohol And Other Drugs](#)  
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[Weapons And Dangerous Instruments](#)  
[Weapons And Dangerous Instruments](#)



**Cross References****Description**

5131.9	<a href="#">Academic Honesty</a>
5132	<a href="#">Dress And Grooming</a>
5132	<a href="#">Dress And Grooming</a>
5137	<a href="#">Positive School Climate</a>
5138	<a href="#">Conflict Resolution/Peer Mediation</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5142	<a href="#">Safety</a>
5142	<a href="#">Safety</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.2	<a href="#">Suspension And Expulsion/Due Process (Students With Disabilities)</a>
5144.4	<a href="#">Required Parental Attendance</a>
5144.4	<a href="#">Required Parental Attendance</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E PDF(1)	<a href="#">Parent/Guardian Notifications</a>
5145.6-E PDF(2)	<a href="#">Parent/Guardian Notifications</a>
5145.6-E PDF(3)	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.71	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.71-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.2	<a href="#">Before/After School Programs</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145.2	<a href="#">Athletic Competition</a>
6145.2	<a href="#">Athletic Competition</a>
6145.8	<a href="#">Assemblies And Special Events</a>
6153	<a href="#">School-Sponsored Trips</a>
6153	<a href="#">School-Sponsored Trips</a>
6153-E PDF(1)	<a href="#">School-Sponsored Trips</a>
6159.4	<a href="#">Behavioral Interventions For Special Education Students</a>

**Cross References**

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6163.4

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6164.5

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9321-E(2)

**Description**[Test Integrity/Test Preparation](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Guidance/Counseling Services](#)[Student Success Teams](#)[Student Success Teams](#)[Continuation Education](#)[Continuation Education](#)[Closed Session](#)[Closed Session](#)[Closed Session](#)

**Policy 6115: Ceremonies And Observances**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016

The Governing Board recognizes the importance of having students observe holidays, celebrate events of cultural, historical, or present day significance, and acknowledge the contributions of outstanding individuals in society. On days designated by the Board, and as required by law, staff shall provide students with appropriate commemorative exercises and educational experiences so that they may acquire the knowledge, skills, and principles essential for informed, responsible citizenship in a democratic society.

District schools shall be closed on the holidays specified in Education Code 37220 and on any other day designated as a holiday by the Board. The Board may, by adoption of a resolution, revise the date upon which schools close in observance of any holiday except Veterans Day, which shall be celebrated on its actual date. (Education Code 37220)

In addition, the Board may, through the adoption of a resolution, authorize the display of symbolic flags or banners in support of specific awareness months.

**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.

**State References**

**Description**

Ed. Code 37220-37222.21	<a href="#">Holidays and commemorative events</a>
Ed. Code 44015.1	<a href="#">Week of the School Administrator</a>
Ed. Code 45203	<a href="#">Paid holidays</a>
Ed. Code 45460	<a href="#">Classified School Employee Week</a>
Ed. Code 49110.5	<a href="#">Workplace Readiness Week</a>
Ed. Code 52720-52730	<a href="#">Patriotic exercises and instruction</a>
Gov. Code 3540-3549.3	<a href="#">Public education employer-employee relations</a>
Gov. Code 430-439	<a href="#">Display of flags</a>

**Federal References**

**Description**

36 USC 106	<a href="#">Constitution Day and Citizenship Day</a>
4 USC 6	<a href="#">Time and occasion for display of flag</a>
4 USC 7	<a href="#">Position and manner of display of flag</a>

**Management Resources References**

**Description**

Court Decision	Newdow v. Rio Linda Union School District (9th Cir. 2010) 597 F.3d 1007
Court Decision	West Virginia State Board of Education et al. v. Barnette et al. (1943) 319 U.S. 624
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education, History/Social Science Instructional Materials</a>
Website	<a href="#">CSBA</a>

**Cross References**

**Description**

1330	<a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a>
1330-E PDF(1)	<a href="#">Use Of School Facilities</a>

**Cross References**

4156.2

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4356.2

5113.2

5113.2

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6141.2

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6178.1

**Description**[Awards And Recognition](#)[Awards And Recognition](#)[Awards And Recognition](#)[Work Permits](#)[Work Permits](#)[School Calendar](#)[Year-Round Schedules](#)[Recognition Of Religious Beliefs And Customs](#)[Recognition Of Religious Beliefs And Customs](#)[Civic Education](#)[Service Learning/Community Service Classes](#)[History-Social Science Instruction](#)[Courses Of Study](#)[Courses Of Study](#)[Controversial Issues](#)[Controversial Issues](#)[Assemblies And Special Events](#)[Migrant Education Program](#)[Migrant Education Program](#)[Work-Based Learning](#)[Work-Based Learning](#)

**Regulation 6115: Ceremonies And Observances**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016

**Holidays**

District schools shall be closed on the following holidays: (Education Code 37220)

New Year's Day - January 1

Dr. Martin Luther King, Jr. Day - Third Monday in January or the Monday or Friday of the week in which January 15 occurs

Lincoln Day - The Monday or Friday of the week in which February 12 occurs

Washington Day - Third Monday in February

Memorial Day - Last Monday in May

Juneteenth National Independence Day - June 19

Independence Day - July 4

Labor Day - First Monday in September

Veterans Day - November 11

Thanksgiving Day - The Thursday in November designated by the President

Christmas Day - December 25

In addition, schools shall be closed on: (Education Code 37220)

1. Any day appointed by the Governor as a holiday or as a special or limited holiday on which the Governor provides that schools shall close
2. Any day appointed by the President as a holiday, including by executive order or by signing into law legislation that creates a nationwide federal holiday
3. Any other day designated as a holiday by the Governing Board and/or negotiated with employee organizations

Holidays which fall on a Sunday shall be observed the following Monday. Holidays which fall on a Saturday shall be observed the preceding Friday. If any of the above holidays occur under federal law on a date different from that indicated above, the Board may close the schools on the date recognized by federal law instead of on the date above. (Education Code 37220)

**Commemorative Exercises**

District schools shall hold exercises in accordance with law to commemorate the following special days: (Education Code 37220, 37221, 45460, 49110.5)

Dr. Martin Luther King, Jr. Day - The Friday before the day schools are closed for this holiday

Abraham Lincoln's Birthday - The school day before the day schools are closed for this holiday

Susan B. Anthony Day - February 15

George Washington's Birthday - The Friday preceding the third Monday in February

Black American Day - March 5

Conservation, Bird, and Arbor Day - March 7  
Workplace Readiness Week - The week that includes April 28

Classified Employee Week - Third week in May

U.S. Constitution and Citizenship Day - On or near September 17

Commemorative exercises shall be integrated into the regular educational program as required by law.

### **Patriotic Exercises**

Each school shall conduct patriotic exercises daily, which may include the Pledge of Allegiance to the Flag of the United States and/or instruction that promotes understanding of the concepts of "pledge," "allegiance," "republic," and "indivisible" and understanding of the importance of the pledge as an expression of patriotism, love of country, and pride in the United States. (Education Code 52720, 52730)

At elementary schools, such exercises shall be conducted at the beginning of each school day. (Education Code 52720)

At secondary schools, such exercises shall be conducted during the homeroom period.

A student may choose not to participate in the flag salute or Pledge of Allegiance for personal reasons.

### **Display of Flag**

The flag of the United States and the flag of California shall be displayed during business hours at the entrance or on the grounds of every district school and on or near the district office. At all times, the national flag shall be placed in the position of first honor. (Government Code 431, 436; 4 USC 6)

When displayed on a building or on a flagstaff in the open, the national flag shall be displayed only from sunrise to sunset unless properly illuminated during the hours of darkness. The flag should not be displayed during inclement weather unless an all-weather flag is used. (4 USC 6)

The national flag shall fly at half-staff on the following occasions: (4 USC 7)

1. For 30 days from the death of the President or a former President
2. For 10 days from the death of the Vice President, the Chief Justice or a retired Chief Justice, or the Speaker of the House of Representatives
3. From the day of death until interment of an Associate Justice of the Supreme Court, a secretary of an executive or military department, former Vice President, or the Governor of a state
4. On the day of death and the following day for a Member of Congress
5. On Memorial Day, until noon only
6. On Peace Officers Memorial Day (May 15), unless it falls on Armed Forces Day
7. Upon a proclamation from the Governor in the event of the death of a present or former official of the state government, a member of the Armed Forces from the state who has died while serving on active duty, or the death of a first responder working in the state who dies while serving in the line of duty
8. On other occasions by order of the President and in accordance with presidential instructions or orders

**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.

**State References**

	<b>Description</b>
Ed. Code 37220-37222.21	<a href="#">Holidays and commemorative events</a>
Ed. Code 44015.1	<a href="#">Week of the School Administrator</a>
Ed. Code 45203	<a href="#">Paid holidays</a>
Ed. Code 45460	<a href="#">Classified School Employee Week</a>
Ed. Code 49110.5	<a href="#">Workplace Readiness Week</a>
Ed. Code 52720-52730	<a href="#">Patriotic exercises and instruction</a>
Gov. Code 3540-3549.3	<a href="#">Public education employer-employee relations</a>
Gov. Code 430-439	<a href="#">Display of flags</a>

**Federal References**

	<b>Description</b>
36 USC 106	<a href="#">Constitution Day and Citizenship Day</a>
4 USC 6	<a href="#">Time and occasion for display of flag</a>
4 USC 7	<a href="#">Position and manner of display of flag</a>

**Management Resources References**

	<b>Description</b>
Court Decision	Newdow v. Rio Linda Union School District (9th Cir. 2010) 597 F.3d 1007
Court Decision	West Virginia State Board of Education et al. v. Barnette et al. (1943) 319 U.S. 624
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education, History/Social Science Instructional Materials</a>
Website	<a href="#">CSBA</a>

**Cross References**

	<b>Description</b>
1330	<a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a>
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4156.2	<a href="#">Awards And Recognition</a>
4256.2	<a href="#">Awards And Recognition</a>
4356.2	<a href="#">Awards And Recognition</a>
5113.2	<a href="#">Work Permits</a>
5113.2	<a href="#">Work Permits</a>
6111	<a href="#">School Calendar</a>
6117	<a href="#">Year-Round Schedules</a>
6141.2	<a href="#">Recognition Of Religious Beliefs And Customs</a>
6141.2	<a href="#">Recognition Of Religious Beliefs And Customs</a>
6142.3	<a href="#">Civic Education</a>
6142.4	<a href="#">Service Learning/Community Service Classes</a>
6142.94	<a href="#">History-Social Science Instruction</a>
6143	<a href="#">Courses Of Study</a>

**Cross References**

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6178.1

6178.1

**Description**[Courses Of Study](#)[Controversial Issues](#)[Controversial Issues](#)[Assemblies And Special Events](#)[Migrant Education Program](#)[Migrant Education Program](#)[Work-Based Learning](#)[Work-Based Learning](#)



**Policy 6141.2: Recognition Of Religious Beliefs And Customs**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016

The Governing Board recognizes that students' education would be incomplete without an understanding of the role of religion in society. As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature, or the arts. The Board expects that such instruction will identify principles common to all religions and foster respect for the diversity of religions and customs in the world and be consistent with the adopted instructional materials and state standards, as applicable.

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is forbidden in public schools. The Superintendent or designee shall ensure that instruction about religion does not promote or denigrate the beliefs or customs of any particular religion or sect, nor that a preference be shown for one religious viewpoint over another. Staff members shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces, and treat all religions and religious conviction, including nonbelief, with fairness and respect.

Staff shall not endorse, encourage, or solicit religious or anti-religious expression or activities among students during class time.

Staff shall not coerce students in prayer or other religious activities as part of their official duties. However, Staff are not prohibited, when acting in their private capacity, from encouraging students' participation in personal prayer or other religious activity. Additionally, staff shall not prohibit or discourage any student from praying or otherwise expressing the student's religious belief so long as this does not disrupt the classroom or other school sponsored activity.

Students may express their beliefs about religion in their homework, artwork, and other class work if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards, relevance, and other legitimate pedagogical objectives.

While teaching about religious holidays is a permissible part of the educational program, celebrating religious holidays is not allowed in the district. School-sponsored programs shall not be, nor have the effect of being, religiously oriented or a religious celebration. School and classroom decorations may express seasonal themes that are not religious in nature. The use of religious symbols that are part of a religious holiday is permitted as a teaching aid or resource provided that such symbols are displayed as an example of cultural and religious heritage of the holiday and temporary in nature.

Classroom methods in instruction about religion shall not include religious role-playing activities or simulated religious devotional acts.

Music, art, literature or drama programs having religious themes are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of cultural and religious heritage.

District schools shall not prohibit religious activities if the same or similar non-religious activities are permitted.

**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.

**State References**

Ed. Code 38130-38139

**Description**

[Civic Center Act](#)

Ed. Code 46014

[Absences for religious purposes](#)

Ed. Code 51511

[Religious matters properly included in courses of study](#)

Ed. Code 51938

[Right of parent/guardian to excuse from sexual health instruction](#)

**Federal References**

20 USC 4071-4074  
 20 USC 6061  
 20 USC 7904

**Description**

Equal Access Act  
[School prayer](#)  
[School prayer](#)

**Management Resources References**

California Department of Education Publication  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 U.S. Department of Education Publication  
 Website  
 Website  
 Website  
 Website

**Description**

[Appendix F history social science framework for California public schools](#)  
 Florey v. Sioux Falls (1980) 619 F.2d 1311  
 Fellowship of Christian Athletes v. San Jose Unified School District Board of Education (2023) 82 F.4th 664  
 Kennedy v. Bremerton (2022) 142 S.Ct. 2407  
 Cole v. Oroville Union High School District (2000, 9th Cir.) 228 F.3d 1092  
 Lassonde v. Pleasanton Unified School District (2003, 9th Cir.) 320 F.3d 979  
 Lemon v. Kurtzman (1971) 403 U.S. 602  
[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)  
[CSBA District and County Office of Education Legal Services](#)  
[California Department of Education](#)  
[CSBA](#)  
[U.S. Department of Education](#)

**Cross References**

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**Description**

[Nondiscrimination In District Programs And Activities](#)  
[Comprehensive Safety Plan](#)  
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[Advertising And Promotion](#)  
[Use Of School Facilities](#)  
[Use Of School Facilities](#)  
[Use Of School Facilities](#)  
[Absences And Excuses](#)  
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**Cross References**

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**Description**[Comprehensive Health Education](#)[Comprehensive Health Education](#)[Science Instruction](#)[History-Social Science Instruction](#)[Courses Of Study](#)[Courses Of Study](#)[Controversial Issues](#)[Controversial Issues](#)[Student Organizations And Equal Access](#)[Student Organizations And Equal Access](#)[Assemblies And Special Events](#)[Homework/Makeup Work](#)[Homework/Makeup Work](#)[Supplementary Instructional Materials](#)[Weekend/Saturday Classes](#)

**Regulation 6141.2: Recognition Of Religious Beliefs And Customs**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016

The Superintendent or designee shall ensure the following for the recognition of religious beliefs and customs in district schools:

1. The approach to religion is academic and not devotional
2. The goal is for student awareness of religion in historical and contemporary societies
3. The students may not be pressed to accept any one religion
4. The school may include the study of religion as part of the history-social science curriculum, but the practice of religions may not be sponsored
5. The students may be exposed to and educated about a diversity of religious views and beliefs, but a particular view or belief may not be imposed, nor may any one religion be promoted or denigrated

Staff shall make every effort to schedule one-time events, such as examinations, school-sponsored trips, special laboratories, picture-taking days, and class parties, to minimize conflicts with major religious holidays of all faiths such that no one faith is disproportionately impacted.

**Programs and Exhibits**

When school programs and exhibits are in any way related to instruction about religion or religious holidays, the following guidelines shall be observed:

1. The principal or designee shall ensure that school-sponsored programs are presented in an objective manner, consistent with Board policy.
2. The principal or designee shall be kept informed of the program's development.
3. Program or exhibit planners shall take into consideration the diverse religious faiths represented in the community, student body and staff.

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

**State References**

Ed. Code 38130-38139  
Ed. Code 46014  
Ed. Code 51511  
Ed. Code 51938

**Description**

[Civic Center Act](#)  
[Absences for religious purposes](#)  
[Religious matters properly included in courses of study](#)  
[Right of parent/guardian to excuse from sexual health instruction](#)

**Federal References**

20 USC 4071-4074  
20 USC 6061  
20 USC 7904

**Description**

Equal Access Act  
[School prayer](#)  
[School prayer](#)

**Management Resources References**

California Department of Education Publication  
Court Decision

**Description**

[Appendix F history social science framework for California public schools](#)  
Florey v. Sioux Falls (1980) 619 F.2d 1311

**Management Resources References**

Court Decision  
Court Decision  
Court Decision  
Court Decision  
Court Decision  
U.S. Department of Education Publication  
Website  
Website  
Website  
Website

**Description**

Fellowship of Christian Athletes v. San Jose Unified School District Board of Education (2023) 82 F.4th 664  
Kennedy v. Bremerton (2022) 142 S.Ct. 2407  
Cole v. Oroville Union High School District (2000, 9th Cir.) 228 F.3d 1092  
Lassonde v. Pleasanton Unified School District (2003, 9th Cir.) 320 F.3d 979  
Lemon v. Kurtzman (1971) 403 U.S. 602  
[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)  
[CSBA District and County Office of Education Legal Services](#)  
[California Department of Education](#)  
[CSBA](#)  
[U.S. Department of Education](#)

**Cross References**

0410  
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**Description**

[Nondiscrimination In District Programs And Activities](#)  
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[Comprehensive Health Education](#)  
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**Cross References**

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**Description**[Controversial Issues](#)[Controversial Issues](#)[Student Organizations And Equal Access](#)[Student Organizations And Equal Access](#)[Assemblies And Special Events](#)[Homework/Makeup Work](#)[Homework/Makeup Work](#)[Supplementary Instructional Materials](#)[Weekend/Saturday Classes](#)

**Policy 6175: Migrant Education Program**

Status: DRAFT

Original Adopted Date: 02/21/2019

The Governing Board desires to provide a comprehensive program for students who are migratory that attempts to mitigate the impact of educational disruption, cultural and language barriers, social isolation, health-related problems, and other factors that may inhibit their ability to succeed in school. The district shall make use of available funds to provide supplementary services for students who are migratory.

The Superintendent or designee shall cooperate with the regional migrant service center in outreach and identification of eligible students who are migratory and in the provision of migrant education services. The Superintendent or designee shall also coordinate migrant education services with other programs within the district and with other public agencies that serve migrant workers and their families.

The district shall give first priority for services to students who are migratory who are failing, or are most at risk of failing, to meet state academic standards or have dropped out of school. (20 USC 6394)

The district shall provide services to eligible private school students residing within the district on an equitable basis with participating public school students. (20 USC 7881; 34 CFR 200.87)

The Superintendent or designee shall ensure that each student who is migratory is placed at the appropriate grade level upon enrollment and is provided services in accordance with an individual needs assessment and learning plan.

The Superintendent or designee shall annually report to the Board regarding student performance on statewide assessments of core academic subjects and English language development, as appropriate, for students enrolled in the district's migrant education program. In addition, the Superintendent or designee shall periodically report to the Board regarding the alignment of district services with the needs of students as identified in student needs assessments conducted pursuant to Education Code 54443.1. As necessary, the Board shall seek technical assistance from the migrant education regional service center and/or make changes in the services provided by the district in order to improve student achievement.

**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.

**State References**

**Description**

5 CCR 3080	<a href="#">Applicability of uniform complaint procedures to complaints regarding students with disabilities</a>
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 200	<a href="#">Equal rights and opportunities in state educational institutions</a>
Ed. Code 220	<a href="#">Prohibition of discrimination</a>
Ed. Code 234.7	<a href="#">Student protections relating to immigration and citizenship status</a>

**Federal References**

20 USC 6311  
 20 USC 6391-6399  
 20 USC 7881  
 34 CFR 200.81-200.89

**Description**

[State plan](#)  
 Education of migratory children  
[Participation of private school students](#)  
[Migrant education program](#)

**Management Resources References**

California Child Welfare Council Publication  
 California Department of Education Publication  
 U.S. Department of Education Publication  
 Website  
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 Website  
 Website  
 Website

**Description**

[Partial Credit Model Policy and Practice Recommendations, September 2013](#)  
 2017 State Service Delivery Plan  
 Education of Migratory Children Under Title I, Part C of the Elementary and Secondary Education Act of 1965, Non-Regulatory Guidance, rev. March 2017  
[CSBA District and County Office of Education Legal Services](#)  
[California Department of Education, Migrant Education Office](#)  
[U.S. Department of Education, Office of Migrant Education](#)  
[West Ed, Migrant Student Information Network](#)  
[CSBA](#)

**Cross References**

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**Description**

[Nondiscrimination In District Programs And Activities](#)  
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[Free And Reduced Price Meals](#)  
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[Chronic Absence And Truancy](#)  
[Chronic Absence And Truancy](#)  
[Attendance Supervision](#)  
[Student Records](#)



**Cross References****Description**

5125	<a href="#">Student Records</a>
5125.2	<a href="#">Withholding Grades, Diploma Or Transcripts</a>
5132	<a href="#">Dress And Grooming</a>
5132	<a href="#">Dress And Grooming</a>
5141.26	<a href="#">Tuberculosis Testing</a>
5141.26	<a href="#">Tuberculosis Testing</a>
5141.31	<a href="#">Immunizations</a>
5141.31	<a href="#">Immunizations</a>
5141.32	<a href="#">Health Screening For School Entry</a>
5141.6	<a href="#">School Health Services</a>
5141.6	<a href="#">School Health Services</a>
5145.13	<a href="#">Response To Immigration Enforcement</a>
5145.13	<a href="#">Response To Immigration Enforcement</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
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5145.6-E PDF(2)	<a href="#">Parent/Guardian Notifications</a>
5145.6-E PDF(3)	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
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6020	<a href="#">Parent Involvement</a>
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6115	<a href="#">Ceremonies And Observances</a>
6146.1	<a href="#">High School Graduation Requirements</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6164.2	<a href="#">Guidance/Counseling Services</a>
6164.5	<a href="#">Student Success Teams</a>
6164.5	<a href="#">Student Success Teams</a>
6171	<a href="#">Title I Programs</a>
6171	<a href="#">Title I Programs</a>
6174	<a href="#">Education For English Learners</a>
6174	<a href="#">Education For English Learners</a>

**Cross References**

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**Description**

[Education For English Learners - Education For English Language Learners](#)

[Summer Learning Programs](#)

[Career Technical Education](#)

[Career Technical Education](#)

**Regulation 6175: Migrant Education Program**

**Status:** DRAFT

**Original Adopted Date:** 02/21/2019

### Eligibility

Students age 3 to 21 years shall be eligible for the district's migrant education program if they, their parents/guardians, or their spouses are migratory agricultural workers or fishers who, in the preceding 36 months, moved into the district due to economic necessity and engaged in new temporary or seasonal employment or personal subsistence in agriculture or fishing. If such employment was not secured soon after the move, students may be considered students who are migratory if the student, the student's parents/guardians, or the student's spouse actively sought such new employment and have a recent history of moves for temporary or seasonal agricultural or fishing employment. (20 USC 6399; 34 CFR 200.81)

A student who ceases to be a student who is migratory during a school term shall be eligible for services until the end of the term. If comparable services are not available through other programs, a student who is no longer migratory may continue to receive services for one additional school year. Students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation. (20 USC 6394)

### Enrollment

A student who is migratory shall be immediately enrolled in the district even if the student: (Education Code 48204.7)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
2. Does not have clothing normally required by the school, such as school uniforms
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, medical records, including, but not limited to, records or other proof of immunization history, or other documentation

If a student who is migratory experiences a change in residence, the student may remain enrolled in the school of origin for the duration of the student's status as a student who is migratory. (Education Code 48204.7)

If a student's status as a student who is migratory changes during a school year, the Superintendent or designee shall allow the student to continue at the school of origin through the duration of that school year or, if the student is enrolled in a high school, through graduation. (Education Code 48204.7)

A student who is migratory and is transitioning between school grade levels shall be allowed to continue in the district of origin in the same attendance area to provide the student the benefit of matriculating with peers in accordance with the established feeder patterns of school districts. A student who is migratory and is transitioning to a middle school or high school designated for matriculation in another school district shall be allowed to enroll in that school. (Education Code 48204.7)

The Superintendent or designee shall inform a student who is migratory and the student's parent/guardian of the impact of remaining in the school of origin on the student's eligibility to receive migrant education services pursuant to Education Code 54440-54445. (Education Code 48204.7)

The Superintendent or designee may, but is not required to, provide transportation to enable a student who is migratory to attend the school of origin, unless otherwise required by federal law, or provide programs for online instruction as a substitute for physical attendance. (Education Code 48204.7)

### Student Records

The Superintendent or designee shall maintain records documenting the eligibility of students enrolled in the district's migrant education program. However, the district shall not collect information or documents regarding the

citizenship or immigration status of students or their family members for the purpose of determining eligibility for migrant education services.

The Superintendent or designee shall acquire education and health records from the previous school districts of a student who is migratory, as appropriate.

When a student who is migratory transfers to another district, the student's records shall be provided to the receiving district upon request at no cost in order to assist that district in meeting the needs of the student. (20 USC 6398)

### **Program Components**

The migrant education program shall include all of the following components: (Education Code 54443.1)

1. A general needs assessment summarizing the needs of the population to be served
2. A comprehensive program to meet the educational, health, and related needs of participating students which supplements the district program and includes, but is not limited to:
  - a. Instructional services, including academic, remedial and compensatory, bilingual-crosscultural, and career technical instruction
  - b. Counseling and career education services
  - c. Preschool services in accordance with Education Code 54443
  - d. Other educational services that are not otherwise available in sufficient quantity or quality to eligible students who are migratory
  - e. The acquisition of instructional materials and equipment necessary to adequately provide the appropriate services
  - f. Other related services to meet the special needs of eligible students who are migratory to enable them to participate effectively in instructional services
  - g. The coordination and teaming of existing resources serving students who are migratory, such as bilingual-crosscultural education, health screening, and compensatory education
3. Individual assessment of the educational and relevant health needs of each participating student, within 30 days of enrollment, including assessments concurrently provided pursuant to compensatory education, bilingual-crosscultural education, school improvement programs, and other programs serving the student
4. A brief individual learning plan listing the services to be provided to each student, which shall be given to the parent/guardian in writing or at a parent/guardian conference, annually and when the student moves to a new district
5. Staffing and staff development plans and practices to meet the needs of students and implement the program
6. Parent/guardian and community involvement as specified in Education Code 54444.2, including, but not necessarily limited to, the establishment of a parent/guardian advisory council to actively involve parents/guardians in planning, operating, and evaluating the district's migrant education program
7. The migrant education program shall provide for the same opportunities for parent/guardian involvement that are provided to parents/guardians for federal Title I programs. (20 USC 6394)
8. Evaluations which include annual student progress and overall program effectiveness and quality control reports

### **Summer School and Extended School Year Program**

The district shall conduct summer school program(s) for eligible students who are migratory. The summer school program shall respond to the individual needs of participating students and shall build on and be consistent with the instructional programs offered to these students during the regular school year. Coursework shall be of the same level of difficulty in each subject as that provided to students enrolled in regular classes of instruction within the district in the preceding year. (Education Code 54444.3)

Teachers in the summer school program shall have cultural training or background and understanding of the special needs of students who are migratory and possess the proper credential for the subjects and grade levels to which they are assigned. (Education Code 54444.3)

The program shall comply with the following requirements for instructional time: (Education Code 54444.3)

1. For kindergarten class, a minimum of 180 minutes per day, including recesses, for not less than 20 instructional days
2. For grades 1-8, a minimum of 200 minutes per day, including recesses and passing time but excluding noon intermissions, for not less than 20 instructional days
3. For grades 7-12, a minimum of 240 minutes per day, including passing time but excluding noon intermissions, for not less than 30 instructional days

The number of instructional days may be less than as described above if, during the summer school program, there is a holiday for which schools are required to be closed. (Education Code 37220, 54444.3).

When district facilities that are suitable for the summer climate are available, the district shall make facilities available at cost to other agencies that request facilities for the operation of migrant summer school programs, unless just cause for denial exists. When approved by the Superintendent of Public Instruction, the district may jointly offer facilities with a neighboring district to meet the needs of the migrant summer school program for the entire area. (Education Code 54444.3)

If the district receives authorization and average daily attendance funding from the California Department of Education to provide an extended school year program to students who are migratory who, due to family movement, enroll in transitional kindergarten, kindergarten, or any of grades 1-6, on or after March 1 of the school year and depart on or before December 1 of the next school year, the Superintendent or designee shall operate the program in accordance with Education Code 41601.6. (Education Code 41601.6)

### **Transfer of Coursework and Credits**

When a student enrolled in a migrant education program transfers into a district school, the district will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the student and includes: (Education Code 51225.2)

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

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

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned
3. A complete record of the student's seat time, including both period attendance and days of enrollment

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

If the Principal or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the Principal or designee shall contact the prior school within two business days to request that the

full or partial credits be issued, which shall then be issued and provided by the prior school along with all academic and other records within two business days of the request. (Education Code 51225.2)

The district shall accept and issue full credit for any coursework that the student who is migratory has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school.

If the entire course was completed, the district shall not require the student who is migratory to retake the course. (Education Code 51225.2)

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

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the district prevent a student who is migratory from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

### **Applicability of Graduation Requirements**

To obtain a high school diploma, a student who is migratory shall complete all courses required by Education Code 51225.3 and shall generally fulfill any additional local graduation requirements prescribed by the Board.

However, when a student who is migratory has completed the second year of high school and transfers into a district school, the student shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the student's fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student and the student's parent/guardian of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the termination of the court's jurisdiction over the student. (Education Code 51225.1)

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

If a student who is migratory was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the student's educational rights holder may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. A student may request the exemption even if the student is no longer a student who is migratory. (Education Code 51225.1)

When the Superintendent or designee determines that a student who transferred into a district school is reasonably able to complete district-established graduation requirements by the end of the student's fourth year of high school, the student shall not be exempted from those requirements. Within 30 calendar days of the following academic year,

the student shall be reevaluated based on the student's course completion status at the time, to determine if the student continues to be reasonably able to complete the district-established graduation requirements in time to graduate by the end of the student's fourth year of high school. Written notice as to whether the student then qualifies for exemption shall be provided to the student, the student's educational rights holder, and if applicable, to the student's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the student who is migratory is not reasonably able to complete the district-established graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the Superintendent or designee shall provide the student with the option to receive an exemption from district-established graduation requirements or stay in school for a fifth year to complete the district-established graduation requirements upon agreement with the student, or if under 18 years of age, the student's educational rights holder, and shall provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

When a student who is migratory is exempted from district-established graduation requirements, the Superintendent or designee shall consult with the student and the student's educational rights holder about the following: (Education Code 51225.1)

1. Discussion of how any requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution
2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges
3. Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

The district shall not require or request a student who is migratory to transfer schools in order to qualify for an exemption and shall not grant any request made by a student who is migratory or the student's parent/guardian for a transfer solely to qualify for an exemption. (Education Code 51225.1)

The Superintendent or designee shall not require a student who is migratory who is eligible for an exemption from district-established graduation requirements and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

If a student who is migratory is exempted from district-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the student no longer meets the definition of a student who is migratory while still enrolled in the school or if the student transfers to another school, including a charter school, or school district. (Education Code 51225.1)

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

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

1. Consult with the student and, if under 18 years of age, the student's educational rights holder, of the option to remain in school for a fifth year to complete the district-established graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution
2. Consult with and provide information to the student about transfer opportunities available through the California Community Colleges

3. Upon agreement with the student or with the student's educational rights holder if under 18 years of age, permit the student to stay in school for a fifth year to complete the district-established graduation requirements

When a student who is migratory has completed the second year of high school transfers into the district or between high schools within the district, and the Superintendent or designee determines that the student is not reasonably able to complete the district-established graduation requirements within the student's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the student shall be exempted from all district-established graduation requirements and be provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the Superintendent or designee shall consult with the student and the student's educational rights holder, regarding the following: (Education Code 51225.1)

1. The student's option to remain in school for a fifth year to complete statewide coursework requirements
2. The effect of waiving the district-established requirements and remaining in school for a fifth year on the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education
3. Other options available to the student, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges
4. The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements

#### **Parent Advisory Council**

The parent advisory council shall be comprised of members who are knowledgeable of the needs of students who are migratory and shall be elected by the parents/guardians of students enrolled in the district's migrant education program. The composition of the council shall be determined by the parents/guardians at a general meeting to which all parents/guardians of participating students shall be invited. The parents/guardians shall be informed, in a language they understand, that they have the sole authority to decide on the composition of the council. (Education Code 54444.2)

At least two-thirds of the advisory council shall consist of parents/guardians of students who are migratory. (Education Code 54444.2)

All parent/guardian candidates for the council shall be nominated by parents/guardians. Nonparent candidates, such as teachers, administrators, other school personnel, or students, shall be nominated by the groups they represent. All other community candidates shall be nominated by the parents/guardians. (Education Code 54444.2)

The parent/guardian advisory council shall meet at least six times during the year and shall: (Education Code 54444.4)

1. Establish program goals, objectives, and priorities
2. Review annual needs assessments, program activities for each school, and individual learning plans
3. Advise on the selection, development, and reassignment of migrant education program staff
4. Participate actively in planning and negotiating program applications and service agreements
5. Perform all other responsibilities required under state and federal laws or regulations

The Superintendent or designee shall establish and implement a training program for advisory council members to enable them to carry out their responsibilities. The training program shall be developed in consultation with the council and shall include appropriate training materials in a language understandable to each member. (Education Code 54444.2)



The Superintendent or designee shall provide the council, without charge, a copy of all applicable state and federal migrant education statutes, rules, regulations, guidelines, audits, monitoring reports, and evaluations. Upon request, these materials also shall be provided without charge to each member of the council. (Education Code 54444.2)

## Notification and Complaints

Information regarding the educational rights of students who are migratory, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of students who are migratory, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in Administrative Regulation 1312.3 - Uniform Complaint Procedures.

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

### State References

5 CCR 3080  
 5 CCR 4600-4670  
 Ed. Code 200  
 Ed. Code 220  
 Ed. Code 234.7  
 Ed. Code 37220  
 Ed. Code 41601.6  
 Ed. Code 48204.7  
 Ed. Code 51225.1  
 Ed. Code 51225.2  
 Ed. Code 51225.3  
 Ed. Code 54440-54445

### Description

[Applicability of uniform complaint procedures to complaints regarding students with disabilities](#)  
 Uniform complaint procedures  
[Equal rights and opportunities in state educational institutions](#)  
[Prohibition of discrimination](#)  
[Student protections relating to immigration and citizenship status](#)  
[School calendar](#)  
[Extended school year program for migratory students](#)  
[Enrollment](#)  
[Exemption from district graduation requirements](#)  
[Transfer of coursework and credit](#)  
[High school graduation requirements](#)  
[Migrant children](#)

### Federal References

20 USC 6311  
 20 USC 6391-6399  
 20 USC 7881  
 34 CFR 200.81-200.89

### Description

[State plan](#)  
 Education of migratory children  
[Participation of private school students](#)  
[Migrant education program](#)

### Management Resources References

California Child Welfare Council Publication  
 California Department of Education Publication  
 U.S. Department of Education Publication  
 Website  
 Website  
 Website

### Description

[Partial Credit Model Policy and Practice Recommendations, September 2013](#)  
 2017 State Service Delivery Plan  
 Education of Migratory Children Under Title I, Part C of the Elementary and Secondary Education Act of 1965, Non-Regulatory Guidance, rev. March 2017  
[CSBA District and County Office of Education Legal Services](#)  
[California Department of Education, Migrant Education Office](#)  
[U.S. Department of Education, Office of Migrant Education](#)

**Management Resources References**

Website

Website

**Description**

[West Ed, Migrant Student Information Network](#)

[CSBA](#)

**Cross References**

0410

[Nondiscrimination In District Programs And Activities](#)

0415

[Equity](#)

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[Accountability](#)

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[Citizen Advisory Committees](#)

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[Citizen Advisory Committees](#)

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[Uniform Complaint Procedures](#)

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[Uniform Complaint Procedures](#)

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[Uniform Complaint Procedures](#)

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[Relations Between Other Governmental Agencies And The Schools](#)

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[Free And Reduced Price Meals](#)

3553

[Free And Reduced Price Meals](#)

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[Temporary/Substitute Personnel](#)

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[Temporary/Substitute Personnel](#)

4131

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[District Residency](#)

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[Chronic Absence And Truancy](#)

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[Chronic Absence And Truancy](#)

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[Student Records](#)

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[Withholding Grades, Diploma Or Transcripts](#)

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[Dress And Grooming](#)

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[Health Screening For School Entry](#)

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[School Health Services](#)

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[School Health Services](#)

5145.13

[Response To Immigration Enforcement](#)

5145.13

[Response To Immigration Enforcement](#)

**Cross References**

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5145.6-E PDF(1)

5145.6-E PDF(2)

5145.6-E PDF(3)

5145.6-E(1)

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**Description**[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Child Care And Development](#)[Child Care And Development](#)[Before/After School Programs](#)[Before/After School Programs](#)[Preschool/Early Childhood Education](#)[Preschool/Early Childhood Education](#)[Concepts And Roles](#)[Academic Standards](#)[Parent Involvement](#)[Parent Involvement](#)[Ceremonies And Observances](#)[Ceremonies And Observances](#)[High School Graduation Requirements](#)[State Academic Achievement Tests](#)[State Academic Achievement Tests](#)[Guidance/Counseling Services](#)[Student Success Teams](#)[Student Success Teams](#)[Title I Programs](#)[Title I Programs](#)[Education For English Learners](#)[Education For English Learners](#)[Education For English Learners - Education For English Language Learners](#)[Summer Learning Programs](#)[Career Technical Education](#)[Career Technical Education](#)

**Bylaw 9320: Meetings And Notices**

**Status:** DRAFT

**Original Adopted Date:** 10/20/2016 | **Last Revised Date:** 03/10/2022

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with applicable open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide the opportunity for members of the public to directly address the Board. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board. (Government Code 54952.2)

In accordance with law and as specified in Board Bylaw 9012 - Board Member Electronic Communications, a majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

However, the Superintendent or designee may engage in separate conversations or communications with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. Any doubt about a request for accommodation shall be resolved in favor of accessibility. Notice of the procedure for receiving and resolving such requests for accommodation shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953, 54953.2, 54954.1, 54954.2)

**Regular Meetings**

Unless otherwise determined by the Board, the Board shall hold 1 regular meeting(s) each month starting at 6 p.m. on the 2nd Thursday of the month at the Harmony Union Assembly Hall 1935 Bohemian Hwy., Occidental, Ca 95465

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's website. (Government Code 54954.2)

Consistent with Government Code 54957.5 and Board Bylaw 9322 - Agenda/Meeting Materials, whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. The records shall be posted on the district website at the time the materials are distributed to all or a majority of the Board if distributed outside of business hours.

**Special Meetings**

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members on any topic within the subject matter jurisdiction of the Board unless otherwise prohibited by law or as specified in BB 9323.2 - Actions by the Board. (Government Code 54956)

At least 24 hours before the time of the meeting, written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's website, and, at least 24 hours before the time of the meeting, in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be

transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Education Code 35144; Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

### **Emergency Meetings**

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. (Government Code 54956.5)

The Board may meet in closed session during emergency meetings so long as two-thirds of the members present at the meeting agree or, if less than two-thirds of the members are present, by unanimous vote of the members present. (Government Code 54956.5)

The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification shall be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

An *emergency* means a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

A *dire emergency* means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

### **Adjourned/Continued Meetings**

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn/continue such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned/continued to a later time and location and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment/continuance, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the location where the meeting was held. (Government Code 54955)

### **Study Sessions, Retreats, Public Forums, and Discussion Meetings**

The Board may convene a study session or public forum to study an issue in more detail or to receive information

from staff or feedback from members of the public. The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships. Any such meeting, regardless of title or topic, shall be held as a regular or special meeting, as appropriate, and shall comply with all other requirements for regular or special meetings. (Government Code 54956)

### **Other Gatherings**

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board established pursuant to Board Bylaw 9130 - Board Committees, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person that are not part of a series of communications prohibited by the Brown Act are permitted. (Government Code 54952.2)

### **Location of Meetings**

Unless the Board is holding a teleconference meeting during a proclaimed state of emergency, all meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district

10. Interview a potential employee from another district

All meetings, regardless of location, shall comply with the applicable notice and open meeting requirements. Additionally, no such meeting may be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, which is inaccessible to individuals with disabilities, or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

If a fire, flood, earthquake, or other emergency renders the posted regular or special meeting location unsafe and the deadline for posting the location has passed, the meeting shall be held at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of meetings pursuant to Government Code 54956 by the most rapid available means of communication.

**Traditional Teleconferencing**

A Board member may participate in any meeting by teleconference, which includes both audio or video/audio so long as the following conditions are met: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency
3. The location of the Board member participating by teleconference is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the Board member participating by teleconference, may hear/listen to the meeting to the same extent as the Board member participating by teleconference, and may make public comment during the same portion of the agenda as others members of the public from the same location as the Board member participating by teleconference
4. The location of the Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting
5. At least a quorum of the members is within the district boundaries.

**Teleconferencing by Individual Board Member Due to Just Cause**

Until January 1, 2026, when there is "just cause" preventing a Board member from attending a Board meeting in person, that Board member may participate in that meeting by teleconference without: (Government Code 54953)

1. Including the location of the Board member participating by teleconference in the agenda
2. Making the location of the Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the Board member participating by teleconference

A Board member needing to participate by teleconference for just cause shall notify the Board at the earliest possible opportunity, including at the start of a regular meeting, of the need to do so and include a general description of the circumstances relating to the need to appear by teleconference at the given meeting. (Government Code 54953)

For the Board member to participate by teleconference under this section, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda
3. The Board member participating by teleconference utilizes both audio and visual technology to participate in

the meeting

4. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual
5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

A Board member shall be permitted to participate by teleconference for just cause for no more than two meetings per calendar year. (Government Code 54953)

For purposes of this section, "just cause" may exist for any of the following: (Government Code 54953)

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Board member to participate remotely
2. A contagious illness prevents a Board member from attending in person
3. A Board member has a need related to a physical or mental disability not otherwise reasonably accommodated
4. A Board member is traveling while on official business of the Board or another state or local agency

#### **Teleconferencing by Individual Board Member Due to Emergency Circumstances**

Until January 1, 2026, when a physical or family medical emergency would prevent a Board member from attending a Board meeting in person, that Board member may request to participate in such meeting by teleconference. The Board member requesting to appear remotely shall submit the request as soon as possible and include a concise general description of the emergency that necessitated the request. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

If the request is received timely, it shall be added to the agenda as the first item of business at the meeting, even before any closed session items. If the request is not received timely, it shall be taken up by the Board before the first item of business at the meeting. The request shall only be granted upon a vote by the majority of the Board. (Government Code 54953, 54954.2)

If the request is granted by the Board, the Board member may participate by teleconference without: (Government Code 54953)

1. Including the location of the Board member participating by teleconference in the agenda
2. Making the location of the Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the Board member participating by teleconference

For the Board member to participate by teleconference due to emergency circumstances, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall



2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda
3. The Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting
4. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual
5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board shall not take action on any agenda item until the disruption is resolved. (Government Code 54953)

In total, a Board member may not participate by teleconference due to emergency circumstances alone, or together with teleconference due to just cause, as specified above, for more than 20 percent of the Board's regular meetings or for more than three consecutive months. If the Board meets less than 10 times in a calendar year, a Board member may not appear remotely due to emergency circumstances for more than two meetings. (Government Code 54953)

#### **Teleconference Meetings During a Proclaimed State of Emergency**

The Board may conduct a Board meeting entirely by teleconference during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. For the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency
2. When the Board has been determined, pursuant to Item #1 above, that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

The Board may hold a meeting by teleconference during a proclaimed state of emergency without: (Government Code 54953):

1. Including the location of Board members in the agenda
2. Making the locations of Board members open and accessible to the public
3. Posting the agenda at the locations of Board members

For the Board to hold such meeting, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The public is able to access the meeting via a call-in service or an internet-based platform or service, with real-time public comment being allowed via the platform or service

If an internet-based platform or service is utilized, it may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

3. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

For any public comment period with a time limit, the Board may not close that public comment period or the opportunity to register until the full time for public comment has elapsed. For any other public comment period, the Board shall allow a reasonable amount of time to allow members of the public to provide public comment and to register to do so. (Government Code 54953)

The Board may continue to conduct all meetings by teleconference throughout one or more 45-day periods so long as, prior to the beginning of each 45-day period, the Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the Board to meet safely in person. (Government Code 54953)

**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.

#### State References

	Description
Ed. Code 35140	<a href="#">Time and place of meetings</a>
Ed. Code 35143	<a href="#">Annual organizational meetings; date and notice</a>
Ed. Code 35144	<a href="#">Special meeting</a>
Ed. Code 35145	<a href="#">Public meetings</a>
Ed. Code 35145.5	<a href="#">Agenda; public participation and regulations</a>
Ed. Code 35146	<a href="#">Closed sessions; student matters</a>
Ed. Code 35147	<a href="#">Open meeting laws exceptions</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 3511.1	<a href="#">Local agency executives</a>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>
Gov. Code 54953	<a href="#">Oral summary of recommended salary and benefits of superintendent</a>
Gov. Code 54954	<a href="#">Time and place of regular meetings</a>
Gov. Code 54954.2	<a href="#">Agenda posting requirements; board actions</a>
Gov. Code 54956	<a href="#">Special meetings</a>
Gov. Code 54956.5	<a href="#">Emergency meetings</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Gov. Code 8625-8629	<a href="#">California Emergency Services Act</a>

#### Federal References

	Description
28 CFR 35.160	<a href="#">Effective communications for individuals with disabilities</a>
28 CFR 36.303	<a href="#">Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services</a>
42 USC 12101-12213	<a href="#">Americans with Disabilities Act</a>

#### Management Resources References

	Description
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 69 (1996)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 181 (2001)

**Management Resources References**

Attorney General Opinion  
 Attorney General Opinion  
 Court Decision  
 Court Decision  
 Court Decision  
 CSBA Publication  
 Institute for Local Government Publication  
 League of California Cities Publication  
 Website  
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 Website  
 Website  
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 Website

**Description**

84 Ops.Cal.Atty.Gen. 30 (2001)  
 88 Ops.Cal.Atty.Gen. 218 (2005)  
 Knight First Amendment Institute at Columbia University v. Trump (2019) 928 F.3d 226  
 Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208  
 Wolfe v. City of Fremont (2006) 144 Cal.App. 4th 533  
 The Brown Act: School Boards and Open Meeting Laws, rev. 2023  
 The ABCs of Open Government Laws  
 Open and Public V: A Guide to the Ralph M. Brown Act, 2016  
[CSBA District and County Office of Education Legal Services](#)  
[CSBA, GAMUT Meetings](#)  
[Institute for Local Government](#)  
[League of California Cities](#)  
[California Attorney General's Office](#)  
[CSBA](#)

**Cross References**

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[Local Control And Accountability Plan](#)  
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[Citizen Advisory Committees](#)  
[Use Of School Facilities](#)  
[Use Of School Facilities](#)  
[Use Of School Facilities](#)  
[Access To District Records](#)  
[Access To District Records](#)  
[Waivers](#)

**Cross References****Description**

2000	<a href="#">Concepts And Roles</a>
2111	<a href="#">Superintendent Governance Standards</a>
2121	<a href="#">Superintendent's Contract</a>
2210	<a href="#">Administrative Discretion Regarding Board Policy</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3311	<a href="#">Bids</a>
3311	<a href="#">Bids</a>
3312	<a href="#">Contracts</a>
3314	<a href="#">Payment For Goods And Services</a>
3314	<a href="#">Payment For Goods And Services</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
4117.14	<a href="#">Postretirement Employment</a>
4141.6	<a href="#">Concerted Action/Work Stoppage</a>
4141.6	<a href="#">Concerted Action/Work Stoppage</a>
4241.6	<a href="#">Concerted Action/Work Stoppage</a>
4241.6	<a href="#">Concerted Action/Work Stoppage</a>
4312.1	<a href="#">Contracts</a>
4317.14	<a href="#">Postretirement Employment</a>
6112	<a href="#">School Day</a>
6112	<a href="#">School Day</a>
6117	<a href="#">Year-Round Schedules</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>
7150	<a href="#">Site Selection And Development</a>
7150	<a href="#">Site Selection And Development</a>
7214	<a href="#">General Obligation Bonds</a>
7214	<a href="#">General Obligation Bonds</a>
7310	<a href="#">Naming Of Facility</a>
9000	<a href="#">Role Of The Board</a>
9005	<a href="#">Governance Standards</a>
9012	<a href="#">Board Member Electronic Communications</a>
9100	<a href="#">Organization</a>
9121	<a href="#">President</a>
9130	<a href="#">Board Committees</a>
9140	<a href="#">Board Representatives</a>
9220	<a href="#">Governing Board Elections</a>

**Cross References**

9230

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9321-E(2)

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9323.2-E PDF(1)

9323.2-E PDF(2)

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**Description**[Orientation](#)[Conflict Of Interest](#)[Conflict Of Interest](#)[Board Policies](#)[Closed Session](#)[Closed Session](#)[Closed Session](#)[Agenda/Meeting Materials](#)[Meeting Conduct](#)[Actions By The Board](#)[Actions By The Board](#)[Actions By The Board](#)[Minutes And Recordings](#)[Board Self-Evaluation](#)

**Bylaw 9323.2: Actions By The Board**

**Status:** DRAFT

**Original Adopted Date:** 05/20/2019

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164, 35165)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

**Action on Non-Agenda Items**

The Board may take action on a subject not appearing on the posted meeting agenda only after publicly identifying the item and if any one of the following conditions are met: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier
4. Until December 31, 2025, when a Board member requests to participate by teleconference due to emergency circumstances pursuant to Government Code 54953 so long as the timing of the request did not allow for sufficient time to place it on the agenda

**Challenging Board Actions**

Before seeking to file a civil action to stop or prevent a Brown Act violation or to invalidate a prior action taken by the Board, the district attorney's office or interested person shall first present a demand to "cure and correct" the alleged violation to the district. If the district receives a proper demand from the district attorney's office or any interested person to "cure and correct" an alleged violation of the Brown Act, the Board shall consult with legal counsel on if and how to respond as provided by law. (Government Code 54960-54960.5)

**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.

**State References**

Code of Civil Procedure 1245.240  
Code of Civil Procedure 1245.245  
Code of Civil Procedure 425.16

**Description**

[Eminent domain vote requirements](#)  
[Eminent domain; resolution adopting different use](#)  
[Special motion to strike in connection with a public issue](#)

**State References**

Ed. Code 15266  
 Ed. Code 17466  
 Ed. Code 17481  
 Ed. Code 17510-17512  
 Ed. Code 17546  
 Ed. Code 17556-17561  
 Ed. Code 35140-35149  
 Ed. Code 35150  
 Ed. Code 35160-35178.4  
 Ed. Code 48660-48661  
 Gov. Code 53090-53097.5  
 Gov. Code 53724  
 Gov. Code 53790-53792  
 Gov. Code 53820-53833  
 Gov. Code 53850-53858  
 Gov. Code 54230.5  
 Gov. Code 54230.7  
 Gov. Code 54950-54963  
 Gov. Code 54952.6  
 Gov. Code 54953  
 Gov. Code 54960-54960.5  
 Gov. Code 65352.2  
 Pub. Cont. Code 20110-20118.44  
 Pub. Cont. Code 20113  
 Pub. Cont. Code 20114  
 Pub. Cont. Code 22034  
 Pub. Cont. Code 22035  
 Pub. Cont. Code 22050  
 Pub. Cont. Code 3400

**Management Resources References**

Attorney General Publication  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 CSBA Publication  
 League of California Cities Publication

**Description**

[School construction bonds](#)  
[Declaration of intent to sell or lease real property](#)  
[Lease of property with residence for nondistrict purposes](#)  
[Leasing for production of gas; resolution requiring unanimous vote](#)  
[Private sale of personal property](#)  
[Dedication of real property](#)  
[Meetings](#)  
[Termination of superintendent](#)  
[Powers and duties](#)  
[Community day schools; establishment and restrictions](#)  
[Regulation of local agencies by counties and cities](#)  
[Parcel tax resolution requirements](#)  
[Exceeding the budget](#)  
[Temporary borrowing](#)  
[Temporary borrowing](#)  
[Disposal of surplus land and receipt of notice of violation](#)  
[Disposal of surplus land and receipt of notice of violation](#)  
[The Ralph M. Brown Act](#)  
[Action taken; definition](#)  
[Meetings to be open and public; attendance](#)  
[Actions to prevent violations](#)  
[Communicating and coordinating of school sites](#)  
[School district contracts](#)  
[Emergencies; award of contracts without bids](#)  
[Repairs, maintenance, and improvements to district facilities by day labor or force account](#)  
[Uniform Public Construction Cost Accounting Act informal bidding ordinance](#)  
[Repair or replacement of facilities in case of emergency](#)  
[Emergency contracting procedures](#)  
[Bid specifications](#)

**Description**

[The Brown Act: Open Meetings for Legislative Bodies, rev. 2003](#)  
 Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672  
 Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109  
 Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313  
 McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310  
 The Brown Act: School Boards and Open Meeting Laws, rev. 2023  
 Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010

**Management Resources References**

Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Institute for Local Government</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">CSBA</a>

**Cross References**

	<b>Description</b>
2121	<a href="#">Superintendent's Contract</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3270	<a href="#">Sale And Disposal Of Books, Equipment And Supplies</a>
3270	<a href="#">Sale And Disposal Of Books, Equipment And Supplies</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3311	<a href="#">Bids</a>
3311	<a href="#">Bids</a>
3311.1	<a href="#">Uniform Public Construction Cost Accounting Procedures</a>
7131	<a href="#">Relations With Local Agencies</a>
7150	<a href="#">Site Selection And Development</a>
7150	<a href="#">Site Selection And Development</a>
7160	<a href="#">Charter School Facilities</a>
7160	<a href="#">Charter School Facilities</a>
7214	<a href="#">General Obligation Bonds</a>
7214	<a href="#">General Obligation Bonds</a>
9000	<a href="#">Role Of The Board</a>
9005	<a href="#">Governance Standards</a>
9012	<a href="#">Board Member Electronic Communications</a>
9150	<a href="#">Student Board Members</a>
9200	<a href="#">Limits Of Board Member Authority</a>
9223	<a href="#">Filling Vacancies</a>
9310	<a href="#">Board Policies</a>
9320	<a href="#">Meetings And Notices</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>
9322	<a href="#">Agenda/Meeting Materials</a>
9323	<a href="#">Meeting Conduct</a>
9324	<a href="#">Minutes And Recordings</a>



**Original Adopted Date:** Pending

### RESTRICTIONS ON BOARD ACTIONS

This exhibit is a non-exhaustive list of the Governing Board actions that require more than a majority vote as well as restrictions and prohibitions on when the Board may take certain actions. Other such actions may exist and may be identified in the future.

#### Actions Requiring a Two-Thirds Vote of the Membership of the Board

1. Resolution declaring the Board's intention to sell or lease real property (Education Code 17466)
2. Resolution declaring the Board's intent to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)
5. Request for temporary borrowing of funds needed for immediate requirements of the district to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district so long the proposed use of property is not for nonclassroom facilities (Government Code 53094)
7. When the district is organized to serve only grades K-8, action to establish a community day school for any of grades K-8 (Education Code 48660)
8. When the district is organized to serve only grades K-8, has an average daily attendance (ADA) of 2,500 or less, or desires to operate a community day school to serve any of grades K-6 (and no higher grades) and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
9. Decision to pursue the authorization and issuance of general obligation bonds pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution (Education Code 15266)
10. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)
11. When the district has a three-member Board and has adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act (UPCCAA), action to respond to an emergency facilities condition without giving notice for bids to award contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the **lb**

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

#### **Actions Requiring a Four-Fifths Vote of the Membership of the Board**

1. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
2. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823, 53824)
3. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)
4. When the district has a five-member or seven-member Board and has adopted the procedures set forth in UPCCAA, action to respond to an emergency facilities condition without giving notice for bids to award contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)
5. Resolution to award a contract for a public works project at \$212,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the UPCCAA for projects of \$200,000 or less, all bids received are in excess of \$200,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

#### **Actions Requiring a Four-Fifths Vote of the Board Members Present at the Meeting**

1. Approval of the expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)

#### **Actions Requiring a Unanimous Vote of the Membership of the Board**

1. Resolution authorizing and prescribing the terms of a lease of district property for extraction and taking of gas not associated with oil (Education Code 17510, 17511)
2. Authorization of the use of day labor or force account, or waiver of the competitive bid process pursuant to Public Contract Code 20111, when the Board determines that an emergency exists requiring the repair, alteration, work, or improvement to any facility to permit the continuance of existing classes or to avoid danger to life or property, and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

#### **Actions Requiring a Unanimous Vote of the Board Members Present at the Meeting**

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

#### **Actions Required to Occur During a Regular Board Meeting**

1. Termination of the Superintendent or an assistant superintendent without cause (Education Code 35150)
2. Discussion or action regarding the contract, salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1 (Government Code 54956)

### Prohibitions on Certain Board Actions

1. Termination of the Superintendent or an assistant superintendent without cause within 30 days after the first convening of the Board after an election at which one or more Board members are elected or recalled (Education Code 35150)
2. When the District is disposing of surplus land and has received a notification from the Department of Housing and Community Development pursuant to Government Code 54230.5 with regard to the surplus land, final action to ratify or approve the proposed disposal of surplus land unless the district holds an open and public meeting in compliance with Government Code 54230.7 to review and consider the substance of the notice

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#### State References

#### Description

Code of Civil Procedure 1245.240	<a href="#">Eminent domain vote requirements</a>
Code of Civil Procedure 1245.245	<a href="#">Eminent domain; resolution adopting different use</a>
Code of Civil Procedure 425.16	<a href="#">Special motion to strike in connection with a public issue</a>
Ed. Code 15266	<a href="#">School construction bonds</a>
Ed. Code 17466	<a href="#">Declaration of intent to sell or lease real property</a>
Ed. Code 17481	<a href="#">Lease of property with residence for nondistrict purposes</a>
Ed. Code 17510-17512	<a href="#">Leasing for production of gas; resolution requiring unanimous vote</a>
Ed. Code 17546	<a href="#">Private sale of personal property</a>
Ed. Code 17556-17561	<a href="#">Dedication of real property</a>
Ed. Code 35140-35149	<a href="#">Meetings</a>
Ed. Code 35150	<a href="#">Termination of superintendent</a>
Ed. Code 35160-35178.4	<a href="#">Powers and duties</a>
Ed. Code 48660-48661	<a href="#">Community day schools; establishment and restrictions</a>
Gov. Code 53090-53097.5	<a href="#">Regulation of local agencies by counties and cities</a>
Gov. Code 53724	<a href="#">Parcel tax resolution requirements</a>
Gov. Code 53790-53792	<a href="#">Exceeding the budget</a>
Gov. Code 53820-53833	<a href="#">Temporary borrowing</a>
Gov. Code 53850-53858	<a href="#">Temporary borrowing</a>
Gov. Code 54230.5	<a href="#">Disposal of surplus land and receipt of notice of violation</a>
Gov. Code 54230.7	<a href="#">Disposal of surplus land and receipt of notice of violation</a>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>
Gov. Code 54952.6	<a href="#">Action taken; definition</a>
Gov. Code 54953	<a href="#">Meetings to be open and public; attendance</a>
Gov. Code 54960-54960.5	<a href="#">Actions to prevent violations</a>
Gov. Code 65352.2	<a href="#">Communicating and coordinating of school sites</a>

**State References**

Pub. Cont. Code 20110-20118.44  
 Pub. Cont. Code 20113  
 Pub. Cont. Code 20114  
 Pub. Cont. Code 22034  
 Pub. Cont. Code 22035  
 Pub. Cont. Code 22050  
 Pub. Cont. Code 3400

**Description**

[School district contracts](#)  
[Emergencies; award of contracts without bids](#)  
[Repairs, maintenance, and improvements to district facilities by day labor or force account](#)  
[Uniform Public Construction Cost Accounting Act informal bidding ordinance](#)  
[Repair or replacement of facilities in case of emergency](#)  
[Emergency contracting procedures](#)  
[Bid specifications](#)

**Management Resources References**

Attorney General Publication  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 CSBA Publication  
 League of California Cities Publication  
 Website  
 Website  
 Website  
 Website

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 Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672  
 Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109  
 Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313  
 McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310  
 The Brown Act: School Boards and Open Meeting Laws, rev. 2023  
 Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010  
[CSBA District and County Office of Education Legal Services](#)  
[Institute for Local Government](#)  
[California Office of the Attorney General](#)  
[CSBA](#)

**Cross References**

2121  
 3260  
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**Description**

[Superintendent's Contract](#)  
[Fees And Charges](#)  
[Fees And Charges](#)  
[Sale And Disposal Of Books, Equipment And Supplies](#)  
[Sale And Disposal Of Books, Equipment And Supplies](#)  
[Sale Or Lease Of District-Owned Real Property](#)  
[Sale Or Lease Of District-Owned Real Property](#)  
[Bids](#)  
[Bids](#)  
[Uniform Public Construction Cost Accounting Procedures](#)  
[Relations With Local Agencies](#)  
[Site Selection And Development](#)  
[Site Selection And Development](#)  
[Charter School Facilities](#)  
[Charter School Facilities](#)  
[General Obligation Bonds](#)

**Cross References**

7214

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9321-E(2)

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**Description**[General Obligation Bonds](#)[Role Of The Board](#)[Governance Standards](#)[Board Member Electronic Communications](#)[Student Board Members](#)[Limits Of Board Member Authority](#)[Filling Vacancies](#)[Board Policies](#)[Meetings And Notices](#)[Closed Session](#)[Closed Session](#)[Closed Session](#)[Agenda/Meeting Materials](#)[Meeting Conduct](#)[Minutes And Recordings](#)



## 10. Action Items

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**10. A. Consideration of 2023-24 Audit Certification and Report of Corrective Action for Findings**

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**Quick Summary / Abstract**

2023-24 Audit Certification and Report of Corrective Action for Findings



## 11. Next Board Meeting

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### Quick Summary / Abstract

Next regular meeting is January 9, 2025.





## 12. Adjournment

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